

CALLAHAN & BLAINE, PC
Michael J. Sachs (SBN 134468)
MJS@callahan-law.com
Jason Casero (SBN 263933)
jcasero@callahan-law.com
19900 MacArthur Blvd., Suite 1200
Irvine, CA 92612
Telephone: (714) 241-4444
Facsimile: (714) 241-4445

Attorneys for Plaintiff EVOX PRODUCTIONS LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

EVOX PRODUCTIONS LLC, a Delaware
limited liability company,

Plaintiff,

v.

THE LELAND STANFORD JUNIOR
UNIVERSITY and DOES 1-10,

Defendants.

CASE NO. 5:24-CV-09521-NW

*Assigned to Hon. Noël Wise
Courtroom 3*

**JOINT CASE MANAGEMENT
STATEMENT**

Date: October 13, 2026
Time: 9:00 AM
Ctrm: 3
Judge: Hon. Noël Wise

Complaint Filed: December 31, 2024

CALLAHAN & BLAINE
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
19900 MACARTHUR BLVD., SUITE 1200
IRVINE, CALIFORNIA 92612
TELEPHONE: (714) 241-4444
FAX: (714) 241-4445

Pursuant to Northern District of California L.R. 16-9 and the Standing Order for All Civil Cases Before District Judge Noël Wise, EVOX Productions LLC (“EVOX” or “Plaintiff”) and The Leland Stanford Junior University (“Stanford” or “Defendant”) submit their Joint Case Management Statement as follows:

I. JURISDICTION AND SERVICE

A. EVOX’s Statement

On January 21, 2025, EVOX voluntarily dismissed its claims against defendant University of Michigan. (ECF No. 20.) On July 23, 2025, this Court dismissed EVOX’s claims against defendant William March Rice University and defendant Baylor College of Medicine for lack of personal jurisdiction. (ECF No. 55.) On March 3, 2026, this Court dismissed EVOX’s claim for contributory copyright infringement without leave to amend. (ECF No. 74.)

EVOX believes that this Court has subject matter jurisdiction over its claim for direct copyright infringement against Stanford pursuant to 17 U.S.C. Section 501, *et seq.*, and 28 U.S.C. Sections 1331 and 1338(a). EVOX also believes that the alleged facts allow this Court to exercise personal jurisdiction over Stanford.

B. Stanford’s Statement

Stanford does not dispute that this Court has personal jurisdiction over Stanford and subject matter jurisdiction over EVOX’s claims.

II. FACTS

A. EVOX’s Statement

EVOX is a leading provider of automobile images. It protects its images with copyright registration, and licenses them to a variety of entities in the automobile industry. In or around September 2020, EVOX discovered that a consortium led by representatives of Stanford reproduced, distributed, and publicly displayed EVOX’s copyrighted images without license or authorization by making them available to the public at large from Stanford’s computer servers. Representatives of Stanford had initially gathered the images from publicly available sources without first seeking a license or authorization. EVOX alleges that this conduct constitutes direct copyright infringement.

1 **B. Stanford's Statement**

2 EVOX's claims relate to a seminal research project in deep learning computing vision. The
3 research is described at length in a 2017 paper entitled *Using Deep Learning and Google Street*
4 *View to Estimate the Demographic Makeup of Neighborhoods Across the United States* (the "2017
5 Academic Paper"). The 2017 Academic Paper was published in the December 12, 2017, issue of
6 Proceedings of the National Academy of Sciences of the United States of America, a preeminent
7 peer-reviewed scientific journal.

8 As described in the 2017 Academic Paper, a team of computer science researchers
9 developed a computer model that learned to distinguish automobiles from other objects, and that
10 ultimately was trained to detect and identify specific types of automobiles in Google Street View
11 images of public streets. There are seven named authors of the 2017 Academic Paper; at the time
12 of its publication, five of those authors were associated with Stanford University, one with the
13 University of Michigan, and one with both Baylor College of Medicine and Rice University.

14 In accordance with customary academic processes, Stanford also provided access to the
15 data underlying the research for purposes of enabling peer review of the study's findings. EVOX
16 claims that its allegedly copyrighted images were included in the images used to develop the
17 computer model and were included in the dataset made available by Stanford for purposes of peer
18 review. The data was made available subject to the terms and conditions on Stanford's website,
19 which controlled access by expressly limiting use to that for academic purposes.

20 Stanford denies that these facts give rise to liability for direct or contributory copyright
21 infringement.

22 **III. LEGAL ISSUES**

23 **A. EVOX's Statement**

24 EVOX states a claim for direct copyright infringement if it alleges (1) that it owns "the
25 allegedly infringed material," and (2) "that the alleged infringers violat[ed] at least one exclusive
26 right granted to copyright holders under 17 U.S.C. § 106." *A&M Recs., Inc. v. Napster, Inc.*, 239
27 F.3d 1004, 1013 (9th Cir. 2001), as amended (Apr. 3, 2001), aff'd sub nom. EVOX intends to
28 prove that it owns the copyrights at issue, and that Defendants' conduct violates the exclusive

rights conferred upon it as a copyright holder pursuant to Section 106 of the Copyright Act. 17
U.S.C. § 106.

B. Stanford's Statement

EVOX's claims fail because the alleged uses of EVOX's images are quintessential fair
uses under 17 U.S.C. § 107. Additionally, EVOX's contributory infringement claim under a
material contribution theory fails because EVOX cannot show that Stanford materially contributed
to others' alleged violation of EVOX's copyrights, *see Perfect 10, Inc. v. Giganews, Inc.*, 847 F.3d
657, 670 (9th Cir. 2017).

IV. MOTIONS

A. EVOX's Statement

This Court dismissed EVOX's claims against defendants William March Rice University
and Baylor College of Medicine for lack of personal jurisdiction, without leave to amend. (ECF
No. 55.) After a series of motions to dismiss and subsequent amendments, this Court also
dismissed EVOX's claim for contributory copyright infringement against Stanford. (ECF No. 74.)

B. Stanford's Statement

Stanford anticipates moving for summary judgment on all of EVOX's claims.

V. AMENDMENT OF PLEADINGS

A. EVOX's Statement

EVOX does not currently anticipate the need to further amend its complaint.

B. Stanford's Statement

Stanford does not currently anticipate any amendments to pleadings.

VI. EVIDENCE PRESERVATION

A. EVOX's Statement

EVOX certifies that its counsel has reviewed the ESI Guidelines, and the parties have met
and conferred pursuant to Fed. R. Civ. P. ("FRCP") 26(f) regarding reasonable and proportionate
steps necessary to preserve evidence.

B. Stanford's Statement

Stanford certifies that its counsel has reviewed the ESI Guidelines, and the parties have

1 met and conferred pursuant to FRCP 26(f) regarding reasonable and proportionate steps necessary
2 to preserve evidence.

3 **VII. DISCLOSURES**

4 **A. EVOX's Statement**

5 The parties exchanged their initial disclosures.

6 **B. Stanford's Statement**

7 Stanford agrees with EVOX's statement.

8 **VIII. DISCOVERY**

9 **A. EVOX's Statement**

10 The parties have cooperated in their respective discovery efforts. Both sides have
11 responded to written discovery requests, and have produced documents responsive to those
12 requests.

13 EVOX has taken the deposition of Stanford pursuant to FRCP 30(b)(6), and is currently
14 coordinating the deposition of a witness identified in Stanford's initial disclosures.

15 Stanford has noticed the deposition of EVOX pursuant to FRCP 30(b)(6) and another
16 witness identified in EVOX's initial disclosures, and the parties are currently coordinating
17 scheduling.

18 The parties have not discussed a stipulated e-discovery order or proposed discovery plan,
19 and it does not appear that either will be required. To date, the parties have effectively met and
20 conferred regarding potential discovery disputes without the need for intervention from the
21 magistrate.

22 **B. Stanford's Statement**

23 Stanford agrees with EVOX's statement. Stanford further states that it first received
24 materials from EVOX required for Stanford's expert to prepare an opening expert report on
25 September 18, 2026, less than one month before the deadline for opening expert reports under the
26 current case schedule. Stanford accordingly anticipates requiring an additional 30 days for
27 purposes of completing opening expert reports in light of the timing of the production and the time
28 needed to review the relevant documentation.

IX. CLASS ACTIONS

Not Applicable.

X. RELATED CASES

There are no related cases.

XI. RELIEF**A. EVOX's Statement**

EVOX seeks to recover damages against Stanford pursuant to 17 U.S.C. § 504. At any time before final judgment is rendered, EVOX may elect to seek actual damages and profits pursuant to 17 U.S.C. § 504(b), or statutory damages pursuant to 17 U.S.C. § 504(c).

Section 504(c)(1) provides that EVOX may recover statutory damages in a range of \$750 to \$30,000 per infringement, in an amount that is ultimately determined to be just. EVOX has alleged that Stanford infringed no less than 8,100 of EVOX's copyrighted images. Thus, the minimum statutory damages recoverable are \$6,075,000 (*i.e.*, 8,100 x \$750). If the infringement is proven to be willful, statutory damages may be increased up to \$150,000 per infringement.

B. Stanford's Statement

Stanford denies that EVOX has any entitlement to relief and Stanford intends to seek recovery of its attorneys' fees and costs in accordance with 17 U.S.C. § 505. If liability were established, Stanford submits that the damages to which EVOX would be entitled are to be remitted entirely pursuant to 17 U.S.C. § 504(c)(2). Even were statutory damages not remitted, EVOX would be entitled only to the minimum amount available, given the lack of any cognizable harm to the relevant market for EVOX's images and the lack of any willful infringement by Stanford.

XII. SETTLEMENT AND ADR**A. EVOX's Statement**

The parties engaged in extensive settlement communications prior to the filing of the complaint. EVOX and Stanford participated in an in-person mediation session with Gail Migdal (ADR Services, Century City, CA) on April 25, 2024. The parties have been unable to reach a resolution.

1 The Court has set a deadline to complete additional ADR by October 30, 2026. The
 2 parties are scheduled to conduct an additional mediation session with Ms. Migdal on October 21,
 3 2026.

4 **B. Stanford's Statement**

5 Stanford agrees with EVOX's statement.

6 **XIII. OTHER REFERENCES**

7 On April 7, 2025, the parties filed their Joint Notice of Parties' Declination to Magistrate
 8 Judge. (ECF No. 52.)

9 **XIV. NARROWING OF ISSUES**

10 **A. EVOX's Statement**

11 EVOX believes that this is a straightforward instance of copyright infringement, and that
 12 the facts it needs to establish in order to prevail are already limited; however, EVOX suggests that
 13 the presentation of evidence at trial can be expedited if the parties stipulate to EVOX's ownership
 14 of the copyright registrations at issue.

15 **B. Stanford's Statement**

16 Stanford anticipates moving for summary judgment on all of EVOX's claims, which
 17 Stanford submits would obviate the need for trial entirely. If not, Stanford will work with EVOX's
 18 counsel on appropriate stipulations as to EVOX's alleged ownership of copyright in the images at
 19 issue.

20 **XV. SCHEDULING**

21 This Court issued its Case Management and Trial-Setting Order on April 9, 2026. (ECF
 22 No. 78.) On September 15, 2026, this Court amended that schedule by extending the close of fact
 23 discovery to October 18, 2026. (ECF No. 86.) All other dates remain the same. (*Id.*)

24 The Parties respectfully submit the following proposed revisions to the schedule to
 25 accommodate additional time required for completion of expert reports for the reasons set forth in
 26 VIII(B) above.

Event	Current Deadline	Proposed Deadline
Deadline to Complete ADR	October 30, 2026	October 30, 2026
Close of Fact Discovery	October 18, 2026	October 18, 2026
Opening Expert Reports	October 16, 2026	November 16, 2026
Rebuttal Expert Reports	November 13, 2026	December 14, 2026
Close of Expert Discovery	December 4, 2026	January 3, 2027
Deadline to File Dispositive Motions and <i>Daubert</i> Motions	Motions: December 18, 2026 Responses: January 08, 2027 Replies: January 15, 2027	Motions: January 18, 2026 Responses: February 8, 2027 Replies: February 15, 2027
Hearing on Dispositive and <i>Daubert</i> Motions	February 17, 2027 at 9:00 a.m.	March 17, 2027 at 9:00 a.m.
Deadline to File Joint Pretrial Statement	March 31, 2027	April 28, 2027
Final Pretrial Conference	April 14, 2027 at 2:00 p.m.	May 12, 2027 at 2:00 p.m.
Trial	May 3, 2027 at 9:00 a.m.	May 31, 2027 at 9:00 a.m.

XVI. TRIAL

A. EVOX's Statement

EVOX has demanded a trial by jury, and anticipates that it can be completed in five (5) trial days.

B. Stanford's Statement

Stanford acknowledges EVOX's jury demand, and while it does not anticipate the need for trial in this action, if the action does proceed to trial, Stanford believes it can be concluded in five (5) trial days.

XVII. DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR PERSONS

A. EVOX's Statement

EVOX has filed its Certification of Interested Entities or Persons. (ECF No. 3.) EVOX is not aware of any persons or entities that have (a) a financial interest in the subject matter in

1 controversy or in a party to the proceeding, or (b) any other kind of interest that could be
2 substantially affected by the outcome of the proceeding (other than the parties themselves).

3 **B. Stanford's Statement**

4 Stanford has filed its Certification of Interested Entities or Persons. (ECF No. 27). Stanford
5 certifies that as of this date, there is no conflict or interest (other than the named parties) to report.

6 **XVIII. PROFESSIONAL CONDUCT**

7 **A. EVOX's Statement**

8 Counsel for EVOX has reviewed the Guidelines for Professional Conduct for the Northern
9 District of California.

10 **B. Stanford's Statement**

11 Counsel for Stanford has reviewed the Guidelines for Professional Conduct for the
12 Northern District of California.

13
14 DATE: September 25, 2026

CALLAHAN & BLAINE, PC

15
16 By: /s/ Jason Casero

17 Michael Sachs
18 Jason Casero
Attorneys for Plaintiff EVOX PRODUCTIONS
LLC

19 DATE: September 25, 2026

**KILPATRICK TOWNSEND & STOCKTON
LLP**

20
21 By: /s/ Briggs M. Wright
22
23
24
25
26
27
28

CALLAHAN & BLAINE
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
19800 MACARTHUR BLVD., SUITE 1200
IRVINE, CALIFORNIA 92612
TELEPHONE: (714) 241-4444
FAX: (714) 241-4445

Joseph Petersen (Bar No. 304597)
1302 El Camino Real, Suite 175
Menlo Park, CA 94025
Telephone: (650) 614-6427
Jpetersen@ktslaw.com

-and-

Kollin J. Zimmerman
(Bar No. 273092)
1801 Century Park East, Suite 2300
Los Angeles, CA 90067
Telephone: (310) 248-3830

-and-

Sara K. Stadler
(Appearance *Pro Hac Vice*)
Briggs M. Wright
(Appearance *Pro Hac Vice*)
3 Times Square
New York, NY 10036
Telephone: (212) 775-8700
sstadler@ktslaw.com
briggs.wright@ktslaw.com

Attorneys for Defendant
THE BOARD OF TRUSTEES OF THE
LELAND STANFORD JUNIOR
UNIVERSITY

ATTESTATION

I, Jason Casero, am the ECF User whose identification and password are being used to file the foregoing document. Pursuant to Civil Local Rule 5-1 (i)(3) regarding signatures, I attest that concurrence in the filing of this document has been obtained.

DATE: September 25, 2026

CALLAHAN & BLAINE, PC

By: /s/ Jason Casero

Michael Sachs

Jason Casero

Attorneys for Plaintiff EVOX PRODUCTIONS
LLC

CALLAHAN & BLAINE
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
19800 MACARTHUR BLVD., SUITE 1200
IRVINE, CALIFORNIA 92612
TELEPHONE: (714) 241-4444
FAX: (714) 241-4445