

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**TOUCHSTREAM TECHNOLOGIES, INC.,**

*Plaintiff,*

v.

**CHARTER COMMUNICATIONS, INC. et  
al.,**

*Defendants.*

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**TOUCHSTREAM TECHNOLOGIES, INC.,**

*Plaintiff,*

v.

**COMCAST CABLE COMMUNICATIONS,  
LLC, D/B/A XFINITY, et al.,**

*Defendants.*

Lead Case No. 2:23-cv-00059-JRG  
**Member Case No. 2:23-cv-00062-JRG**

**JOINT NOTICE REGARDING PRETRIAL AGREEMENTS**

In accordance with the Court's Fourth Amended Docket Control Order, Dkt. 205, Plaintiff Touchstream Technologies, Inc. ("Touchstream") and Defendants Comcast Cable Communications, LLC et al. ("Comcast") (collectively, the "parties") jointly submit this notification of agreements reached during their pre-trial meet and confer held on December 11, 2024.

The parties have agreed to amend their exhibit lists. The parties have exchanged updated exhibit lists and objections. The updated lists are attached as Exhibits A1 (Joint Exhibit List), A2 (Touchstream's Non-Joint Exhibit List), and A3 (Comcast's Non-Joint Exhibit List). The parties have not waived any other objections to these documents. The parties have agreed to the exhibits

on the Joint Exhibit List only insofar as they are not excluded by the Court's rulings on the parties' motions *in limine*, motions to strike, and motions for summary judgment, and reserve the right to object to any exhibits currently on the Joint Exhibit List should the Court grant any such motions.

The parties have also exchanged updated deposition designations to reflect resolution of a technical error that omitted certain designations from the previous set, and to further reflect the parties' narrowing of certain of Touchstream's designations and objections. The parties are continuing to narrow the disputes for deposition designations to be played on the first day of trial, and the parties will submit revised day 1 deposition designations and objections before the pretrial conference as forthcoming Exhibit C.

Additionally, the parties have amended their proposed jury instructions, which are attached as Exhibit B, with disputed proposals in brackets and footnoted objections and comments.

Lastly, regarding Comcast's MIL No.1, the parties have agreed that "Touchstream will not present any evidence, testimony, or argument concerning any alleged monitoring by Comcast of the 2007 Sprint/Vonage trial unless Comcast opens the door, at which point Touchstream will approach the bench prior to seeking to elicit any such evidence, testimony, or argument."

The remaining pending motions are:

1. Dkt. 83: Comcast's Motion to Strike the Opinions of Dr. Russell Mangum;
2. Dkt. 84: Comcast's Motion to Strike Certain Opinions of Dr. Kevin Almeroth;
3. Dkt. 85: Comcast's Motion for Partial Summary Judgment of Non-Infringement;
4. Dkt. 86: Defendants' Motion for Summary Judgment of Invalidity under 35 U.S.C. § 101;
5. Dkt. 88: Touchstream's Motion for Summary Judgment of Validity Under 35 U.S.C. § 101;
6. Dkt. 90: Touchstream's Motion to Strike the Opinions of Dr. Stephen Becker;
7. Dkt. 91: Touchstream's Motion to Strike the Opinions of Dr. Kevin Jeffay;

8. Dkt. 172: Comcast's Motions in Limine; and
9. Dkt. 173: Touchstream's Motions in Limine.

DATED: December 19, 2024

Respectfully submitted,

/s/ Ryan D. Dykal

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Communications Management, LLC,  
and Comcast of Houston, LLC*

**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that counsel has complied with the meet and confer requirement in the Third Amended Docket Control Order (Dkt. 205 at 2) on December 11, 2024.

/s/ Ryan D. Dykal

Ryan D. Dykal

**CERTIFICATE OF AUTHORIZATION TO FILE UNDER SEAL**

I hereby certify that the foregoing document is authorized to be filed under seal pursuant to the Protective Order entered in this case.

/s/ Ryan D. Dykal

Ryan D. Dykal

**CERTIFICATE OF SERVICE**

I hereby certify that, on December 16, 2024, the foregoing was filed under seal with the Clerk of Court using the CM/ECF system, and all counsel of record who are deemed to have consented to electronic service are being served with a notice of this document via the Court's CM/ECF system. Further, I hereby certify that a courtesy copy of the foregoing was emailed to counsel for Defendants on December 16, 2024.

/s/ Ryan D. Dykal

Ryan D. Dykal