

**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.

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 SUBMISSION OF PROPOSED JURY INSTRUCTIONS

In accordance with the Court's Third Amended Docket Control Order, Dkt. 205, Touchstream Technologies, Inc. ("Touchstream") and Defendants Charter Communications, Inc. et al. ("Charter") (collectively, the "parties") jointly submit the following:

Attached as Exhibit 1, to replace the parties' Joint Proposed Preliminary Instructions in Dkt. 214, Ex. H (Proposed Jury Instructions), are Touchstream and Charter's revised Joint Proposed Preliminary Jury Instructions, with disputed proposals in brackets and footnoted objections and comments.

The parties reserve the right to amend, supplement or modify these proposed jury instructions as the case proceeds towards the final pretrial conference and trial, and as the parties

continue to meet and confer regarding these instructions in an attempt to further remove disputed issues. Additionally, the parties do not waive any objections to issues that are the subject of pending or anticipated motions. Further, by submitting these proposed jury instructions, the parties do not waive their rights to object to the submission or form of any questions ultimately submitted to the jury.

Date: December 18, 2024

Respectfully submitted,

/s/ Ryan D. Dykal
Lead Counsel

/s/ Daniel L. Reisner
Lead Counsel

Ryan D. Dykal (*pro hac vice*)
Jordan T. Bergsten (*pro hac vice*)
Mark Schafer (*pro hac vice*)
Philip A. Eckert (*pro hac vice*)
Anita Liu (TX State Bar No. 24134054)
BOIES SCHILLER FLEXNER LLP
1401 New York Ave, NW
Washington, DC, DC 20005
(t) 202-274-1109
rdykal@bsflfp.com
jbergsten@bsflfp.com
mschafer@bsflfp.com
peckert@bsflfp.com
aliu@bsflfp.com

Daniel L. Reisner (*pro hac vice*)
David Benyacar (*pro hac vice*)
Elizabeth A. Long
Melissa Brown (*pro hac vice*)
Robert Stout (*pro hac vice*)
ARNOLD & PORTER KAYE SCHOLER LLP
250 West 55th Street
New York, NY 10019
daniel.reisner@arnoldporter.com
david.benyacar@arnoldporter.com
elizabeth.long@arnoldporter.com
melissa.brown@arnoldporter.com
robert.stout@arnoldporter.com

John Michael Lyons (*pro hac vice*)
Sabina Mariella (*pro hac vice*)
Sophie Roytblat (*pro hac vice*)
BOIES SCHILLER FLEXNER LLP
55 Hudson Yards, 20th Floor
New York, NY 10001
jlyons@bsflfp.com
smariella@bsflfp.com
sroytblat@bsflfp.com

Dina M. Hayes (*pro hac vice*)
ARNOLD & PORTER KAYE SCHOLER LLP
70 West Madison Street, Suite 4200
Chicago, IL 60602
dina.hayes@arnoldporter.com

Carson D. Anderson (*pro hac vice*)
ARNOLD & PORTER KAYE SCHOLER LLP
3000 El Camino Real, Bldg. 5, Suite 500
Palo Alto, CA 94306
carson.anderson@arnoldporter.com

Melissa Smith
(TX State Bar No. 24001351)
GILLAM & SMITH LLP
303 S. Washington Ave.
Marshall, TX 75670
(t) 903-934-8450
melissa@gillamsmithlaw.com

*Counsel for Plaintiff
Touchstream Technologies, Inc.*

Marc A. Cohn (*pro hac vice*)
**ARNOLD & PORTER KAYE SCHOLER
LLP**
601 Massachusetts Avenue, NW
Washington, D.C. 20001
marc.cohn@arnoldporter.com

Deron Dacus (State Bar No. 00790553)
THE DACUS FIRM, P.C.
821 ESE Loop 323, Suite 430
Tyler, TX 75701
Tel: (903) 705-1117
Fax: (903) 581-2543
ddacus@dacusfirm.com

*Counsels for Defendant
Charter Communications, Inc.,
Charter Communications Operating, LLC,
Spectrum Management Holding Company,
LLC, Time Warner Cable Enterprises, LLC,
Spectrum Gulf Coast, LLC, Charter
Communications, LLC*