

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

TOUCHSTREAM TECHNOLOGIES, INC.,

Plaintiff,

v.

CHARTER COMMUNICATIONS, INC., et al.,

Defendants.

Lead Case No. 2:23-cv-00059-JRG

TOUCHSTREAM TECHNOLOGIES, INC.,

Plaintiff,

v.

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

Defendants.

Member Case No. 2:23-cv-00062-JRG

**DECLARATION OF MICHAEL I. SHAMOS, PH.D.
IN SUPPORT OF CHARTER'S NOTICE OF TRIAL CONFLICT**

I, Michael I. Shamos, Ph.D., declare:

1. I hold the title of Distinguished Career Professor in the School of Computer Science at Carnegie Mellon University in Pittsburgh, Pennsylvania, where I have been on the faculty since 1975.

2. I was retained by the Charter Defendants (“Charter”) in this matter as a technical expert and provided two expert reports in this matter, which include opinions on invalidity, infringement, and value of the patented technology.

3. I understand that I will testify at the trial in this matter as Charter’s technical expert witness.

4. I am not available for a trial between April 21 and May 10, 2025 due to immovable professional obligations at Carnegie Mellon University, specifically supervising a large project wherein 35 students separated into six teams are delivering working software to paying third party sponsors, and graduation ceremonies. They are more fully described more fully below.

- a. I run the Master of Science in Artificial Intelligence and Innovation program at Carnegie Mellon University. I teach a Capstone course in which the class of 35 students is divided into six teams for the entire spring semester to work on an Artificial Intelligence development project for outside paying sponsors. Each team must deliver working software to the sponsors, who have paid a combined total of \$250,000 for participation in this project. On May 7, 2025, there is an independently judged competition regarding these projects. In the weeks leading up to May 7, starting on Monday, April 21, I meet with each team twice a week to ensure that they will be successful in delivering their system and are prepared for the competition. Accordingly, I have 12 in-person meetings with the six teams each

week during the weeks of April 21, April 28, and May 5. No other faculty member has familiarity with these projects and no other faculty member could take my place for these activities.

- b. Additionally, the graduation ceremony for Carnegie Mellon University is on May 9, 2025, and the Ph.D. graduation ceremony for the School of Computer Science is on May 10, 2025, at which I have responsibilities.

5. I have been informed that there do not appear to be trials scheduled on the following dates but provide this additional information for completeness:

- a. I am not available for a trial between February 18 and February 25, 2025 because I will be testifying as an expert witness in the matter of *The Thomas L. Pearson and the Person Family Members Foundation, et al. v. The University of Chicago*, Case No. 4:18-cv-00099-GKF-FHM (N.D. Oklahoma).¹ Further, I am not available on February 26, 2025, as I have a kidney ailment and am being seen by a specialist at an appointment that took me months to secure.
- b. I am not available for a trial that overlaps the date of Friday, March 28, 2025, because the Carnegie Mellon School of Computer Science has a required department retreat on this date that all faculty must attend.

I declare under penalty of perjury that the above is true and correct.

¹ I have been informed that the parties in the *Pearson* matter have reached a potential settlement. However, as of this writing, no notice of dismissal has been filed, and the trial may yet proceed.

Dated: February 5, 2025

Respectfully submitted,


Michael I. Shamos, Ph.D.