

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

CHARTER'S UNOPPOSED MOTION TO EXPEDITE BRIEFING ON ITS
MOTION TO CONTINUE THE MARCH 3, 2025, TRIAL DATE

Pursuant to Local Rule CV-7(e), the Charter Defendants (“Charter”) respectfully move this Court for an order expediting the briefing schedule on Charter’s Motion to Continue The March 3, 2025, Trial Date (“Charter’s Motion to Continue”). Plaintiff Touchstream Technologies, Inc. (“Touchstream”) does not oppose this request to expedite briefing and agrees that it will file its opposition to Charter’s Motion to Continue by 5 p.m. CT on Monday, February 24, 2025.

Expedited briefing on this matter is necessary because, absent expedited briefing, Touchstream’s opposition to Charter’s Motion to Continue would not be due until March 7, 2025, when the trial will already be over, mooted the relief Charter requests.

As explained in Charter’s Motion to Continue, Charter cannot proceed with the March 3, 2025, trial date because its damages expert, Mr. Bakewell, will be testifying as the damages expert for the defendant Anker Innovations Ltd at a week-long trial in the District Court for the District of Delaware on March 3-7. *See Fundamental Innovation Systems International LLC v. Anker Innovations Ltd.*, No. 1:21-cv-00339-RGA, (D. Del.); Dkt. 313-1, ¶4.¹ Charter did not file a motion to continue before today because Charter became aware that, on February 11, 2025, the *Fundamental Innovation* Court granted a Daubert motion against the plaintiff’s damages expert² and that there was some question about whether that case would proceed to trial. Earlier today, however, on February 21, 2025, there was a pretrial conference in the *Fundamental Innovation* matter, and Charter understands that District Judge Richard Andrews confirmed that the *Fundamental Innovation* matter will be proceeding to trial on March 3 as scheduled.

¹ Charter previously notified the Court of this conflict in a Notice of Trial Conflicts filed on February 7, 2025. Dkt. 313.

² *Fundamental Innovation*, No. 1:21-cv-00339-RGA (D. Del), Dkts. 261 and 262.

Dated: February 21, 2025

Respectfully submitted,

/s/ Daniel L. Reisner

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document and all attachments thereto are being filed electronically in compliance with Local Rule CV-5(a). As such, this document is being served February 21, 2025, on all counsel of record, each of whom is deemed to have consented to electronic service. L.R. CV-5(a)(3)(A).

/s/ Daniel L. Reisner

Daniel Reisner