

**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.*

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

**TOUCHSTREAM TECHNOLOGIES, INC.'S OPENING  
CLAIM CONSTRUCTION BRIEF**

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## **I. INTRODUCTION**

Touchstream's positions are rooted in the core tenets of claim construction set forth by the Federal Circuit. Though the claims are easy to understand using their plain and ordinary meaning, Defendants propose to inject unnecessary, confusing, and sometimes contradictory limitations into the claims. Defendants' proposals should be rejected.

## **II. BACKGROUND**

Touchstream was founded in 2011 to build a business around Mr. Strober's inventions involving the "casting" of content from a personal device (e.g., smart phone, tablet, etc.) to a second display (e.g., a TV, computer, etc.). As a startup based on this concept of casting, Touchstream sought to protect its intellectual property—including by filing the applications resulting in the patents asserted here. The Asserted Patents in this case are U.S. Patent No. 8,356,251 ("251 Patent"); U.S. Patent No. 11,048,751 ("751 Patent"); and U.S. Patent No. 11,086,934 ("934 Patent"). The '251 Patent is a continuation of Application No. 12/157,821, of which the '751 and '934 patents are both continuations-in-part. The Asserted Patents share a specification, and each claim priority to the same U.S. Provisional Patent Application No. 61/477,998, which was filed on April 21, 2011.

Prior to the inventions of Mr. Strober, a user of personal computing device, such as a phone, could find, view, and control content on his or her device. But bringing this content up on a secondary display was typically cumbersome—the main mode being to use the TV remote to launch the app, search for and start the content, fast-forward to the current point being watched, then stop the content on the phone. While "mirroring" existed—that is, sending the contents of a phone's screen to a second screen for simultaneous display—this had significant disadvantages, including requiring a continuous connection between the phone and the TV, using significant

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