

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.

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

FILED UNDER SEAL PURSUANT
TO PROTECTIVE ORDER

JURY TRIAL DEMANDED

**DECLARATION OF PHILIP A. ECKERT IN SUPPORT OF
PLAINTIFF TOUCHSTREAM TECHNOLOGIES, INC.'S
MOTION TO STRIKE UNELECTED PRIOR ART EXHIBITS**

I, Philip A. Eckert, declare the following:

1. I am an attorney at the law firm of Boies Schiller Flexner L.L.P., attorneys for Plaintiff, Touchstream Technologies, Inc. ("Touchstream"). I make this declaration in support of Touchstream's Motion to Strike Unelected Prior Art Exhibits ("Motion"). I am admitted *pro hac vice* in this matter. I make this declaration of my own personal knowledge. If called as a witness, I could and would competently testify to the matters set forth herein.

2. Attached hereto as Exhibit A is a true and correct copy of an email from Ms. Liu, Touchstream counsel, to Charter counsel dated September 27, 2024.

3. Attached hereto as Exhibit B is a true and correct copy of an email from myself to Charter counsel, dated February 20, 2025.

4. Attached hereto as Exhibit C is a true and correct excerpted copy of the Expert Report of Michael I. Shamos, Ph.D., Concerning Invalidity.

5. Attached hereto as Exhibit D is a true and correct excerpted copy of the Rebuttal Expert Report of Michael I. Shamos, Ph.D.

6. Attached hereto as Exhibit E is a true and correct copy of Exhibit 3 to the Expert Report of Michael I. Shamos, PH.D., Concerning Invalidity.

7. Attached hereto as Exhibit F is a true and correct copy of the Rebuttal Expert Report Regarding Damages by Mr. Christopher Bakewell.

I state under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on February 21, 2025 in San Diego, California.



Philip A. Eckert

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