

EXHIBIT 2

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 DEFENDANTS' DISCLOSURE OF FINAL INVALIDITY THEORIES,
FINAL PRIOR ART REFERENCES/COMBINATIONS, AND FINAL EQUITABLE
DEFENSES PURSUANT TO THE THIRD AMENED DOCKET CONTROL ORDER**

Pursuant to the Third Amended Docket Control Order (Dkt. 205), Charter hereby discloses its final invalidity theories, final prior art references/combinations, and final equitable defenses. Charter reserves the right to supplement this statement as appropriate. Charter does not waive any claims or defenses that the Court denied in prior rulings, including on motions for summary judgment and during claim construction, and reserves the right to appeal those decisions. Further, Charter reserves the right to present evidence regarding the state of the art as relevant to other issues presented at trial.

Charter understands that Touchstream accuses Charter of directly infringing claims 1 and 7 of U.S. Patent No. 8,356,251; claims 12 and 13 of U.S. Patent No. 11,048,751; and claims 17, 18 and 20 of U.S. Patent No. 11,086,934 (collectively, the “Asserted Claims” of the “Asserted Patents”).

Charter will not be asserting at trial that the Asserted Patents are invalid under 35 U.S.C. §§ 101, 102, 103.

Charter will assert at trial that the Asserted Claims are invalid for lack of written description under 35 U.S.C. § 112.

Dated: January 6, 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 January 6, 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 Reisner

Daniel Reisner