

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

TOUCHSTREAM TECHNOLOGIES, INC.,

Plaintiff,

v.

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

Defendants.

JURY TRIAL DEMANDED

**TOUCHSTREAM TECHNOLOGIES, INC.'S NOTICE
OF NON-OPPOSITION TO COMCAST'S MOTION TO DISMISS
PRE-SUIT WILLFUL INFRINGEMENT OF THE '751 AND '934 PATENTS**

Plaintiff Touchstream Technologies, Inc. (“Touchstream”) submits this Notice of Non-Opposition to Comcast’s Motion to Dismiss claims of pre-suit willful infringement as to the ’751 and ’934 Patents. The issues raised in Comcast’s Motion were already decided in Comcast’s favor in the Court’s March 14, 2024, Order.¹ See *Touchstream Techs., Inc. v. Altice USA, Inc. et al.*, No. EDTX-2-23-cv-00060, ECF 156 at pp. 5-6, 8. As such, Touchstream’s Second Amended Complaint only added factual support for its claims of pre-suit willful infringement of the ’251 patent. While Touchstream respectfully maintains the arguments made in its Response to Comcast’s Motion to Dismiss (ECF 83), Touchstream understands that its claims of pre-suit willful infringement as to the ’751 and ’934 Patents remain dismissed pursuant to the Court’s March 14, 2024 Order.²

¹ Touchstream recognizes that its Second Amended Complaint reiterates the claims of pre-suit willful infringement of the ’751 and ’934 patents included in its First Amended Complaint. Aside from supplementing the factual basis for pre-suit willful infringement of the ’251 Patent, Touchstream avoided adding or removing content from its Second Amended Complaint so as not to exceed the scope of amendment permitted by the Court’s March 14, 2024, Order.

² Because fact discovery is ongoing, Touchstream reserves the right to move for leave to amend its Complaint for good cause in the event Touchstream discovers evidence supporting Comcast’s pre-suit knowledge of the ’751 and ’934 Patents.

Dated: April 25, 2024

Respectfully Submitted,

/s/ Ryan Dykal

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CERTIFICATE OF SERVICE

I hereby certify that, on April 25, 2024, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3).

/s/ Ryan Dykal

Ryan Dykal