

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**TOUCHSTREAM TECHNOLOGIES,
INC.,**

Plaintiff,

v.

**CHARTER COMMUNICATIONS,
INC., et al.,**

Defendant.

Case No. 2:23-cv-00060-JRG (Lead Case)

This Document Relates To
Case No. 2:23-cv-00059-JRG
(Member Case)

JURY TRIAL DEMANDED

**PLAINTIFF TOUCHSTREAM TECHNOLOGIES, INC.'S OPPOSITION TO
DEFENDANT CHARTER COMMUNICATIONS, INC., ET AL.'S AMENDED
MOTION TO DISMISS FOR IMPROPER VENUE AND FOR FAILURE TO
STATE A CLAIM FOR WILLFUL INFRINGEMENT**

TABLE OF EXHIBITS

Exhibit No.	Description
A	Memorandum Opinion and Order in <i>Entropic v. Charter</i> , Case No. 2:22-cv-00125 (E.D. Tex. May 3, 2023), Dkt. 91 (CHARTER_TOUCHSTREAM_00000649–668)
B	Charter Org. Chart as of June 30, 2022 – C. Kovach Dep. Ex. 10 (CHARTER_TS0002891–2893)
C	Deposition Transcript of Thomas Proost dated December 2, 2022 in <i>Entropic v. Charter</i> , Case No. 2:22-cv-00125 (E.D. Tex.) (CHARTER_TOUCHSTREAM_00000130–183)
D	Deposition Transcript of Connie Kovach dated February 29, 2024
E	Amended and Restated Limited Liability Company Agreement between Time Warner Cable Texas LLC and Charter Communications, Inc. dated May 18, 2016 (CHARTER_TOUCHSTREAM_00000375–390)
F	Lease Agreement between Polo Towne Crossing, LLC and Spectrum Gulf Coast, LLC dated March, 27, 2020 (CHARTER_ENTROPIC00046409–46435)
G	Master Purchase Agreement between Charter and ARRIS Solutions dated January 1, 2012 (CHARTER_TOUCHSTREAM_00000501–512.)
H	Deposition Transcript of Daniel Boglioli dated December 13, 2022 in <i>Entropic v. Charter</i> , Case No. 2:22-cv-00125 (E.D. Tex.) (CHARTER_TOUCHSTREAM_00000071–125)
I	Charter Communications, Inc. Senior Officers and Directors as of March 31, 2023 – C. Kovach Dep. Ex. 11 (CHARTER_TS0005157)
J	Charter Communications Operating, LLC Officer List as of March 31, 2023 – C. Kovach Dep. Ex. 12 (CHARTER_TS0005153–5155)
K	Spectrum Gulf Coast, LLC Officer List as of March 31, 2023 – C. Kovach Dep. Ex. 13 (CHARTER_TS0005162–5164)
L	Spectrum TV, APPLE APP STORE, available at https://apps.apple.com/us/app/spectrum-tv/id420455839 (last visited Feb. 26, 2024) – C. Kovach Dep. Ex. 15
M	Spectrum TV, MICROSOFT STORE, available at https://apps.microsoft.com/detail/9MVSBC4GLG8J?hl=en-US&gl=US (last visited Dec. 26, 2023) – C. Kovach Dep. Ex. 16
N	History 2010s, CHARTER COMM'NS, available at https://corporate.charter.com/history (last visited Mar. 11, 2024)

Exhibit No.	Description
O	Charter Communications, Inc. Form 10-K for the fiscal year ended December 31, 2022
P	Entropic's Opposition to Charter's Motion to Dismiss the Second Amended Complaint for Improper Venue Pursuant to FRCP 12(b)(3) in <i>Entropic v. Charter</i> , Case No. 2:22-cv-00125 (E.D. Tex. Feb. 21, 2023) (CHARTER_TOUCHSTREAM_00000297-332)
Q	Spectrum – 2100 N Dallas Pkwy, SPECTRUM, available at https://www.spectrum.com/locations/tx/plano/2100-n-dallas-pkwy (last visited Mar. 5, 2024)
R	About Charter, CHARTER COMMC'NS, available at https://corporate.charter.com/about-charter (last visited Mar. 6, 2024)
S	Charter Shareholder Report, CHARTER COMMC'NS, available at https://corporate.charter.com/esg-report.pdf (last visited Mar. 6, 2024)
T	Charter Officially Opens New State-of-the-Art Corporate Headquarters in Stamford, CHARTER COMMC'NS, available at https://corporate.charter.com/newsroom/charter-officially-opens-corporate-headquarters-in-stamford-ct (last visited Mar. 11, 2024)
U	Charter Job Search, SPECTRUM, available at https://jobs.spectrum.com/search-jobs/Texas%2CUS/4673-14710/3/6252001-4736286/31x25044/-99x25061/50/2 (last visited Mar. 6, 2024)
V	Mutual Arbitration Agreement (CHARTER_ENTROPIC00047225-229)
W	<i>Entropic Communications, LLC v. DirecTV, LLC</i> , No. 2:22-cv-75, Dkt. 109 (E.D. Tex. Oct. 24, 2022)
X	Switching Has Never Been Easier, SPECTRUM, available at https://www.spectrum.com/choose-spectrum/contract-buyout?opredirect=contract-buyout (last visited Nov. 9, 2023) – C. Kovach Dep. Ex. 18
Y	Spectrum Privacy Policy, SPECTRUM, available at https://www.spectrum.com/policies/privacy-policy (last visited Nov. 9, 2023) – C. Kovach Dep. Ex. 19
Z	Terms of Services / Policies, SPECTRUM, available at https://www.spectrum.com/policies/terms-of-service (last visited Nov. 9, 2023) – C. Kovach Dep. Ex. 20

Exhibit No.	Description
AA	Spectrum Residential General Terms and Conditions of Service, SPECTRUM, available at https://www.spectrum.com/policies/residential-general-terms-and-conditions-of-service (last visited Nov. 9, 2023) – C. Kovach Dep. Ex. 21
BB	Second Amended and Restated Management Agreement between Charter Communications Operating, LLC and Charter Communications, Inc. dated May 18, 2016 (CHARTER_ENTROPIC00046516–522)
CC	Spectrum Residential General Terms and Conditions of Service Effective December 3 rd , 2023, SPECTRUM, available at https://www.spectrum.com/policies/residential-general-terms-and-conditions-of-service-dec2023 (last visited Nov. 9, 2023) – C. Kovach Dep. Ex. 23
DD	Electronic Payment Terms, SPECTRUM, available at http://www.spectrum.com/policies/electronic-payments-terms-and-conditions (last visited Nov. 9, 2023) – C. Kovach Dep. Ex. 24
EE	Spectrum Access Terms of Service, SPECTRUM, available at https://www.spectrum.com/policies/spectrum-access-application-terms (last visited Nov. 9, 2023) – C. Kovach Dep. Ex. 25
FF	CHARTER SOFTWARE LICENSE AGREEMENT SpectrumU TV App and Spectrum Enterprise TV App, SPECTRUM, available at https://www.spectrum.com/policies/spectrumu-tv-app-and-spectrum-enterprise-tv-app (last visited Nov. 9, 2023) – C. Kovach Dep. Ex. 26
GG	Touchstream’s Second Supplemental Responses and Objections to Charters’ First Set of Interrogatories dated March 1, 2024
HH	Evaluation / Trial Agreement dated October 28, 2016 between Turner and Touchstream (TS_CHARTER_00041021–1025)

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