



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

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TOUCHSTREAM TECHNOLOGIES, INC.,  
Plaintiff,

v.

COMCAST CABLE COMMUNICATIONS,  
LLC, d/b/a XFINITY, et al.,  
Defendants.

**DECLARATION OF ALENA FARBER IN SUPPORT OF  
COMCAST’S SUR-REPLY IN OPPOSITION TO TOUCHSTREAM’S  
MOTION TO STRIKE THE OPINIONS OF KEVIN JEFFAY, PH.D.**

I, Alena Farber, declare as follows pursuant to 28 U.S.C. § 1746:

I am an attorney admitted to practice before this Court and an attorney at Davis Polk & Wardwell LLP, counsel in the above-captioned matter for Defendants Comcast Cable Communications, LLC, d/b/a Xfinity, Comcast Corporation, Comcast Cable Communications Management, LLC, and Comcast of Houston, LLC (collectively, “Comcast”). I submit this declaration in support of Comcast’s Sur-Reply in Opposition to the Motion to Strike the Opinions of Kevin Jeffay, Ph.D. (the “Sur-Reply”).

I have attached to this declaration a number of exhibits on which Comcast relies in support of its Sur-Reply. Pursuant to Local Rule CV-7(b), I have excerpted and/or highlighted the cited-to portions of the underlying materials in preparing these exhibits.



1. Attached hereto as Exhibit M is a true and correct excerpt of the deposition transcript of J. Seiden, taken in this case on June 4, 2024.
2. Attached hereto as Exhibit N is a true and correct excerpt of the Rebuttal Report of Dr. Kevin Almeroth in Response to the June 24, 2024 Opening Invalidity Expert Report of Dr. Kevin Jeffay, served in this case and dated July 15, 2024.
3. Attached hereto as Exhibit O is a true and correct excerpt of the Expert Report of Russell W. Mangum III, Ph.D., served in this case and dated June 24, 2024.

Executed on: September 3, 2024  
Jersey City, New Jersey

  
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Alena Farber