



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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TOUCHSTREAM TECHNOLOGIES, INC.,  
Plaintiff,

v.

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

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

**DECLARATION OF ALENA FARBER IN SUPPORT OF COMCAST’S  
OPPOSITION TO TOUCHSTREAM’S MOTIONS *IN LIMINE***

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 Opposition to Touchstream’s Motions *in Limine* (the “Opposition”).

I have attached to this declaration a number of exhibits on which Comcast relies in support of its Opposition. 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 1 is a true and correct copy of a document produced in this case as Bates-numbers TS\_COMCAST\_00013929 through TS\_COMCAST\_00013931.



2. Attached hereto as Exhibit 2 is a true and correct copy of a document produced in this case as Bates-numbers TS\_COMCAST\_00014059 through TS\_COMCAST\_00014062.

3. Attached hereto as Exhibit 3 is a true and correct copy of a document produced in this case as Bates-numbers TS\_COMCAST\_00065876 through TS\_COMCAST\_00065877.

4. Attached hereto as Exhibit 4 is a true and correct excerpt of a document produced in this case as Bates-numbers COM\_00095829 through COM\_00095851.

5. Attached hereto as Exhibit 5 is a true and correct excerpt of the deposition transcript of Anthony “Tony” Werner, taken in this case on May 17, 2024.

6. Attached hereto as Exhibit 6 is a true and correct copy of a document produced in this case as Bates-numbers TS\_COMCAST\_00014056 through TS\_COMCAST\_00014058.

7. Attached hereto as Exhibit 7 is a true and correct excerpt of the Expert Report of Dr. Kevin Jeffay Regarding Invalidity of U.S. Patent Nos. 8,356,251, 11,048,751, and 11,086,934, served in this case and dated June 24, 2024.

8. Attached hereto as Exhibit 8 is a true and correct copy of a document produced in this case as Bates-number TS\_COM\_00101606.

9. Attached hereto as Exhibit 9 is a true and correct copy of a document produced in this case as Bates-numbers TS\_COM\_00091288 through COM\_00091290.

10. Attached hereto as Exhibit 10 is a true and correct copy of a document produced in this case as Bates-numbers COM\_00091331 through COM\_00091332.

11. Attached hereto as Exhibit 11 is a true and correct excerpt of the deposition transcript of Ramon Villaceran, taken in this case on May 15, 2024.



12. Attached hereto as Exhibit 12 is a true and correct excerpt of the Rebuttal Expert Report of Dr. Kevin Jeffay Regarding Non-Infringement of U.S. Patent Nos. 8,356,251, 11,048,751, and 11,086,934, served in this case and dated July 15, 2024.

13. Attached hereto as Exhibit 13 is a true and correct excerpt of the deposition transcript of Gil Beyda, taken in this case on June 4, 2024.

14. Attached hereto as Exhibit 14 is a true and correct excerpt of the transcript of Jury Trial Proceedings, taken in *Touchstream Techs., Inc. v. Google LLC*, Case No. W-21-CV-569 (W.D. Tex.), dated July 17, 2023, and produced as Bates-numbers TS\_COMCAST\_00044538 through TS\_COMCAST\_00044781.

15. Attached hereto as Exhibit 15 is a true and correct excerpt of the transcript of Jury Trial Proceedings, taken in *Touchstream Techs., Inc. v. Google LLC*, Case No. W-21-CV-569 (W.D. Tex.), dated July 18, 2023, and produced as Bates-numbers TS\_COMCAST\_00044782 through TS\_COMCAST\_00045184.

16. Attached hereto as Exhibit 16 is a true and correct excerpt of the deposition transcript of Herb Mitschele, taken in this case on May 30, 2024.

17. Attached hereto as Exhibit 17 is a true and correct excerpt of the deposition transcript of David Strober, taken in this case on June 6, 2024.

18. Attached hereto as Exhibit 18 is a true and correct excerpt of the deposition transcript of Michael Rinzler, taken in this case on June 5, 2024.

Executed on: September 18, 2024  
New York, NY

  
Alena Farber