

**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' IDENTIFICATION OF PRIOR ART  
PURSUANT TO 35 U.S.C. § 282**

Charter Communications, Inc. (“Charter”) hereby provides and/or confirms its written notice pursuant to 35 U.S.C. § 282(c) of the patents, publications, and persons that it may rely upon to demonstrate anticipation, obviousness, and/or to describe the state of the art with respect to U.S. Patent Nos. 8,356,251; 11,048,751; and 11,086,934.

Charter has already provided notice of the identity of certain patents, publications, and persons within the ambit of § 282, through its pleadings, correspondence, and other documents in this case, including, but not limited to, its initial and supplemental invalidity contentions and materials cited therein, its expert witness reports and materials cited therein, its expert witness testimony, and its pretrial filings including, but not limited to, Charter’s Trial Witness List and the parties’ Joint Trial Exhibit List. Charter expressly incorporates by reference herein all of those documents, as well as the patents, publications, and identification of persons within the ambit of § 282(c) cited therein.

In addition to the foregoing, for the sake of clarity, Charter provides the following list of patents, publications, and persons. The identification of a patent, publication, or person below or in Charter’s prior notices is not a representation that Charter will use all of these references and/or persons in its presentation of evidence at trial, which of course may change after Charter has considered Touchstream Technologies, Inc’s (“Touchstream”) trial presentation. Nor should any implication arise from the list that all of the identified references and/or persons are necessary for, or important to, Charter’s defenses and counterclaims. Charter reserves the right to rely on any reference and/or person identified in one of Charter’s prior notices described above, including in the Trial Witness List and/or Joint Trial Exhibit List, as well as any other reference and/or person which was or is produced in response to the parties’ discovery requests or to satisfy Charter’s obligations under the Court’s Patent Rules, whether or not included in the lists below. Charter

reserves the right to amend and/or supplement this notice in the future pursuant to 35 U.S.C. § 282 and/or in view of any rulings from the Court.

### **I. PATENTS OR PATENT DISCLOSURES**

| <b>No.</b> | <b>Publication/<br/>Patent No.</b> | <b>Country</b> | <b>Patentee</b>            | <b>Priority/ Filing<br/>Date</b> | <b>Publication/<br/>Issue Date</b> |
|------------|------------------------------------|----------------|----------------------------|----------------------------------|------------------------------------|
| 1.         | 2012/0117590                       | United States  | Agnihotri, et al.          | 11/10/2010                       | 05/10/2012                         |
| 2.         | 1996/027974                        | United States  | Aldrey, et al.             | 12/28/2007                       | 07/02/2009                         |
| 3.         | 8,614,625                          | United States  | Alsina, et al.             | 08/31/2010                       | 12/24/2013                         |
| 4.         | 9,276,921                          | United States  | Birkler, et al.            | 03/31/2011                       | 03/01/2016                         |
| 5.         | 9,490,998                          | United States  | Danciu, et al.             | 11/08/2010                       | 11/08/2016                         |
| 6.         | 2012/0260282                       | United States  | Dasher, et al.             | 04/11/2011                       | 10/11/2012                         |
| 7.         | 2010/0218214                       | United States  | Fan, et al.                | 12/10/1993                       | 08/26/2010                         |
| 8.         | 8,655,345                          | United States  | Gold                       | 01/08/2011                       | 02/18/2014                         |
| 9.         | 8,918,812                          | United States  | Hayward                    | 10/24/2000                       | 12/23/2014                         |
| 10.        | 2007/0136488                       | United States  | Cho, et al.                | 11/30/2006                       | 06/14/2007                         |
| 11.        | 2009/0298535                       | United States  | Klein, et al.              | 06/02/2008                       | 12//03/2009                        |
| 12.        | 10,785,027                         | United States  | Livingston, et al.         | 12/21/2009                       | 09/22/2020                         |
| 13.        | 8,661,494                          | United States  | Maddali, et al.            | 07/09/2010                       | 02/25/2014                         |
| 14.        | 61/333,066                         | United States  | McMahon, et al.            | 05/10/2010                       | -                                  |
| 15.        | 9,294,800                          | United States  | McMahon, et al.            | 05/10/2010                       | 03/22/2016                         |
| 16.        | 7,437,150                          | United States  | Morelli, et al.            | 10/06/2000                       | 10/14/2008                         |
| 17.        | 8,880,491                          | United States  | Morris                     | 11/19/2010                       | 11/04/2014                         |
| 18.        | 2011/0191677                       | United States  | Morris                     | 01/29/2010                       | 04/04/2011                         |
| 19.        | 2010/0241699                       | United States  | Muthukumarasamy,<br>et al. | 03/20/2009                       | 09/23/2010                         |
| 20.        | 8,396,055                          | United States  | Patel, et al.              | 10/20/2009                       | 03/12/2010                         |
| 21.        | 8,892,634                          | United States  | Pierce, et al.             | 11/12/2010                       | 11/18/2014                         |
| 22.        | 8,660,545                          | United States  | Redford, et al.            | 01/06/2010                       | 02/25/2014                         |
| 23.        | 2003/0014630                       | United States  | Spencer, et al.            | 06/27/2001                       | 01/16/2003                         |
| 24.        | 2009/0172780                       | United States  | Sukeda, et al.             | 12/18/2008                       | 07/02/2009                         |
| 25.        | 2010/0162294                       | United States  | Yin, et al.                | 12/19/2008                       | 06/24/2010                         |
| 26.        | 2004/0078812                       | United States  | Calvert, et al.            | 04/22/2004                       | 04/22/2004                         |
| 27.        | 8,932,136                          | United States  | Lemmons, et al.            | 08/25/2000                       | 01/13/2015                         |
| 28.        | 2002/0082730                       | United States  | Capps, et al.              | 12/21/2000                       | 06/27/2002                         |
| 29.        | 2004/0078812                       | United States  | Calvert, et al.            | 07/03/2003                       | 04/22/2004                         |
| 30.        | 7,483,858                          | United States  | Elabaddy, et al.           | 02/12/2001                       | 01/27/2009                         |
| 31.        | 2003/0014630                       | United States  | Spencer, et al.            | 06/27/2001                       | 01/16/2003                         |
| 32.        | 7,567,575                          | United States  | Chen, et al.               | 09/07/2001                       | 07/28/2009                         |
| 33.        | 8,843,589                          | United States  | Shapiro                    | 11/09/2001                       | 09/23/2014                         |
| 34.        | 2004/046939                        | PCT WO         | Olsson                     | 11/15/2002                       | 06/03/2004                         |
| 35.        | 2005/0005146                       | United States  | Kryeziu                    | 07/03/2003                       | 01/06/2005                         |
| 36.        | 2006/0205410                       | United States  | Black                      | 03/08/2005                       | 09/14/2006                         |

|     |              |               |                     |            |            |
|-----|--------------|---------------|---------------------|------------|------------|
| 37. | 9,406,219    | United States | James, et al.       | 06/29/2006 | 08/02/2016 |
| 38. | 7,796,982    | United States | Mohanty             | 12/07/2005 | 09/14/2010 |
| 39. | 2007/0262952 | United States | Nadalin             | 05/12/2006 | 11/15/2007 |
| 40. | 7,379,778    | United States | Hayes, et al.       | 11/04/2003 | 05/27/2008 |
| 41. | 8,087,047    | United States | Olague, et al.      | 04/20/2007 | 12/27/2011 |
| 42. | 2009/0156251 | United States | Cannistraro, et al. | 12/12/2007 | 06/18/2009 |
| 43. | 2009/0172757 | United States | Aldrey, et al.      | 12/28/2007 | 07/02/2009 |
| 44. | 8,190,760    | United States | Hurst, et al.       | 01/15/2008 | 05/29/2012 |
| 45. | 2010/0070417 | United States | Flynn, et al.       | 09/12/2008 | 03/18/2010 |
| 46. | 8,412,839    | United States | Harris              | 06/24/2009 | 04/02/2013 |
| 47. | 2011/0209177 | United States | Sela, et al.        | 10/16/2009 | 08/25/2011 |

**II. PRINTED PUBLICATIONS, ARTICLES, DOCUMENTS**

| No. | Title  | Date                  | Author               | Pages     |
|-----|--|-----------------------|----------------------|-----------|
| 1.  | “Clicker – An IPTV Remote Control in Your Cell Phone,”                             | 07/02/2007            | Jana, et al.         | All pages |
| 2.  | “UPnP Based Intelligent Multimedia Service Architecture for Digital Home Network,” | 04/27-28/2006         | Sung, et al.         | All pages |
| 3.  | “Automated Selection of the Active Device in Interactive Multi-Device Smart Space” | 09/29/2002-10/01/2002 | Kaowthumrong, et al. | All pages |
| 4.  | “Controlling Digital TV Set-Top Box with Mobile Devices via an IP Network”         | 08/31/2006            | Lo, et al.           | All pages |

**III. PRIOR ART PRODUCTS AND SYSTEMS**

| No. | Product/System                                     | Date      | Entity   |
|-----|--|-----------|--|
| 1.  | Clicker  | 2007      | AT&T Labs Research                             |
| 2.  | Xfinity TV Remote Mobile Application               | 2010      | Comcast Corp.                                  |
| 3.  | Apple AirPlay                                      | 2010      | Apple Inc.                                     |
| 4.  | Snapstick  | 2010-2011 | SnapStick, Inc.                                |
| 5.  | YouTube Leanback, YouTube Remote, and/or Google TV | 2010-2011 | Google LLC                                     |
| 6.  | PlayTo   | 2009-2011 | Microsoft Corp.                                |
| 7.  | YahooTV  | 2009-2010 | Yahoo Inc.                                     |
| 8.  | Verizon FiOS Mobile Remote                         | 2009-2010 | Verizon Communications, Inc.                   |
| 9.  | Fetchit  | 2009-2011 | Fetch Interactive                              |
| 10. | Vizbee   | 2014      | Vizbee Inc.                                    |
| 11. | Boxee  | 2009-2010 | Boxee, Inc., Samsung Electronics America, Inc. |

|     |   |           |                              |
|-----|---|-----------|------------------------------|
| 12. | TwonkyMedia and/or TwonkyManager and related products and systems | 2007-2011 | Lynx Technology              |
| 13. | Zelfy Peel  | 2010-2011 | Zelfy, Peel Technologies     |
| 14. | Rokumute  | 2008-2011 | Roku, Inc.                   |
| 15. | DVPRemote   | 2010      | Phil Irey                    |
| 16. | pocketBLU   | 2010      | Deluxe Digital Studios, Inc. |

**IV. PERSONS HAVING KNOWLEDGE OF PRIOR ART**

| No. | Name                  | Address  | Date of Testimony   |
|-----|-----------------------|--|---|
| 1.  | Dr. Michael Shamos    | May be reached through counsel for Charter   | Expected live at the jury trial and also depositions on July 07, 2024 and July 26, 2024 |
| 2.  | Dr. Stephen B. Wicker | May be reached through counsel for Touchstream   | Expected live at the jury trial also deposition on July 07, 2024                        |
| 3.  | David Bell            | May be reached through counsel for Charter   | Expected live at the jury trial.  |
| 4.  | Doug Frusciano        | May be reached through counsel for Charter   | Expected live and deposition on July 25, 2024   |
| 5.  | David Strober         | May be reached through counsel for Touchstream   | Expected live and deposition on June 6, 2024  |
| 6.  | Herb Mitchele         | May be reached through counsel for Touchstream   | Expected live and deposition on May 30, 2024 and May 31, 2024                           |
| 7.  | Joshua Seiden         | May be reached through his workplace:<br>Comcast Corporation,<br>4100 East Dry Creek Road,<br>Centennial CO 80122            | Deposition on June 04, 2024   |
| 8.  | Sharon Cilione-Berger | May be reached through her workplace:<br>Comcast Corporation,<br>1701 John F. Kennedy<br>Boulevard,<br>Philadelphia PA 19103 | Deposition on May 22, 2024  |

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