EXHIBIT 1

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*.	Case No. 2:23-cv-00059-JRG

PRELIMINARY JURY INSTRUCTIONS[1]

[1] Submissions that are agreed to by both Touchstream and Charter are not highlighted. Submissions proposed by Touchstream that are not agreed to by Charter are bracketed and highlighted in green. Submissions proposed by Charter that are not agreed to by Touchstream are bracketed and highlighted in blue. The parties have entered their objections, explanations, citations, and commentary in footnotes only.

The parties reserve their respective rights to further object or propose new instructions based on their pending motions or further development at trial.

PRELIMINARY INSTRUCTIONS

Ladies and Gentlemen of the Jury: Before you hear the evidence in this case, I have some preliminary instructions that I need to give you on the record before we start with opening statements from the attorneys and then go on to the evidence.

You've now been sworn as the jurors in this case. And as the jury, you are the sole judges of the facts. As such, you will determine and decide all the facts in this case.

As the Judge, I'll give you instructions on the law, decide questions of law that might arise during the trial, handle matters related to evidence and procedure, as well as being responsible for the efficient flow of the evidence and maintaining the decorum of the courtroom.

At the end of the evidence, I'll give you detailed instructions about the law to apply in deciding this case, and I'll give you a list of questions that you are then to answer. This list of questions is called the verdict form. Your answers to those questions will need to be unanimous, and those unanimous answers will constitute the jury's verdict in this case.

Now, let me briefly talk with you about what this case concerns. This case involves a dispute regarding three United States patents. Now, I know that each one of you saw the patent video this morning prepared by the Federal Judicial Center, but I need to give you some instructions now and on the record about how one is obtained.

Patents are either granted or denied by the United States Patent and Trademark Office, which you will hear referred to in shortened form simply as the PTO, or as the Patent Office. A valid United States patent gives the patentholder the right for up to 20 years from the date the patent application is filed to prevent others from making, using, offering to sell, or selling the patented invention within the United States or importing it into the United States without the patentholder's permission.

A patent is a form of property called intellectual property and, like with other forms of

property, a patent can be bought or sold.

A violation of the patentholder's rights is called infringement. The patentholder may try to enforce a patent against persons it believes to be infringers by filing a lawsuit in federal court, and that's what we have in this case.

Now, the process of obtaining a patent is called patent prosecution. To obtain a patent, one must first file an application with the PTO, the United States Patent and Trademark Office. The PTO, ladies and gentlemen, is an agency of the United States government that employs trained examiners who review patent applications.

The application filed with the PTO includes within it something called a specification. The specification contains a written description of the claimed invention telling what the invention is, how it works, how to make it, and how to use it. The specification concludes or ends with one or more numbered sentences. These numbered sentences at the end of the patent are called the patent claims.

When a patent is granted by the Patent Office, the claims define the boundaries of its protection and it is the claims that give notice to the public of those boundaries.

Now, patent claims may exist in two forms referred to as independent claims and dependent claims. An independent claim does not refer to any other claim in the patent. It is independent. It's not necessary, ladies and gentlemen, to look to any other claim within the patent to determine what an independent patent claim means.

However, a dependent claim refers to at least one other claim in the patent. A dependent claim includes all of the elements or limitations of that other claim or claims to which it refers or, as is sometimes said, from which it depends, as well as the additional elements or limitations recited within the dependent claim itself. Accordingly, to determine what a dependent patent claim

covers, it's necessary to look at both the dependent claim itself and the independent claim or claims from which it refers or, as we sometimes say, from which it depends.

Now, the claims of the patents-in-suit use the word 'comprising.' Comprising means including or containing. A claim that includes the word 'comprising' is not limited to the methods or devices having only the elements that are recited in the claim, but also covers other methods or devices that include or add additional elements.

Let me give you an example. Take, if you will, the example of a table. If a claim recites a table comprising a tabletop, legs, and glue, the claim will cover any table that contains those structures, even if the table also contains other or additional structures such as leaves to expand the size of the tabletop or wheels to go on the ends of the legs. Now, that's a very simple example using the word 'comprising' and what it means. In other words, it can have other features in addition to those that are covered by the patent.

After the applicant files his or her application with the Patent Office, an examiner is assigned and the examiner reviews the application to determine whether or not the claims are patentable—that is to say, appropriate for patent protection, and whether or not the specification adequately describes the invention that's claimed.

In examining the patent application, the examiner reviews certain information about the state of the technology at the time the application was filed. The PTO searches for and reviews this type of information that's publicly available or that might have been submitted by the applicant. And this type of information is called prior art. The examiner reviews this prior art to determine whether or not the invention is truly an advance over the state of the art at the time.

Now, prior art is defined by law, and I'll give you specific instructions at a later time as to what it constitutes. However, ladies and gentlemen, in general, prior art includes information

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