

**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.

TOUCHSTREAM TECHNOLOGIES, INC.,

Plaintiff,

V.

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

Defendants.

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

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

COMCAST'S NOTICE OF TRIAL CONFLICT

Defendants Comcast Cable Communications, LLC, Comcast Corporation, Comcast Cable Communications Management, LLC, and Comcast of Houston, LLC (collectively “Comcast”) respectfully submit this Notice to *inform* the Court of a trial conflict involving its technical expert, Dr. Kevin Jeffay, Ph.D., and request rescheduling of the Comcast member case.

The Comcast member case was not included in the Court’s December 13, 2024 email laying out its trial calendar for January 13, 2025. However, counsel learned during the December 19, 2024 pretrial conference that the instant case is on the trial list for that date.

As explained during the pretrial conference, Dr. Jeffay is scheduled to testify as an expert witness in *Corrigent Corp. v. Cisco Sys., Inc.*, No. 6:22-cv-00396-ADA (W.D. Tex.) beginning that same day. That trial was scheduled before the rescheduling of, and recent notice regarding, this case. Due to this conflict, the Magistrate Judge indicated that *Touchstream Techs., Inc. v.*

Charter Comm's, Inc., No. 2:23-cv-0059 would proceed to trial ahead of the *Comcast* member case should the *Touchstream* consolidated cases have a trial on January 13.

Comcast thus respectfully requests that the trial in the member *Comcast* case be continued to January 27, 2025 or as soon a date thereafter as the Court deems appropriate.

Dated: December 20, 2024

COUNSEL FOR COMCAST DEFENDANTS,

/s/ Ashok Ramani

Deron Dacus (State Bar No. 00790553)
THE DACUS FIRM, P.C.
821 ESE Loop 323, Suite 430
Tyler, TX 75701
Tel: (903) 705-1117
Fax: (903) 581-2543
ddacus@dacusfirm.com

Ashok Ramani (CA Bar No. 200020)
David J. Lisson (CA Bar No. 250994)
James Y. Park (CA Bar No. 343659)
Micayla Hardisty (CA Bar No. 333246)
DAVIS POLK & WARDWELL LLP
900 Middlefield Road, Suite 200
Redwood City, CA 94063
ashok.ramani@davispolk.com
david.lisson@davispolk.com
james.park@davispolk.com
micayla.hardisty@davispolk.com

Alena Farber (NY Bar No. 5896170)
DAVIS POLK & WARDWELL LLP
450 Lexington Avenue
New York, NY 10017
alena.farber@davispolk.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 20, 2024 a true and correct copy of the above and foregoing document has been served on all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3)(A).

/s/ Ashok Ramani

Ashok Ramani