

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.*

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

**SECOND SUPPLEMENTAL JOINT NOTICE REGARDING  
PRETRIAL AGREEMENTS**

Plaintiff Touchstream Technologies, Inc. (“Touchstream”) and Defendants Charter Communications, Inc., et al. (“Charter”) jointly submit this second supplemental notification of agreements further narrowing disputes in advance of the pretrial conference on January 3, 2024.<sup>1</sup>

Attached as Exhibits A1 (Joint Exhibit List), A2 (Touchstream’s Non-Joint Exhibit List), and A3 (Charter’s Non-Joint Exhibit List) are the parties’ revised exhibit lists, which reflect the parties’ further narrowing of objections. Also attached as Exhibit B is the parties’ revised day 1 deposition designations and objections, which reflect the parties’ further narrowing of

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<sup>1</sup> The parties’ proposed jury instructions remain unchanged from the previous joint submission on December 18, 2024. *See* Dkt. No. 224, Ex. 1.

designations, counter-designations, and objections thereto. The parties have agreed to the exhibits on the Joint Exhibit List only insofar as they are not excluded by the Court's rulings on the parties' motions to strike and motions for summary judgment, and the parties reserve the right to object to any exhibits currently on the Joint Exhibit List as well as any deposition designations should the Court grant any of those motions.

Although the parties preserves their objections to the exhibits and designations in Exhibits A1, A2, A3, and B that are implicated by its motions *in limine*, the parties have removed certain objections because Magistrate Judge Payne has resolved them in his rulings on the parties' Motions *in Limine*.

The parties reserve the right to amend, supplement, or modify these proposed materials as the case proceeds toward trial and as the parties continue to meet and confer regarding these materials in an attempt to further remove disputed issues.

Date: January 2, 2025

Respectfully submitted,

/s/ Ryan Dykal

Lead Counsel

/s/ Daniel Reisner

Lead Counsel

Ryan D. Dykal (*pro hac vice*)  
Jordan T. Bergsten (*pro hac vice*)  
Mark Schafer (*pro hac vice*)  
Philip A. Eckert (*pro hac vice*)  
Anita Liu (TX State Bar No. 24134054)  
**BOIES SCHILLER FLEXNER LLP**  
1401 New York Ave, NW  
Washington, DC, DC 20005  
(t) 202-274-1109  
rdykal@bsflp.com  
jbergsten@bsflp.com  
mschafer@bsflp.com  
peckert@bsflp.com  
aliu@bsflp.com

John Michael Lyons (*pro hac vice*)  
Sabina Mariella (*pro hac vice*)

Daniel L. Reisner, *pro hac vice*  
David Benyacar, *pro hac vice*  
Elizabeth A. Long  
Melissa Brown, *pro hac vice*  
Robert Stout, *pro hac vice*  
Arnold & Porter Kaye Scholer LLP  
250 West 55th Street  
New York, NY 10019  
daniel.reisner@arnoldporter.com\_  
david.benyacar@arnoldporter.com\_  
elizabeth.long@arnoldporter.com\_  
melissa.brown@arnoldporter.com\_  
robert.stout@arnoldporter.com\_

Dina M. Hayes, *pro hac vice*  
Arnold & Porter Kaye Scholer LLP  
70 West Madison Street, Suite 4200

Sophie Roytblat (*pro hac vice*)  
**BOIES SCHILLER FLEXNER LLP**  
55 Hudson Yards, 20<sup>th</sup> Floor  
New York, NY 10001  
jlyons@bsfllp.com  
smariella@bsfllp.com  
sroytblat@bsfllp.com

Melissa Smith  
(TX State Bar No. 24001351)  
**GILLAM & SMITH LLP**  
303 S. Washington Ave.  
Marshall, TX 75670  
(t) 903-934-8450  
melissa@gillamsmithlaw.com

*Counsel for Plaintiff*  
*Touchstream Technologies, Inc.*

Chicago, IL 60602  
dina.hayes@arnoldporter.com

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

Carson D. Anderson, *pro hac vice*  
3000 El Camino Real, Bldg. 5, Suite 500  
Palo Alto, CA 94306  
carson.anderson@arnoldporter.com

Marc A. Cohn, *pro hac vice*  
601 Massachusetts Avenue, NW  
Washington, DC 20001  
marc.cohn@arnoldporter.com

*Counsels for Defendant Charter*  
*Communications, Inc., Charter Communications*  
*Operating, LLC, Spectrum Management Holding*  
*Company, LLC, Time Warner Cable Enterprises,*  
*LLC, Spectrum Gulf Coast, LLC, Charter*  
*Communications, LLC*