

**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.

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

TOUCHSTREAM TECHNOLOGIES, INC.,

Plaintiff,

v.

**COMCAST CABLE COMMUNICATIONS,
LLC, D/B/A XFINITY, et al.,**

Defendants.

**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, 2024.¹

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

¹ 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

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/s/ Daniel Reisner

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