

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TOUCHSTREAM TECHNOLOGIES, INC.,

Plaintiff,

v.

CHARTER COMMUNICATIONS, INC., et al,

Defendants.

**This Document Relates To
Case No. 2:23-cv-00059-JRG
(Lead Case)**

JURY TRIAL DEMANDED

**DECLARATION OF MELISSA A. BROWN IN FURTHER SUPPORT OF
DEFENDANTS' MOTION TO DISMISS FOR
IMPROPER VENUE PURSUANT TO FRCP 12(b)(3) AND
FOR FAILURE TO STATE A CLAIM PURSUANT TO FRCP 12(b)(6)**

[REDACTED]

I, Melissa A. Brown, declare as follows:

1. I am over 18 years of age and competent to make this declaration. If called to testify as a witness, I could and would testify truthfully under oath to each of the statements in the declaration. I make each statement below based on my personal knowledge or after investigation of the relevant information.

2. I am an attorney at Arnold & Porter Kaye Scholer, LLP, counsel of record for Defendants Charter Communications, Inc. (“CCI”), Charter Communications Operating, LLC (“CCO”), Time Warner Cable Enterprises LLC, Spectrum Management Holding Company, LLC, Charter Communications, LLC, and Spectrum Gulf Coast, LLC (together, “Defendants”). I am licensed to practice law in the States of New York and New Jersey, and will be filing a motion respectfully requesting to be admitted *pro hac vice* to this Court.

3. I make this Declaration based on my personal knowledge and in further support of Defendants’ motion to: (i) dismiss the Complaint filed by Plaintiff Touchstream Technologies, Inc. (“Touchstream”) for improper venue only as it relates to CCI and CCO pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure (the “Rules”); and (ii) for failure to state a claim for willful infringement as it relates to all Defendants pursuant to Rule 12(b)(6).

4. Attached hereto as **Exhibit 14** is a true and correct copy of excerpts of the transcript from the deposition of Connie Kovach, taken February 29, 2024.

5. Attached hereto as **Exhibit 15** is a true and correct copy of CCI’s brief in support of its motion to dismiss pursuant to Rule 12(b)(3) for improper venue filed in the *Entropic* litigation, dated January 30, 2023.

6. Attached hereto as **Exhibit 16** is a true and correct copy of CCI’s reply brief in support of its motion to dismiss pursuant to Rule 12(b)(3) for improper venue filed in the *Entropic* litigation, dated March 9, 2023.

7. Attached hereto as **Exhibit 17** is a true and correct copy of CCI's Petition for a Writ of Mandamus, dated June 16, 2023.

8. Attached hereto as **Exhibit 18** is a true and correct copy of CCI's Reply Brief in Support of its Petition for a Writ of Mandamus, dated June 30, 2023.

9. Attached hereto as **Exhibit 19** is a true and correct copy of excerpts of the transcript from the deposition of Daniel Boglioli, taken December 13, 2022.

10. Attached hereto as **Exhibit 20** is a true and correct copy of excerpts of the transcript from the deposition of Thomas Proost, taken December 2, 2022.

Executed on March 18, 2024 in New York, New York.

/s/ Melissa A. Brown

Melissa A. Brown

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via email and the Court's ECF system on March 18, 2024.

/s/ Melissa Brown
Melissa Brown

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]