

**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.,	§	Lead Case No. 2:23-cv-00059-JRG
Plaintiff,	§	Member Case No. 2:23-cv-00062-JRG
v.	§	
COMCAST CABLE COMMUNICATIONS,	§	
LLC, d/b/a XFINITY, et al.,	§	
Defendants.	§	

**DEFENDANTS' RESPONSIVE CLAIM CONSTRUCTION BRIEF**

## TABLE OF CONTENTS

---

	<u>PAGE</u>
I. INTRODUCTION .....	1
II. THE ALLEGED INVENTION OF THE ASSERTED PATENTS.....	1
III. DISPUTED TERMS.....	3
A. “media player” ('251 Patent Claims 1 and 2) .....	3
B. “media player application” ('751 Patent Claims 12, 13, 14, and 16) “media playing application” ('934 Patent Claims 17, 18, 19) .....	6
C. “a synchronization code” / “the synchronization code” ('251 Patent Claims 1, 8, 9; '751 Patent Claim 12).....	8
D. “a unique identifier” / “the unique identifier” ('934 Patent Claim 17).....	9
E. “synchronization code” ('251 Patent Claims 1, 8, and 9; '751 Patent Claim 12) .....	10
F. “unique identifier” ('934 Patent Claim 17).....	14
G. “storing...based on the synchronization code” ('251 Patent Claim 1).....	15
H. “first format” / “second format” ('751 Patent Claims 12 and 16) .....	17
I. “first format” / “universal format” ('934 Patent Claim 17) .....	20
J. “the first format of the first message” ('751 Patent Claim 12) .....	22
K. Order of Method Claim Steps .....	26
IV. CONCLUSION.....	29

## TABLE OF AUTHORITIES

---

	<u>PAGE</u>
<b>Cases</b>	
<i>Altiris, Inc. v. Symantec Corp.</i> , 318 F.3d 1363 (Fed. Cir. 2003) .....	27
<i>Andersen Corp. v. Fiber Composites, LLC</i> , 474 F.3d 1361 (Fed. Cir. 2007) .....	19
<i>Applied Med. Res. Corp. v. U.S. Surgical Corp.</i> , 448 F.3d 1324 (Fed. Cir. 2006) .....	24
<i>Biogen Idec, Inc. v. GlaxoSmithKline LLC</i> , 713 F.3d 1090 (Fed. Cir. 2013) .....	19
<i>CAE Screenplates, Inc. v. Heinrich Fiedler GmbH &amp; Co. KG</i> , 224 F.3d 1308 (Fed. Cir. 2000) .....	24
<i>CardWare Inc. v. Samsung Elecs. Co. Ltd.</i> , No. 2:22-cv-141-JRG-RSP, 2023 WL 5434763 (E.D. Tex. Aug. 23, 2023).....	23
<i>Chicago Bd. Options Exch., Inc. v. Int'l Sec. Exch., LLC</i> , 677 F.3d 1361 (Fed. Cir. 2012) .....	24
<i>Cisco Sys., Inc. v. Int'l Trade Comm'n</i> , 873 F.3d 1354 (Fed. Cir. 2017) .....	17
<i>Data Engine Techs. LLC v. Google LLC</i> , 10 F.4th 1375 (Fed. Cir. 2021) .....	4
<i>Eon Corp. IP Holdings LLC v. Silver Spring Networks</i> , 815 F.3d 1314 (Fed. Cir. 2016) .....	16, 26
<i>Fenner Invs., Ltd. v. Cellco P'ship</i> , 778 F.3d 1320 (Fed. Cir. 2015) .....	4
<i>Halliburton Energy Servs., Inc. v. M-ILLC</i> , 514 F.3d 1244 (Fed. Cir. 2008) .....	23
<i>Indacon, Inc. v. Facebook, Inc.</i> , 824 F.3d 1352 (Fed. Cir. 2016) .....	12
<i>Intel Corp. v. Qualcomm Inc.</i> , 21 F.4th 801 (Fed. Cir. 2021) .....	8

<i>Intervet, Inc. v. Merial Ltd.,</i> 617 F.3d 1282 (Fed. Cir. 2010) .....	12
<i>Koninklijke KPN N.V. v. Telefonaktiebolaget LM Ericsson,</i> No. 2:21-cv-00113-JRG, 2022 WL 811072 (E.D. Tex. Mar. 16, 2022) .....	12
<i>Lodsys, LLC v. Brother Int'l Corp.,</i> No. 2:11-cv-00090-JRG, 2013 WL 2949959 (E.D. Tex. June 14, 2013).....	8
<i>Mantech Env't Corp. v. Hudson Env't Servs., Inc.,</i> 152 F.3d 1368 (Fed. Cir. 1998) .....	29
<i>Nautilus, Inc. v. Biosig Instruments, Inc.,</i> 572 U.S. 898 (2014).....	23
<i>Neville v. Found. Constructors, Inc.,</i> 972 F.3d 1350 (Fed. Cir. 2020) .....	24
<i>O2 Micro Int'l Ltd. v. Beyond Innovation Tech. Co.,</i> 521 F.3d 1351 (Fed. Cir. 2008) .....	26
<i>Omega Eng'g, Inc. v. Raytek Corp.,</i> 334 F.3d 1314 (Fed. Cir. 2003) .....	6, 7, 19
<i>Ormco Corp. v. Align Tech., Inc.,</i> 498 F.3d 1307 (Fed. Cir. 2007) .....	7
<i>Pause Tech., LLC v. TiVo, Inc.,</i> 419 F.3d 1326 (Fed. Cir. 2005) .....	5
<i>Phillips v. AWH Corp.,</i> 415 F.3d 1303 (Fed. Cir. 2005) .....	1
<i>Red Rock Analytics, LLC v. Samsung Electronics Co., Ltd.,</i> No. 2:17-cv-101-RWS-RSP, 2018 WL 1806859 (E.D. Tex. Apr. 16, 2018).....	27
<i>Saffran v. Johnson &amp; Johnson,</i> 712 F.3d 549 (Fed. Cir. 2013) .....	4
<i>SmartPhone Techs. LLC v. HTC Corp.,</i> No. 6:10-cv-580-LED-JDL, 2013 WL 1136972 (E.D. Tex. Mar. 18, 2013).....	19
<i>SpeedTrack, Inc. v. Amazon.com, Inc.,</i> 998 F.3d 1373 (Fed. Cir. 2021) .....	19
<i>Synchronoss Techs., Inc. v. Dropbox, Inc.,</i> 987 F.3d 1358 (Fed. Cir. 2021) .....	26

<i>Tegal Corp. v. Tokyo Electron Am., Inc.,</i> 257 F.3d 1331 (Fed. Cir. 2001) .....	7
<i>Traxcell Techs., LLC v. Nokia Sols. &amp; Networks Oy,</i> 15 F.4th 1136 (Fed. Cir. 2021) .....	18
<i>Tubular Rollers, LLC v. Maximus Oilfield Prod., LLC,</i> No. 2021-2319, 2023 WL 4230371 (Fed. Cir. June 28, 2023).....	19
<i>WAPP Tech Ltd. P'ship v. Bank of Am., N.A.,</i> No. 4:21-cv-670, 2022 WL 2463569 (E.D. Tex. July 6, 2022).....	23
<i>Wisconsin Alumni Rsch. Found. v. Apple, Inc.,</i> 905 F.3d 1341 (Fed. Cir. 2018) .....	1
<i>World Class Tech. Corp. v. Ormco Corp.,</i> 769 F.3d 1120 (Fed. Cir. 2014) .....	16
<i>X One, Inc. v. Uber Techs., Inc.,</i> 440 F. Supp. 3d 1019 (N.D. Cal. 2020).....	9
<i>Zilkr Cloud Techs., LLC, v. Cisco Sys., Inc.,</i> No. 2:22-cv-166, Dkt. 121, slip op. (E.D. Tex. Aug. 3, 2023).....	23

# Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

### API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

### LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

### FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

### E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.