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.	§	

COMCAST DEFENDANTS' ANSWER TO PLAINTIFF'S
SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Defendants Comcast Corporation, Comcast Cable Communications, LLC, d/b/a Xfinity, Comcast Cable Communications Management, LLC, and Comcast of Houston, LLC (collectively, "Comcast"), by their undersigned counsel, hereby respond to the Second Amended Complaint for Patent Infringement filed by Touchstream Technologies, Inc. ("Plaintiff" or "Touchstream") on March 28, 2024 (the "Second Amended Complaint"). On April 30, 2024, the Court granted Comcast's motion to dismiss, which resulted in the dismissal of Plaintiff's pre-suit willful infringement claim as to U.S. Patent Nos. 11,048,751 (the "'751 Patent") and 11,086,934 (the "'934 Patent") against Comcast with prejudice. Dkt. No. 44 at 2. Therefore, Comcast's answer is directed solely to Plaintiff's remaining claims for direct infringement of the '751 Patent, the '934 Patent, and U.S. Patent No. 8,356,251 (the "'251 Patent") (collectively, the "Asserted Patents"), pre-suit willful infringement of the '251 Patent, and post-suit willful infringement of the Asserted Patents asserted against Comcast.

To the extent the paragraphs of the Second Amended Complaint are grouped under headings and subheadings, Comcast responds that such headings and subheadings (some of which are repeated below for reference only and which do not constitute admissions) state facts, legal conclusions, and pejorative inferences that Comcast denies.

Except as expressly admitted herein, Comcast denies the allegations set forth in the Second Amended Complaint, including the introductory paragraph. Comcast further answers the numbered paragraphs in the Second Amended Complaint as follows:

THE PARTIES

1. Comcast lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1, and therefore denies them.

2. Admitted that Comcast Cable Communications, LLC, is a Delaware limited liability company with its principal place of business at One Comcast Center, 1701 John F. Kennedy Blvd., Philadelphia, Pennsylvania 19103. Except as expressly admitted, Comcast denies the allegations of Paragraph 2.

3. Admitted that Comcast Corporation is a Pennsylvania corporation with its principal place of business at One Comcast Center, 1701 John F. Kennedy Blvd., Philadelphia, Pennsylvania 19103. Admitted that Comcast Corporation is registered to do business in the state of Texas. Except as expressly admitted, Comcast denies the allegations of Paragraph 3.

4. Admitted that Comcast Cable Communications Management, LLC, is a Delaware limited liability company with its principal place of business at One Comcast Center, 1701 John F. Kennedy Blvd., Philadelphia, Pennsylvania 19103. Admitted that Comcast Cable Communications Management, LLC, is registered to do business in the state of Texas. Except as expressly admitted, Comcast denies the allegations of Paragraph 4.

5. Admitted that Comcast of Houston, LLC, is a Delaware limited liability company with its principal place of business at One Comcast Center, 1701 John F. Kennedy Blvd., Philadelphia, Pennsylvania 19103. Except as expressly admitted, Comcast denies the allegations of Paragraph 5.

NATURE OF THE ACTION

6. Admitted that Plaintiff purports to bring an action under 35 U.S.C. § 271 *et seq.* for the alleged infringement of the Asserted Patents. Admitted that a document purporting to be the '251 Patent is attached to the Second Amended Complaint as Exhibit 1. Admitted that a document purporting to be the '751 Patent is attached to the Second Amended Complaint as Exhibit 2. Admitted that a document purporting to be the '934 Patent is attached to the Second Amended Complaint as Exhibit 3. Comcast denies that it infringes the Asserted Patents. Except as expressly admitted, Comcast denies the remaining allegations of Paragraph 6.

JURISDICTION AND VENUE

7. Admitted that Plaintiff purports to bring an action that arises under Title 35 of the United States Code. Comcast does not contest federal subject-matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

8. Comcast does not contest personal jurisdiction over it for the limited purpose of this action only. Except as expressly admitted, Comcast denies the allegations of Paragraph 8.

9. Comcast does not assert improper venue for the limited purpose of this action only. Except as expressly admitted, Comcast denies the allegations of Paragraph 9.

10. Admitted that Masergy Communications, Inc., has an office in Collin County, Texas. Admitted that Comcast maintains a structure in Liberty County, Texas. Except as expressly admitted, Comcast denies the allegations of Paragraph 10.

11. Admitted that Comcast maintains an office at 6200 Bridge Point Pkwy., Austin, Texas 78730. Except as expressly admitted, Comcast denies the allegations of Paragraph 11.

12. Admitted that public reporting indicated that Comcast planned to open an office in Austin, Texas in 2016. Except as expressly admitted, Comcast denies the allegations of Paragraph 12.

13. Denied.

14. Admitted that Comcast employed at least 100 persons in Austin as of September 2016. Except as expressly admitted, Comcast denies the allegations of Paragraph 14.

15. Denied.

TOUCHSTREAM'S PATENTS

16. Comcast lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 16, and therefore denies them.

17. Comcast lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 17, and therefore denies them.

18. Admitted that the Touchstream Patents are limited to their claims. Except as expressly admitted, Comcast denies the allegations of Paragraph 18.

19. Admitted that the Asserted Patents have the title "Play Control of Content on a Display Device," and each purports to claim priority to U.S. Provisional Patent Application No. 61/477,998. Except as expressly admitted, Comcast denies the allegations of Paragraph 19.

20. Admitted that a notice of allowance for U.S. Patent Application No. 13/245,001 purported to issue on October 10, 2012. Admitted that the '251 Patent purported to issue on January 15, 2013 to inventor David Strober. Admitted that the '751 Patent purported to issue on June 29, 2021 to inventor David Strober. Admitted that the '934 Patent purported to issue on

August 10, 2021 to inventor David Strober. Except as expressly admitted, Comcast denies the allegations of Paragraph 20.

21. Comcast lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 21, and therefore denies them.

BACKGROUND OF THE DISPUTE

22. Comcast lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 22, and therefore denies them.

23. Comcast lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 23, and therefore denies them.

24. Comcast lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 24, and therefore denies them.

25. Comcast denies the allegations in Paragraph 25 directed to Comcast. Comcast lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 25, and therefore denies them.

26. Comcast lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 26, and therefore denies them.

27. Comcast lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 27, and therefore denies them.

28. Comcast lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 28, and therefore denies them.

29. Denied.

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