UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC
Petitioner,

v.

TOUCHSTREAM TECHNOLOGIES, INC.,
Patent Owner.

Case No. IPR2024-00321
U.S. Patent No. 8,356,251

DECLARATION OF PHILIP A. ECKERT

I, Philip A. Eckert, declare as follows:

1. I am over 21 years of age and competent to make this declaration. I make this declaration based on my own personal knowledge.

2. I am an attorney at the law firm Shook, Hardy & Bacon L.L.P., and I am counsel of record for Patent Owner Touchstream Technologies, Inc. in *Touchstream Technologies, Inc. v. Comcast Cable Communications, LLC d/b/a Xfinity et al., 2:23-cv-00062-JRG*, in the Eastern District of Texas, Marshall Division (the "EDTX Litigation") (consolidated at 2:23-cv-00059) (formerly consolidated at 2:23-cv-00060); and *Touchstream Technologies, Inc. v. Google, LLC.*, 6:21-cv-00569-ADA (W.D. Tex. 2021) (the "Google Litigation").

3. Filed as Exhibit 2022 in this proceeding is a true and correct excerpt of the transcript of the post-trial motions hearing on January 3, 2024 (Dkt. 302) in the Google Litigation.

4. I have personal knowledge of the discovery proceedings in the EDTX Litigation, where so far:

a. Patent Owner Touchstream has served Preliminary Infringement Contentions, Amended Infringement Contentions, and Second Amended Infringement Contentions, none of which changed the claims asserted;

b. Comcast, the Petitioner in this IPR, has served its Preliminary Invalidity Contentions, Second Supplemental Invalidity Contentions, and Third Supplemental Invalidity Contentions;

c. Petitioner, in addition to serving five of its own interrogatories, has joined in serving nine common interrogatories to Patent Owner, including those asking for Patent Owner's contentions regarding Comcast's Invalidity theories under 35 U.S.C. §§ 102, & 103;

d. The parties have produced substantial amounts of documents, including over 26,000 documents produced by Petitioner and 20,000 documents produced by Patent Owner.

e. Petitioner has served notices of deposition under Fed. R. Civ. P. 30(b)(6) listing 87 total topics for deposition, requested the depositions of five individuals associated with Patent Owner, and has served multiple subpoena requests to individuals formerly associated with Patent Owner;

f. The parties will complete claim construction briefing the day after the filing of this declaration, April, 25, 2024. The claim construction hearing is scheduled for May 30, 2024.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 24, 2024, in Kansas City, Missouri.

Phil Eckert

Philip A. Eckert