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

Touchstream Technologies, Inc.,

Plaintiff,

v.

Comcast Cable Communications, LLC, d/b/a Xfinity; Comcast Corp.; Comcast Cable Communications Management, LLC; AND Comcast of Houston, LLC,

Defendants.

Case No. 23-cv-00062

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Touchstream Technologies, Inc., hereby files this Original Complaint for Patent Infringement against Comcast Cable Communications, LLC, d/b/a Xfinity, Comcast Corp., Comcast Cable Communications Management, LLC, and Comcast of Houston, LLC. (collectively, "Comcast") and alleges, upon information and belief, as follows:

THE PARTIES

1. Plaintiff Touchstream Technologies, Inc., d/b/a Shodogg ("Touchstream" or "Plaintiff") is a New York corporation with its principal place of business in New York, New York.

2. Defendant Comcast Cable Communications, LLC is a limited liability company organized and existing under the laws of the State of Delaware, having its principal place of business at One Comcast Center, 1701 John F. Kennedy Boulevard., Philadelphia, Pennsylvania 19103. Comcast Cable Communications, LLC may be served through its registered agent Comcast Capital Corporation, 1201 N. Market Street, Suite 1000, Wilmington, Delaware 19801.

3. Defendant Comcast Corporation is a Pennsylvania corporation with its principal place of business at One Comcast Center, 1701 John F. Kennedy Boulevard., Philadelphia, Pennsylvania

19103. It is registered to do business in the state of Texas and may be served through its registered agent at CT Corporation System, 1999 Bryan Street., Suite 900, Dallas, Texas 75201.

4. Defendant Comcast Cable Communications Management, LLC is a limited liability company organized and existing under the laws of the State of Delaware, having its principal place of business at One Comcast Center, 1701 John F. Kennedy Boulevard., Philadelphia, Pennsylvania 19103. Comcast Cable Communications Management, LLC may be served through its registered agent CT Corporation System, at 1999 Bryan Street, Suite 900, Dallas, Texas 75201. On information and belief, Comcast Cable Communications Management, LLC is registered to do business in the State of Texas and has been since at least November 10, 2011.

5. Defendant Comcast of Houston, LLC is a limited liability company organized and existing under the laws of the State of Delaware, having its principal place of business at One Comcast Center, 1701 John F. Kennedy Boulevard., Philadelphia, Pennsylvania, 19103. Comcast of Houston may be served through its registered agent CT Corporation System, at 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

NATURE OF THE ACTION

6. This is a civil action against Comcast for patent infringement arising under the patent statutes of the United States, 35 U.S.C. § 271 *et seq*. for the infringement of United States Patent No. 8,356,251 (the "'251 patent") (alternatively, "the Touchstream Patent"). A true and correct copy of the '251 patent is attached as Exhibit 1 to this Complaint.

JURISDICTION AND VENUE

7. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

8. This Court has personal jurisdiction over Comcast in this action because Comcast has committed acts within the Eastern District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Comcast would not offend traditional notions of fair play and substantial justice. Comcast has engaged in continuous, systematic, and substantial activities within this State, including substantial marketing and sales of products—including the Xfinity products[1] that are used by Comcast in connection with performing the accused Xfinity functionalities[2]—within this State. Furthermore, Comcast—directly and/or through subsidiaries or intermediaries—has committed and continues to commit acts of infringement in this District by, among other things, selling, offering to sell, and using the Xfinity service.

9. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c) and/or 1400(b). As discussed above, Comcast currently has a regular and established place of business in this District, and has committed and continues to commit acts of patent infringement in this District.

10. Comcast maintains a permanent physical presence within the Eastern District of Texas, conducting business from numerous locations, including at least 135 Houston St, Lewisville Texas, 75057; 1300 Coit Road, Plano Texas 75075; 3033 W. President George Bush Hwy, Plano Texas 7505; 900 Venture Drive, Allen Texas 75013; and 8537 Labelle Road, Beaumont Texas, 77705. On information and belief, Comcast operates physical operations in at least the counties of Denton, Collin, Liberty, Anderson, Liberty, and Harrison.

11. Comcast also maintains a Texas office where Xfinity products are developed, located at 6200 Bridge Point Parkway, #500, Austin, Texas 78730.

[1] The term "the Xfinity products" is defined at ¶¶ 35 *et. seq.*, *infra*.
[2] The term "accused Xfinity functionalities" is defined at ¶¶ 34, *et. seq.*, *infra*.

12. Public reporting indicates that Comcast has maintained an office in Austin since 2016.[3]

13. On information and belief, managers and engineers responsible for the development and execution of Comcast's development and strategy of the Xfinity products, currently reside in or around Austin, Texas, and are currently employed by Comcast.

14. Comcast employed at least 100 persons in Austin as of September 2016.[4] As of January 25, 2023, Comcast had job postings for 62 positions in Texas, with engineering roles specifically related to the infringing technologies in Austin.[5]

15. Comcast directly and/or indirectly tests, distributes, markets, offers to sell, sells, and/or utilizes the Xfinity products that Comcast uses to perform the accused Xfinity functionalities in the Eastern District of Texas, and otherwise purposefully directs infringing activities to this District in connection with its Xfinity products.

TOUCHSTREAM'S PATENT

16. In 2010, David Strober, the inventor of the Touchstream Patent and the original founder of Touchstream, was working at Westchester Community College as a Program Manager and e-learning instructional designer. At this job Mr. Strober facilitated the development of online college courses, developing software as needed to support those efforts.

17. At least as early as mid-2010, Mr. Strober perceived the need to be able to take videos that could be viewed on a smaller device, like a smartphone, and "move" them to a larger screen, like

[3] *See, e.g.*, Calnan, Christopher, *Another Media Giant to Open R&D Office in Austin*, Austin Bus. J., Sep. 6, 2016 https://www.bizjournals.com/austin/news/2016/09/06/another-media-giant-to-open-r-d-office-in-austin.html

[4] Austin Relocation Guide, https://austinrelocationguide.com/comcast-corporation-plans-to-hire-for-new-austin-rd-office/

[5] Search conducted via https://jobs.comcast.com/jobs/description/tpx-jd-template?external_or_internal=External&job_id=R351687. *See, e.g.*, Roku engineering position https://jobs.comcast.com/jobs/description/tpx-jd-template?external_or_internal=External&job_id=R349546, or X1 Media Platform engineering position https://comcast.jibeapply.com/main/jobs?location=texas&page=1&limit=100

a computer monitor or television. In working to bring his idea to fruition, Mr. Strober expanded his work by using a device like a smartphone to cause a video to play on a second screen, even if that video resided elsewhere (like the public internet). Near the end of 2010, Mr. Strober had developed a working prototype that demonstrated his groundbreaking concept. Recognizing that that his invention could revolutionize how people located, viewed, and shared media, Mr. Strober filed his first patent application in April 2011.

18. The Touchstream Patent is not directed to an abstract idea, but is limited to a specific, concrete messaging architecture. The claims require various components to send or receive signals (or messages) to control the playback of videos from various media players over a network, with precise requirements varying by claim. They do not cover all forms of remote control of content over a network. Specific steps must be performed in their specified order. Steps include, *inter alia*:

- Assigning a synchronization code to a display device by a server system;
- Receiving a message in the server system including the synchronization code;
- Storing a record in the server system based on the synchronization code;
- Receiving signals specifying a video file and identifying a particular media player;
- Including the synchronization code and a universal playback control command in the messages;
- Converting the universal playback control command to corresponding programming code; and
- Storing in a database information that specifies the video file to be acted upon, identifies the media player, and includes the corresponding programming code.

Further, Mr. Strober's improvements in this area do not reflect routine nor conventional steps. The arrangement of components and steps themselves is inventive, enabling, among other things, using different media players, associating different devices with a synchronization code, and

coordinating between a personal computing device and display device loading a plurality of media players, video files, and control commands.

19. The Touchstream Patent, which is entitled "Play Control of Content on a Display Device," claims priority to U.S. Provisional Patent Application No. 61/477,998 (filed on April 21, 2011).

20. On January 15, 2013, the U.S. Patent and Trademark Office duly and legally issued the '251 patent to inventor David Strober.

21. Touchstream is the owner, by assignment, of all rights, title, and interest in the '251 patent.

BACKGROUND OF THE DISPUTE

TOUCHSTREAM REVOLUTIONIZES VIDEO STREAMING

22. In 2011, inventor David Strober officially incorporated Touchstream to share his inventions with the world.

23. In the following years, Touchstream raised millions of dollars in investments.

24. Since 2011, Touchstream, d/b/a "Shodogg," developed software that enables content to be wirelessly cast (e.g., accessed, displayed, and controlled) from a mobile device to a second display screen (e.g., TV, computer, tablet, etc.). Touchstream has been a leader in developing casting technology and has received numerous awards and recognition.

25. Unfortunately, the efforts of Touchstream and Touchstream's partners to appropriately monetize Mr. David Strober's inventions were significantly hindered by infringement of the Touchstream Patent, including by Comcast. The timing and scope of Comcast's infringement is discussed in more detail below.

COMCAST MEETS EXTENSIVELY WITH TOUCHSTREAM IN 2011-2017 TO LEARN ABOUT THE PATENTED TOUCHSTREAM TECHNOLOGY

26. Since at least December 14, 2011, Touchstream has made publicly clear that its revolutionary product offerings were "patent-pending."[6]

27. Just days after the first Touchstream Patent issued on January 15, 2013, Touchstream issued a press release announcing this patent award.[7]

28. In August 2011, Touchstream and Comcast began discussing a potential partnership concerning the technology invented by Touchstream. Multiple Touchstream employees presented to Comcast, and informed them their technology was patent-pending. Touchstream provided a patent application number to Comcast at this meeting.

29. In December of 2011, Comcast reached out to Touchstream asking for a technology demonstration, and further asking whether the demonstration could be expedited. Following this, Comcast executives met with Touchstream at the Consumer Electronics Show in Las Vegas, including Comcast Chief Technology Officer Tony Warner. Further meetings and

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[6] *See e.g.*, Sean Ludwig, *Shodogg will let you pause and restart video from any device (exclusive)*, VentureBeat (Dec. 14, 2011 7:00 AM), https://venturebeat.com/2011/12/14/shodogg-video-sharing-phones-tvs-exclusive/; Shodogg, *Shodogg Launches at CES and Transforms Streaming Video Delivery by Fueling Industry Expansion with Content Providers*, Cision PR Newswire (Jan. 10, 2012, 9:43 ET), https://www.prnewswire.com/news-releases/shodogg-launches-at-ces-and-transforms-streaming-video-delivery-by-fueling-industry-expansion-with-content-providers-137010098.html; *see also* https://web.archive.org/web/20111003131546/http://shodogg.com/ (archived snapshot of Shodogg website from October 3, 2011) ("Shodogg is a patent-pending technology that allows viewers to access online streaming content from any smartphone and display it to any larger connected screen, such as a laptop, tablet, or TV.").

[7] Shodogg, *Shodogg announces the release of ScreenDirect a business-to-business solution enabling companies to seamlessly direct digital content across screens*, Cision PR Newswire (Jan. 17, 2013 9:15 ET) https://www.prnewswire.com/news-releases/shodogg-announces-the-release-of-screendirect-a-business-to-business-solution-enabling-companies-to-seamlessly-direct-digital-content-across-screens-187284641.html; *See also, e.g., Meet Shodogg Who Won this Year's Techweek NYC Launch Competition*, AlleyWatch (12/2014), https://www.alleywatch.com/2014/12/meet-shodogg-who-won-this-years-techweek-nyc-launch-competition/.

communications with Comcast-related individuals occurred in at least December of 2012; March, April, and November of 2013; May of 2015; April, and December of 2016.

30. As such, Comcast knew about the patent applications leading to the Touchstream Patent by no later than August 2011.

31. Comcast also knew, or at the very least should have known, of the issued Touchstream Patent on or shortly after the date each such patent was issued, beginning with the '251 Patent that issued in January 2013.

32. At no point in 2011-2017 did Comcast reach out to Touchstream about potentially acquiring a license to Touchstream's pending or awarded patent, and to this day Comcast has not requested or received a license to any of the Touchstream Patent.

COMCAST UNVEILS ITS INFRINGING XFINITY X1 SERVICES

33. Comcast unveiled its X1 product—which performs the infringing Xfinity functionalities—in May 2012.[8]

34. As of December 31, 2021, Comcast announced it had 17.5 million X1 customers.[9]

THE ACCUSED XFINITY FUNCTIONALITIES

35. The accused Xfinity X1 functionalities comprise the methods performed through operation of at least the standalone X1 Set Top Box ("STB") devices as well as Xfinity mobile applications used in conjunction with X1 STBs. The X1 products did provide in the past, and continue to provide, functionality and structure that facilitates the controlling of content, such as audio and/or video content, on a content presentation device that loads any one of a plurality of different media players (Pandora or Netflix, e.g.), described in further detail below.

[8] Richard Lawler, *Comcast Officially Launches Next-gen X1 DVR Platform and iPhone Remote App*, Engadget (May 21, 2012) https://www.engadget.com/2012-05-21-comcast-x1-dvr-iphone-app-launch.html

[9] Comcast Corporation, Form 10-K, at 3 (Dec. 2021)

X1 STB[10]

36. Upon initial operation, the X1 STB is connected to a device having a screen (e.g., a television). The user then activates their STB with their Xfinity account information, such as account number and phone number.[11] On information and belief, the X1 STB communicates with Comcast servers to register a Device Identifier that is associated with the user account.

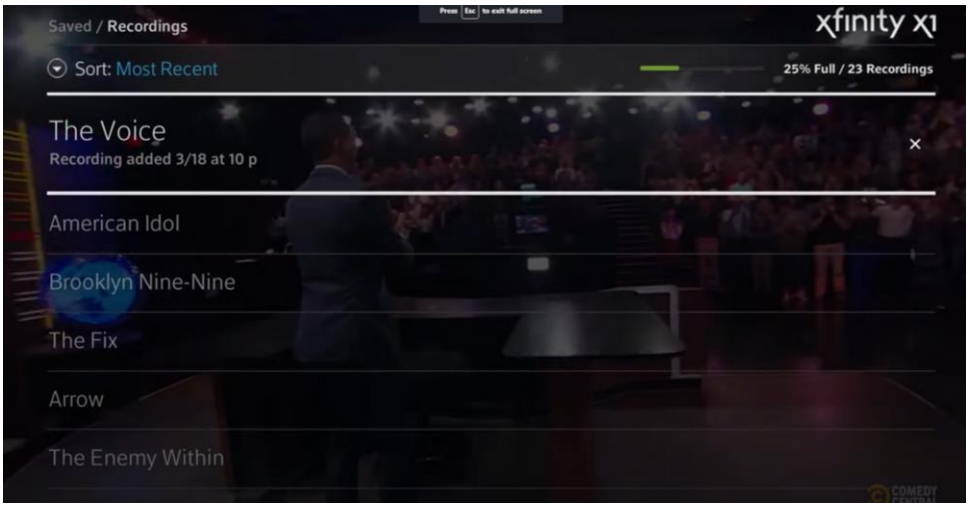
37. Upon initialization, the STB presents the user with various applications and media options, including live TV, DVR, and web-based media streaming applications, as pictured below. Each option uses a different application on the STB for media playback, but the user is presented a single unified menu interface. The STB presents the user with a main menu interface including options of, among other things, "Saved," "On Demand," "Apps," and "Guide." An example of this is shown below.

[10] https://www.xfinity.com/learn/digital-cable-tv/x1?cjevent=9c7a99489cf211ed824722ef0a82b82c&cmp=aff__100357191&cjdata=MXxOfDB8WXww.

[11] Xfinity TV Set-Top Box Install Instructions, https://secure.xfinity.com/anon.comcastonline2/support/help/faqs/HOW8585/X1_QSG_SIK_1014_HOW8585.pdf

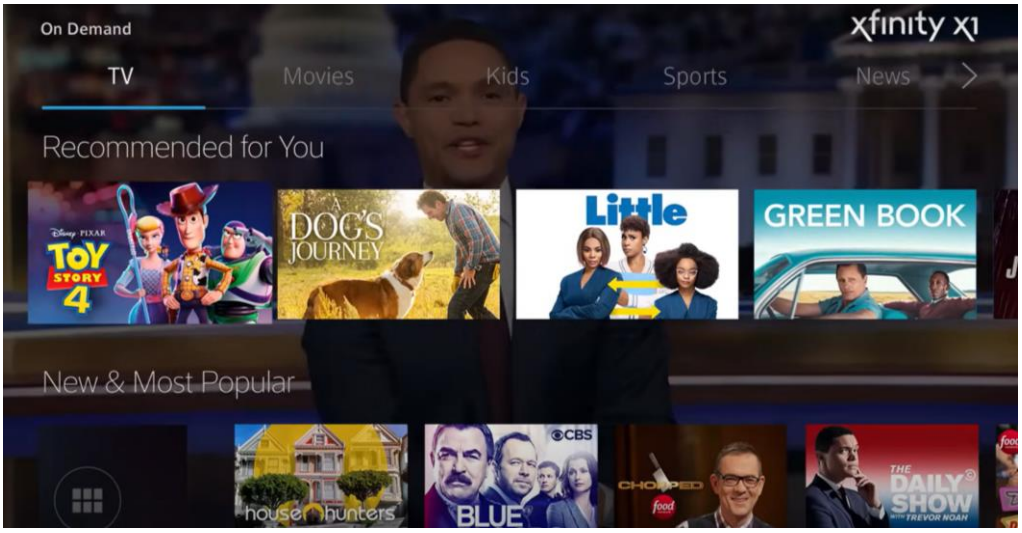
"Learn about Xfinity X1" YouTube, Feb. 7, 2020, at 1:17
https://www.youtube.com/watch?v=kJgJOc8etQ8

38. Selecting "Saved" from the main menu shows a list of their recording DVR programs, alongside purchased movies and TV shows associated with their user account. An example of this is shown below.



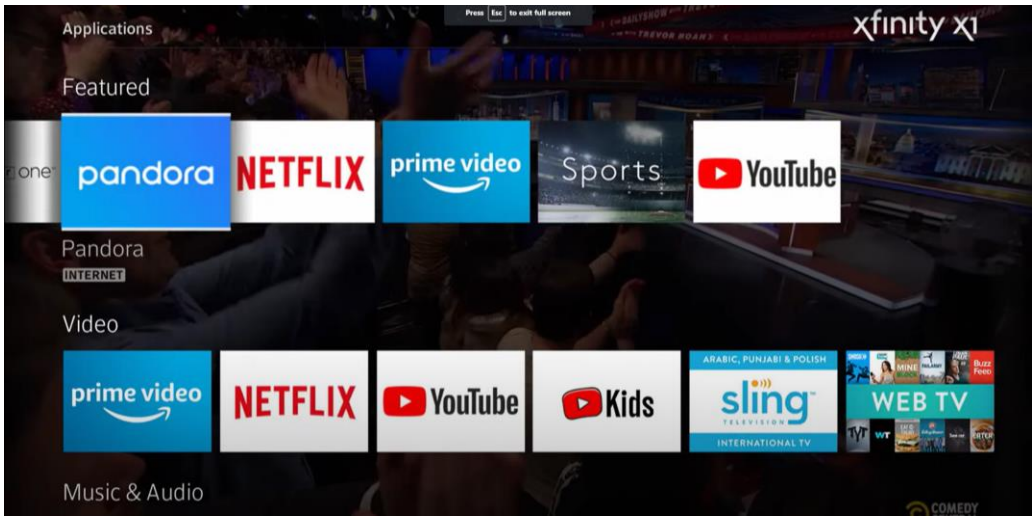
"Learn about Xfinity X1" YouTube, Feb. 7, 2020 at 1:19
https://www.youtube.com/watch?v=kJgJOc8etQ8

39. Selecting "On Demand" from the main menu shows a menu of video content available for viewing, including TV shows and movies. An example of this is shown below.



"Learn about Xfinity X1" YouTube, Feb. 7, 2020 at 1:26
https://www.youtube.com/watch?v=kJgJOc8etQ8

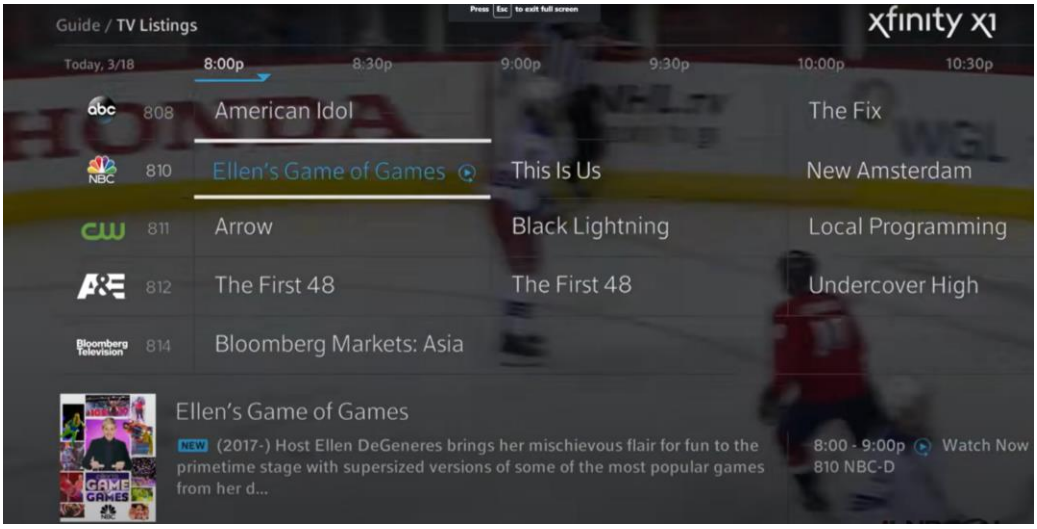
40. Selecting "Apps" from the main menu shows a menu of internet media applications that can be used to stream digital media. For example, users may launch Pandora, Netflix, or Prime Video applications from this menu. An example of this is shown below. On information and belief, Xfinity also facilitates casting digital media from a personal computing device to the X1 STB.[12]



"Learn about Xfinity X1" YouTube, Feb. 7, 2020 at 1:34
https://www.youtube.com/watch?v=kJgJOc8etQ8

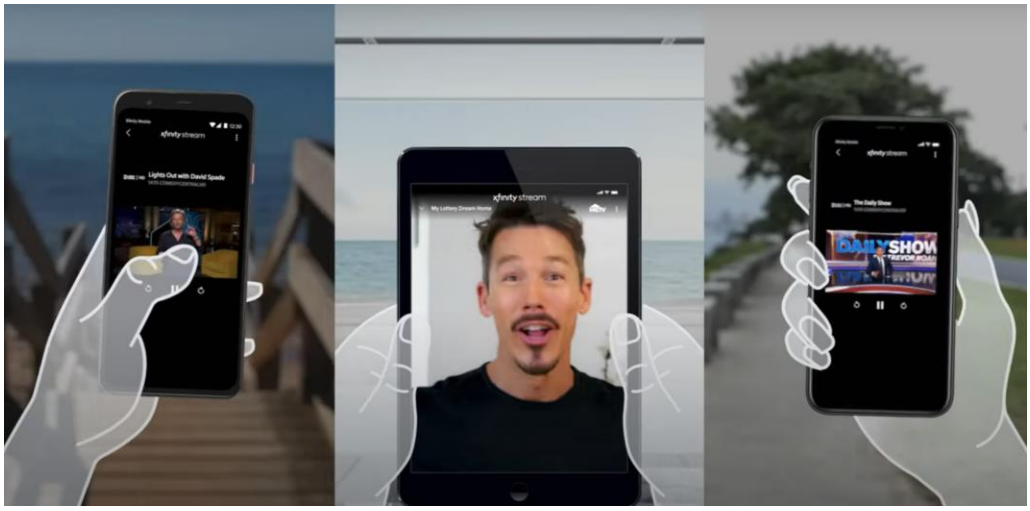
[12] https://www.xfinity.com/support/articles/mobile-casting-with-x1-or-flex

41. Selecting "Guide" from the main menu shows users a traditional Cable TV guide that allows users to browse and view programming from live cable TV channels. An example of this is shown below.



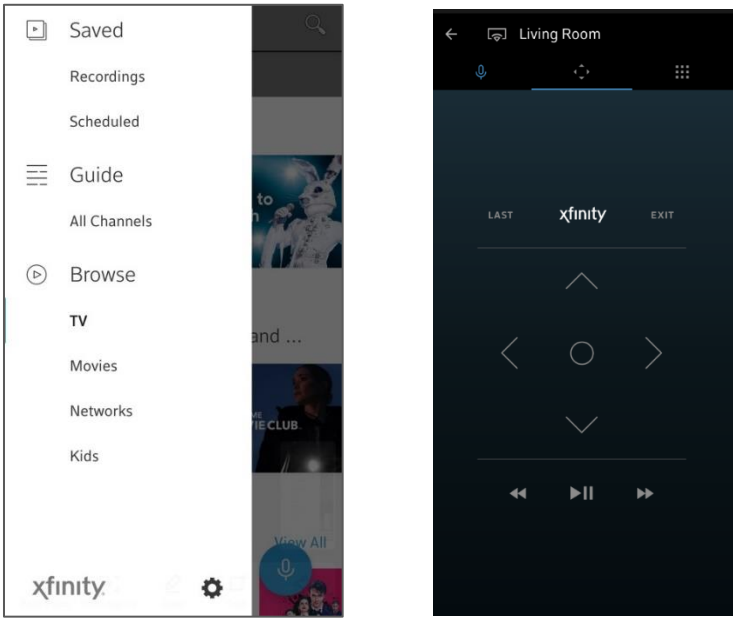
"Learn about Xfinity X1" YouTube, Feb. 7, 2020 at 1:59
https://www.youtube.com/watch?v=kJgJOc8etQ8

42. Further, users may download and install the "Xfinity Stream" app to their mobile devices and register with their Xfinity account. The Xfinity Stream mobile app allows for viewing the above media from the user's mobile device, as pictured below.



"Learn about Xfinity X1" YouTube, Feb. 7, 2020 at 1:59
https://www.youtube.com/watch?v=kJgJOc8etQ8

43. Further, users may download and install the "Xfinity TV Remote" mobile application. The TV Remote application allows browsing of media and control of the X1 STB, such as the above described interfaces, from a user's mobile device. An example of this is shown below.



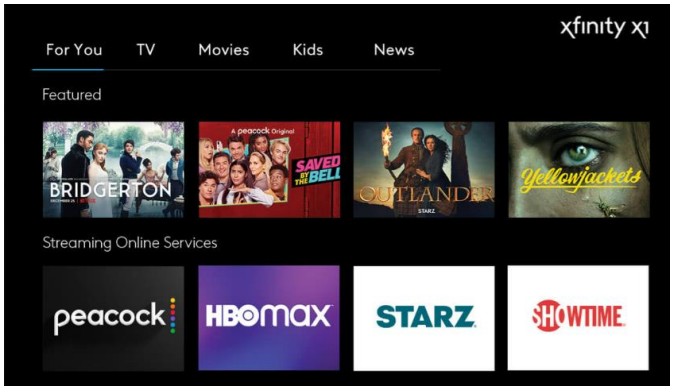
Screenshots of XFINITY TV Remote app running on Android.

44. Each Xfinity STB associates with unique identifiers, including Device ID, Device Unique ID, network information, and user account information.[13] The STB provides a "Device Name" and "Device ID" to users, which they can view from the display device via the "Settings" option from the STB main menu. This Device ID uniquely identifies the STB. Furthermore, the STB presents a "friendly name" allowing users to identify a particular device associated with their account on their network. An example of this is provided below.

[13] *See, e.g.*, https://developer.comcast.com/firebolt-apis/core-sdk/v0.9.0/device.

Screenshot of X1 STB "About" screen.

45. From the home page, users can see various content options. Each content option has an identifier connected to it that allows the STB to locate and present that particular content. On information and belief, each content option has a corresponding "entityId," and "appId" that the STB can use to locate and retrieve the content. AppId corresponds to the application (and respective media player) which can present that content. The application then references the entityId to retrieve the content.[14]



Xfinity X1 shows multiple content source options
https://www.xfinity.com/learn/digital-cable-tv/x1

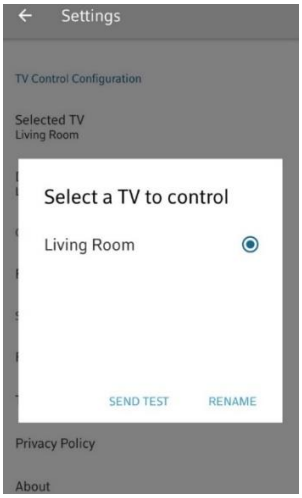
46. On information and belief, when a user selects an application, the server system also registers a session token and a unique identifier, each of which (1) identify the user's viewing

[14] https://developer.comcast.com/firebolt-apis/core-sdk/v0.9.0/discovery

session, (2) are associated with the application, and (3) are associated with the user's account information.[15]

47. The user may also download and open the Xfinity TV Remote application (or "app") on the user's mobile device, which allows control of each of the above functionalities, and further allows selection of media players and content on a personal computing device. Upon opening the Xfinity TV Remote application on the mobile device, the user is prompted to log in to their Xfinity account. Upon sign-in, the app displays a list of STBs to control. The application then prompts the user to pick a STB. On information and belief, the STB is associated with the user's mobile application by a Device ID, Device Name, user account credentials, or a combination thereof. Upon selection, the Xfinity TV Remote app and STB are linked.

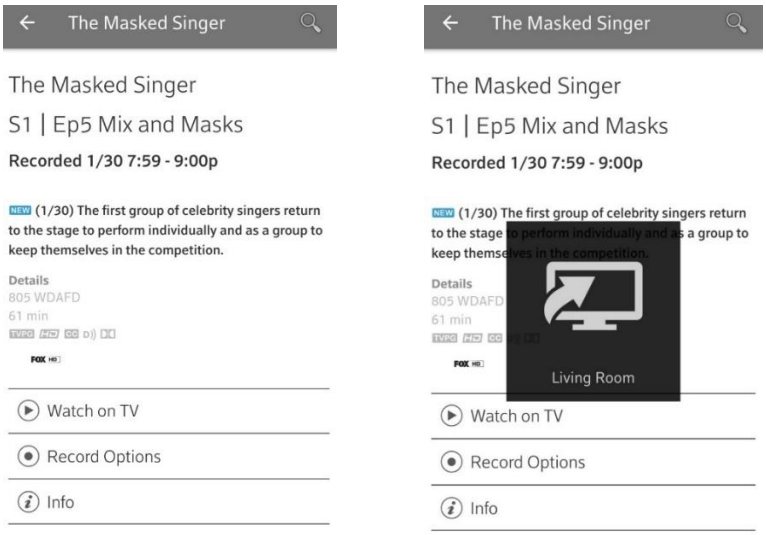
48. The STB friendly name appears to users on the Xfinity TV Remote app, allowing them to easily see which unique device corresponds to STBs in their home. An example of the friendly name appearing within the TV Remote app is provided below.



Screenshot of TV Remote App selected equipment screen.

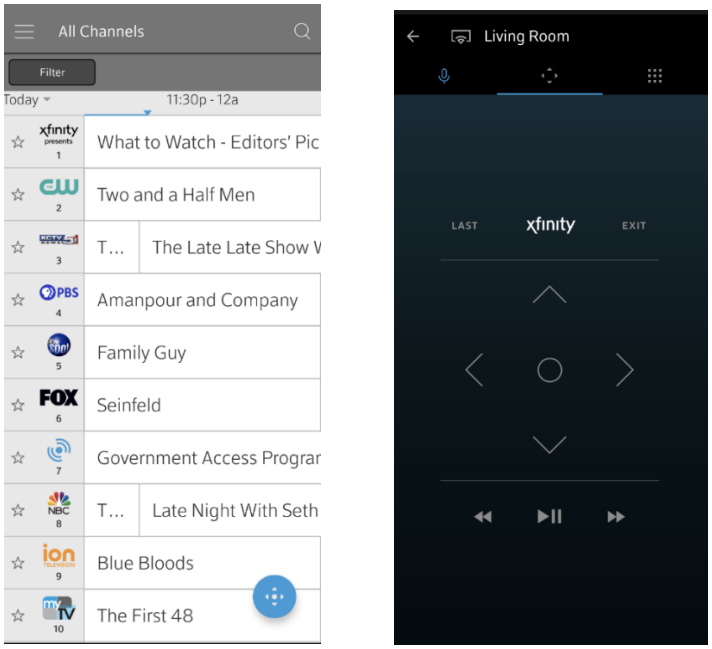
[15] https://developer.comcast.com/firebolt-apis/core-sdk/v0.9.0/account

49. Once connected to the STB, the Xfinity TV Remote app presents users with content choices, which they can browse from a user interface on the mobile device. Upon selection of content, control options are given to the user such as "Watch on TV" or "Record Options."



Screenshot of TV Remote app issuing "Watch on TV" command to "Living Room" equipment

50. Upon touching "Watch on TV," a viewing session is established and the content begins playback on the display screen via the STB. Further playback control is enabled via the TV remote mobile app.



Screenshots of TV Remote App

51. Xfinity servers convert universal control commands from the mobile device, such as "play," into specific commands the media player can execute, depending on what particular media player is required. For instance, Xfinity allows viewing of pre-recorded DVR content, live cable content, or online media. Each of these options requires a different media player. If a user selects "play" or "watch" command for a live TV show, the command may be converted to a "tune to channel" programming code to control playback of live TV content on the X1 STB. "Play" may also turn into a command for a web-based media player utilized by a third party application such as Netflix.

52. On information and belief, STB remotes utilize universal playback control commands, such as "play/pause" or "rewind," which Xfinity server systems convert into corresponding programming code for use by different particular media players.

53. The messages sent from the mobile device and received by the server system include a network address, such as an IP address of the X1 STB device, which is assigned to and uniquely identifies the equipment. The network address and "Device Name" (e.g. "Living Room") are locally unique to the particular X1 STB within the user's local access network. On information and belief, the server system stores a record based on these messages associating the mobile device with the X1 STB, for instance so that an app running on the mobile device continually recognizes which X1 STB device (e.g., "Living Room") is currently casting and can be controlled.

54. The messages sent from the mobile device and received by the server system include messaging that specifies a media file (e.g., audio or video) to be acted upon. The media file to be acted upon may be specified by providing, for instance, the uniform resource locator (URL) of the media file, for instance as specified by the HTML5 video tag "video.src."[16]

[16] *See* https://developer.comcast.com/documentation/develop/technical-documentation/latest/video-playback

55. The messages sent from the mobile device and received by the server system further include messaging that identifies an application for playing content from the specified media file. The media player may then be loaded onto the X1 STB via the resolved URL. On information and belief, the X1 STB utilizes at least four web media players, including HLS.js, DASH.js, Shaka, and RDK AAMP. On information and belief, the X1 STB also utilizes media players to present live TV and DVR content.

56. Through the managing of the X1 STB by the server, and through the Xfinity's processing of messaging sent by the Xfinity-compatible app running on the mobile device—as described at ¶¶ 43-55, *supra*—the X1 system allows the user to consume media content on a remote device, separate from the user's mobile device, where the media content and the application for playing it may be downloaded from the network rather than from the mobile device itself. The user is therefore free to use his or her mobile device for other purposes during playback of the media on the remote device via the X1 STB.

57. Each of the steps discussed above is either performed by or otherwise attributable to Comcast. To the extent another actor performs any of these steps, Comcast directs or controls that performance, conditioning participation in the activity or the receipt of a benefit upon performance of the patented method steps, and establishing the manner or timing of that performance. Additionally, Comcast profits from its infringement and has the right and ability to stop or limit the infringement. For instance, Comcast tests and demonstrates the accused functionality, including in advertisements. Further, Comcast advertises and demonstrates to customers, and directs to X1 developers, that the infringing method steps will be performed, as shown above. Further, Comcast causes automatic updates to the X1 system. As discussed below, the

functionality advertised and directed by Comcast infringes the Touchstream Patent, and on information or belief, is known by Comcast to do so.

COUNT I: INFRINGEMENT OF THE '251 PATENT

58. Touchstream adopts and incorporates by reference the allegations set forth in ¶¶ 1-57, *supra*.

59. Comcast directly infringes at least claim 1 of the '251 patent by performing the methods described in ¶¶ 33-56, *supra*.

60. For example, Comcast performs the machine-implemented method of controlling presentation of video content on a display device that loads any one of a plurality of different media players. *See, e.g.*, ¶¶ 36-40, 53-54, *supra*. Comcast further assigns, by a server system, a synchronization code to the display device. *See, e.g.*, ¶ 43, 45, 52 *supra*. Comcast further receives, in the server system, a message from a personal computing device that is separate from the server system and separate from the display device, wherein the message includes the synchronization code. *See, e.g.*, ¶¶ 51-54, *supra*. Comcast further stores, by the server system, a record establishing an association between the personal computing device and the display device based on the synchronization code. *See, e.g.*, ¶ 43-45, *supra*. Comcast further receives, in the server system, one or more signals from the personal computing device, the one or more signals specifying a video file to be acted upon and identifying a particular media player for playing the video content, the one or more signals further including a universal playback control command for controlling playing of the video content on the display device by the particular media player. *See, e.g.*, ¶¶ 49-51, *supra*. Comcast further converts, by the server system, the universal playback control command into corresponding programming code to control playing of the video content on the display device by the particular media player, wherein converting the universal playback control command includes selecting from among a plurality of specific commands, each of which

represents a corresponding playback control command for a respective media player. *See, e.g.*, ¶¶ 50-51, *supra*. Comcast further stores, in a database associated with the server system, information for transmission to or retrieval by the display device, wherein the information specifies the video file to be acted upon, identifies the particular media player for playing the video content, and includes the corresponding programming code to control playing of the video content on the display device by the particular media player in accordance with the universal playback control command. *See, e.g.*, ¶¶ 51-54, *supra*.

61. Comcast's infringement of the '251 patent has been, is, and continues to be willful, including Comcast's infringement of at least claim 1 as described at ¶¶ 26-32, *supra*.

62. Touchstream has been and will continue to be irreparably harmed by Comcast's infringing acts, requiring the entry of a permanent injunction to prevent Comcast's further infringement of the '251 patent because Touchstream does not have another adequate remedy at law.

JURY DEMAND

63. Touchstream demands a trial by jury on all issues.

PRAYER FOR RELIEF

WHEREFORE, Touchstream requests entry of a judgment in its favor and against Comcast as follows:

a) Judgment that Comcast has directly infringed one or more claims of the Touchstream Patent;

b) An award of damages to compensate for Comcast's infringement, including damages pursuant to 35 U.S.C. § 284, as well as prejudgment and post-judgment interest;

c) An award of costs and expenses in this action, including an award of Touchstream's reasonable attorneys' fees pursuant to 35 U.S.C. § 285;

d) A permanent injunction restraining and enjoining Comcast, and its respective officers, agents, servants, employees, attorneys, and those persons in active concert or participation with Comcast who receive actual notice of the order by personal service or otherwise, from any further sales or use of their infringing products and/or services and any other infringement of the Touchstream Patent;

e) A finding that Comcast has willfully infringed and is willfully infringing one or more claims of the Touchstream Patent;

f) A finding that this case is an exceptional case, and awarding treble damages due to Comcast's deliberate and willful conduct, and ordering Comcast to pay Touchstream's costs of suit and attorneys' fees; and

g) For such other and further relief as the Court may deem just, proper, and equitable under the circumstances.

Dated: February 17, 2023

Respectfully submitted,

/s/ Michael W. Gray

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