

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC,
Petitioner,

v.

ENTROPIC COMMUNICATIONS, LLC,
Patent Owner.

Patent No. 11,785,275

Filing Date: September 30, 2022

Issue Date: October 10, 2023

Title: SYSTEM AND METHOD FOR RECEIVING A TELEVISION SIGNAL

Inter Partes Review No.: IPR2025-00180

**PETITIONER'S PETITION RANKING AND EXPLANATION OF
MATERIAL DIFFERENCES BETWEEN PETITIONS**

Pursuant to the November 2019 update to the America Invents Act (AIA) Trial Practice Guide published by the USPTO, Petitioner submits this notice of its ranking of its petitions for *inter partes* review of U.S. Patent No. 11,785,275 ('275 patent) filed in IPR2025-00180, IPR2025-00181, and IPR2025-00182. See “CONSOLIDATED TRIAL PRACTICE GUIDE UPDATE (November 2019)” at 59-60. Petitioner also includes herein an explanation of the material differences between the petitions.

Petitioner filed three petitions. Petition 1 (IPR2025-00180) primarily relies on the Zhang reference. Petition 2 (IPR2025-00181) primarily relies on the Petrovic, Eidson, and Cholas references, and Petition 3 (IPR2025-00182) primarily relies on the Pugel and Crols references.

Ordering of Petitions. Although Petitioner believes that its petitions are all meritorious and justified in light of the positions Patent Owner may take, at this stage, Petitioner requests that the Board consider the petitions in the following order:

Rank	Petition	Primary Reference(s)
A	IPR2025-00180 (Petition 1)	Zhang
B	IPR2025-00181 (Petition 2)	Petrovic-Eidson; Cholas-Petrovic
C	IPR2025-00182 (Petition 3)	Pugel-Crols

Below are some of the material differences between the petitions:

(1) *Different Prior Art Date of References:* Certain of the primary references relied on in the petitions qualify as prior art under 35 U.S.C. § 102(e), including claiming the benefit of provisional filings. It is, therefore, possible that the Patent

Owner could attempt to antedate these references and/or remove them as prior art.¹ In particular, the Petrovic reference is prior art under 102(e) but only predates the '275 patent's earliest possible priority date by a few weeks. Petrovic claims the benefit of a provisional application, though Patent Owner may attempt to antedate Petrovic's provisional date and/or challenge its prior art status as failing the *Dynamic Drinkware* analysis. The Eidson reference is also 102(e) prior art but predates the '275 patent's earliest possible priority date by more than two years.

The Zhang, Pugel, and Crols references are 102(b) prior art and as such cannot be antedated by Patent Owner.

(2) *Different Approaches to the Claim Limitations:* Each of the primary references describes receivers that are strikingly similar to the receiver disclosed in the specification and drawings of the '275 patent, yet each reference has different strengths with respect to various different claims. Petition 1 asserts that Zhang alone anticipates and renders obvious claims 1-3, 5, 7-13, 15, and 17-20. In contrast, Petitions 2 and 3 assert that a combination of Petrovic-Eidson and Pugel-Crols

¹ Petitioner notes that Patent Owner stipulated not to challenge the status of Petrovic and Eidson as prior art in, for example, IPR2024-00432 challenging related U.S. Patent 9,210,362, but it is unclear whether that stipulation would apply to these proceedings challenging the '275 patent.

render obvious at least claim 1.

Zhang is advantageous because it describes a well-integrated system that includes all components of the independent claims. However, Petrovic describes downconverters, complex mixers, baseband channel selection, and other features in the same arrangement, and with the same (or higher) level of detail, shown in the '275 patent. These additional details may provide for more compelling grounds in Petrovic as compared to Zhang depending on the nature of the challenges that Respondent may raise (e.g., by asserting a means-plus-function construction of “radio front end” and/or “digital frontend (DFE)”).

Furthermore, the petitions generally use different secondary or alternate references for certain features. For instance, the Zhang petition cites Pandey as an alternative, backup ground for certain features regarding parallel or serial interfaces, the Petrovic petition cites Rabaey for those features, and the Pugel petition cites Chandrakasan for those features. Similarly, with respect to claim 6, the Zhang and Petrovic petitions cite two different references, while the Pugel petition does not require an additional reference. Depending upon the arguments Patent Owner makes, the use of these different references could be material.

(3) *Different Uses in Prosecution History and Reexamination:* The extent to which the base references in Petitions 1-3 were part of the record also differs. An IDS was filed in prosecution that included over 2,000 pages of material, including

invalidity contentions for related U.S. Patent 9,210,362 citing Zhang and Pugel. Zhang itself was also indicated of record in the '275 Patent, though Pugel was not. No IDS or Office Action cites or mentions Petrovic. Further, in response to a request filed by third-party Unified Patents, LLC on September 20, 2023, the Office ordered reexamination (Control No. 90/019,255) of independent claims 1 and 11 of related U.S. Patent 9,210,362 on November 1, 2023. That reexamination cites Pugel, but not Zhang or Petrovic, and is pending. Thus, application of the references may have material differences in view of the prosecution history and/or issues related to § 325(d).

(4) *Each Petition Presents Compelling Unpatentability Arguments:* In its preliminary responses to petitions addressing related U.S. Patents 9,210,362, 11,381,866, and 11,399,206, which petitions rely on similar art and arguments as Petitions 1-3 to show unpatentability of claims similar to those of the '275 patent, Patent Owner made no challenges to the merits of the unpatentability analyses in those petitions. This underscores the compelling nature of Petitions 1-3. As the Director explains, “[t]he patent system and the public good benefit from instituting compelling unpatentability challenges.” Director Vidal, *Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings With Parallel District Court Litigation* (June 21, 2022). Consideration of all three petitions is key to achieving Congress’ objective for *inter partes* review: “to improve patent quality and restore

confidence in the presumption of validity that comes with issued patents” by screening out bad patents. *See Cuozzo Speed Techs., LLC v. Lee*, 579 U.S. 261, 272 (2016) (quoting H.R. Rep. No. 112-98, pt. 1, at 45, 48); 157 Cong. Rec. 9778 (2011) (remarks of Rep. Goodlatte).

Instead of addressing the merits, Patent Owner’s preliminary responses to the petitions for the related patents complained about a supposed burden on Patent Owner from parallel petitions. To the extent Patent Owner maintains that stance in connection with Petitions 1-3, it ignores the larger context of the dispute. Patent Owner chose to file suit against Comcast on twenty patents and seeks to add the ’275 patent and the unrelated U.S. Patent 9,866,438 to that dispute. Comcast has filed IPR petitions against only twelve of those twenty-two patents—six with single petitions and six with parallel petitions. Patent Owner also chose to simultaneously pursue patent infringement lawsuits against other parties involving some of the same patents, indicating it has no shortage of resources.

For the reasons set forth above, the Board should consider each of Petitions 1-3 and should not exercise discretion to deny institution of the IPRs.

Dated: December 6, 2024

By: /Frederic M. Meeker/

Frederic M. Meeker
Reg. No. 35,282

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.105, I hereby certify that I caused a true and correct copy of the PETITIONER'S PETITION RANKING AND EXPLANATION OF MATERIAL DIFFERENCES BETWEEN PETITIONS to be served via FedEx Priority Overnight on December 6, 2024, on the following:

McAndrews, Held & Malloy, Ltd
500 West Madison Street
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Dated: December 6, 2024

By: /Frederic M. Meeker/

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