From:	Kenneth Weatherwax
To:	Director_PTABDecision_Review
Cc:	Frederic M. Meeker; Craig W. Kronenthal; H. Wayne Porter; Paul T. Qualey; Joshua L. Davenport; ComcastIPRService@bannerwitcoff.com; Nathan Lowenstein; Colette Woo; Parham Hendifar
Subject:	IPR2025-00180: Patent Owner Request For Director Review Of Decision Granting Institution
Date:	Tuesday, May 13, 2025 1:36:05 PM
Attachments:	IPR2025-00180 ("275) Request for Director Review Final.pdf

Dear Director,

On behalf of Patent Owner Entropic Communications, LLC, we respectfully submit the attached Request for Director Review of the Board's institution decision in IPR2025-00180, as filed today. We urge the Director to grant review and deny institution.

This proceeding is one of three parallel IPRs filed by Comcast against the '275 patent—part of a longstanding pattern of excessive, duplicative filings that directly contravenes USPTO guidance. As detailed in the request, it was Comcast's conduct that prompted the July 2019 update to the Trial Practice Guide, which states that even two petitions should be "rare" and that three are "unlikely" to ever be "appropriate." Consolidated Trial Practice Guide at 59. Since that guidance issued, Comcast has filed 87 IPR petitions—81 of which (93%) were parallel petitions, and 75% of those parallel petition sets involved three or more IPRs against a single patent. Despite repeated denials, Comcast has made filing three or more parallel petitions its default strategy, burdening the Board, undermining fairness, and turning over-filing into a calculated tactic. Comcast understands that by "flooding the zone," it can disincentivize a patent owner from substantively engaging at the institution stage, thereby increasing the odds that one petition will proceed. Comcast knows full well that only its lead petitions are likely to be instituted—but in its calculus, that makes the collateral filings worthwhile. Yet the AIA was never intended to enable such tactical abuse and harassment. Only a denial of all three petitions would deter this misconduct.

The Institution Decision here crystallizes the problem. While the Board instituted only one of the three petitions, it disregarded Comcast's broader pattern of abuse—considering the current parallel petition set in isolation. Though Patent Owner detailed Comcast's extensive history of abusive petitioning, the Board essentially ignored it. Worse still, Comcast had already been denied institution on two of three petitions based on the same references in three prior parallel petition sets involving related Entropic patents. Comcast knew when it refiled those same grounds against the '275 patent that more than one petition was not justified. The Board's failure to account for this prior history allowed Comcast to proceed as if it were

litigating on a clean slate.

This “head in the sand” regime will only encourage further unwarranted parallel petitions. Director intervention is warranted to close a loophole that, if left unchecked, will continue to be exploited—not just by Comcast, but by other well-resourced petitioners who view excessive parallel petitioning as a valuable tool with little downside.

Respectfully submitted,

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