

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DISH NETWORK LLC, DISH NETWORK SERVICE LLC, DISH NETWORK
CORPORATION, and DISH NETWORK CALIFORNIA SERVICE
CORPORATION,
Petitioner,

v.

ENTROPIC COMMUNICATIONS, LLC,
Patent Owner.

IPR2024-00373
Patent 7,594,249

**PETITIONER’S UNOPPOSED MOTION FOR *PRO HAC VICE*
ADMISSION OF MICHAEL J. BALLANCO UNDER 37 C.F.R. § 42.10(c)**

PETITIONER'S EXHIBIT LIST

DISH-1001	U.S. Patent 7,594,249 to Gurantz <i>et al.</i> (“the ’249 patent”)
DISH-1002	Excerpts from the Prosecution History of the ’249 Patent (“the Prosecution History”)
DISH-1003	Declaration of Dr. Scott Acton
DISH-1004	Curriculum Vitae of Dr. Scott Acton
DISH-1005	U.S. Patent 7,127,734 to Amit <i>et al.</i> (“Amit”)
DISH-1006	Excerpts from Dennis J. Rauchmayer, <i>ADSL/VDSL Principles</i> , 1999 (“ADSL/VDSL”)
DISH-1007	Jacobsen <i>et al.</i> , <i>An Efficient Digital Modulation Scheme for Multimedia Transmission on the Cable Television Network</i> , 43rd Annual National Cable Television Association Convention and Exposition, New Orleans, LA. 1994 (“Jacobsen”)
DISH-1008	Excerpts from Walter Y. Chen, <i>DSL: Simulation Techniques and Standards Development for Digital Subscriber Lines</i> , 1998 (“DSL Simulation Techniques”)
DISH-1009	Proof of Service of Summons and Complaint on DISH Network Corporation in <i>Entropic Communications, LLC v. DISH Network Corporation et al.</i> , Case 2:23-cv-01043, ECF No. 14 (C.D. Cal. Feb. 23, 2023)
DISH-1010	Weinberg, G. (1972). Cost Analysis of CATV Components. Final Report. (“Weinberg”)
DISH-1011	Dodds, D. E., & Swanson, L. (1999, August). Simultaneous voice and Internet data on rural subscriber lines. In 1999 IEEE Pacific Rim Conference on Communications, Computers and

Signal Processing (PACRIM 1999). Conference Proceedings (Cat. No. 99CH36368) (pp. 18-21). IEEE. (“Dodds”)

- DISH-1012 Maxemchuk, N., & Netravali, A. (1985). Voice and Data on a CATV Network. IEEE Journal on Selected Areas in Communications, 3(2), 300-311 (“Maxemchuk”)
- DISH-1013 Jacobsen, K. S. (1997, November). Synchronized Discrete Multi-Tone (SDMT) Modulation for Cable Modems: Making the Most of the Scarce Reverse Channel Bandwidth. In WESCON/97 Conference Proceedings (pp. 374-380). IEEE. (“Jacobsen-2”)
- DISH-1014 Fryxell, D., Lanning, S., & Sirbu, M. (1999). Broadband Access Networks and the Emergence of Voice over IP (VoIP): an Economic Analysis for Cable and ADSL. In 27th Annual Telecommunications Policy Research Conference, Alexandria, VA (“Fryxell”)
- DISH-1015 Lipoff, S. J. (1994). Personal communications networks bridging the gap between cellular and cordless phones. Proceedings of the IEEE, 82(4), 564-571 (“Lipoff”)
- DISH-1016 S. Ovadia, “Advanced upstream CATV access technologies and standards,” 1999 Digest of the LEOS Summer Topical Meetings: Nanostructures and Quantum Dots/WDM Components/VCSELs and Microcavities/RF Photonics for CATV and HFC Systems (Cat. No.99TH8455), San Diego, CA, USA, 1999, pp. IV35-IV36 (“Ovadia”)
- DISH-1017 Roden, M. S. (1985). Analog and digital communication systems. Prentice-Hall, Inc. (“Roden”)
- DISH-1018 Jorasch, R., & Price, K. (1988, March). Advanced satellite system architecture for VSATs with ISDN compatibility. In 12th International Communication Satellite Systems Conference (“Jorasch”)

- DISH-1019 Smalley, D. (1994). Equalization concepts: a tutorial. Atlanta Regional Technology Center, Texas Instruments (“Smalley”)
- DISH-1020 Santella, G., & Mazzenga, F. (1998). A hybrid analytical-simulation procedure for performance evaluation in M-QAM-OFDM schemes in presence of nonlinear distortions. IEEE Transactions on Vehicular Technology, 47(1). (“Santella”)
- DISH-1021 Corvaja, R., Costa, E., & Pupolin, S. (1998, October). Analysis of M-QAM-OFDM transmission system performance in the presence of phase noise and nonlinear amplifiers. In 1998 28th European Microwave Conference (Vol. 1, pp. 481-486). IEEE.
- DISH-1022 Declaration of June Munford
- DISH-1023 Excerpts from the Prosecution History of U.S. Patent 7,127,734 to Amit (“the Amit Prosecution History”)
- DISH-1024 Federal Court Management Statistics for September 2023 published by the Administrative Office of the U.S. Courts, retrieved from https://www.uscourts.gov/sites/default/files/data_tables/fcms_na_distcomparison0930.2023.pdf
- DISH-1025 Order Granting Stipulation Setting Claim Construction Schedule, *Entropic Communications, LLC v. DISH Network Corporation et al.*, Case 2:23-cv-01043-JWH-KES (CDCA)
- DISH-1026 LegalMetric Time to Trial Report, Central District of California, Patent Cases (Jan. 2023 – Nov. 2023)
- DISH-1027 Declaration of Michael J. Ballanco in Support of Motion for *Pro Hac Vice* Admission

Pursuant to 37 C.F.R. § 42.10(c), Petitioner respectfully requests that the Board recognize Michael J. Ballanco as counsel *pro hac vice* in this proceeding. Petitioner seeks the counsel of Michael J. Ballanco due to his experience in other patent-related matters and particularly due to his familiarity with the substantive and technical issues involved in this proceeding. This motion is authorized by the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response that was mailed on January 31, 2024.

Counsel for Petitioner conferred with counsel for Patent Owner prior to filing this motion, and Patent Owner does not oppose this motion.

I. Statement of Facts

Michael J. Ballanco is a patent litigation attorney with more than 9 years of experience representing clients in cases involving computer software and electronic systems. Mr. Ballanco regularly litigates patent cases before various U.S. district courts around the country, the International Trade Commission and the Court of Appeals for the Federal Circuit. Through his practice in such cases, Mr. Ballanco has gained substantial experience in jury trials, bench trials, discovery, Markman hearings, and appeals. Apart from a clerkship at the Court of Appeals for the Federal Circuit, Mr. Ballanco has spent his entire legal career at Fish & Richardson P.C., focusing on patent litigation and patent issues. Petitioner provides Appendix A, as evidence of Mr. Ballanco's biography.

Mr. Ballanco also has particular experience and familiarity with the substantive and technical issues involved in this *inter partes* review proceeding and other *inter partes* review proceedings challenging other patents that have been asserted in *Entropic Communications, LLC v. DISH Network Corp. et al.*, 2:23-cv-01043-JWH-KES (C.D. Cal.). Petitioner has invested significant financial resources in defending against the asserted patents, and Mr. Ballanco will be taking an active role with respect to the patent that is the subject of the present proceeding. Moreover, Petitioner has developed a particular relationship with Mr. Ballanco such that Petitioner desires to continue the relationship with Mr. Ballanco for the purpose of this proceeding.

II. Affidavit of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is accompanied by an Affidavit of Michael J. Ballanco. Accordingly, Petitioner submits that there is good cause under 37 C.F.R. § 42.10(c) for the Board to recognize Michael J. Ballanco as counsel *pro hac vice* during this proceeding.

Respectfully submitted,

Date: August 7, 2024

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e)(4), the undersigned certifies that on August 7, 2024, a complete and entire copy of this Petitioner's Motion for *Pro Hac Vice* and its supporting exhibit were provided via email, to the Patent Owner by serving the email correspondence addresses of record as follows:

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