

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DISH NETWORK LLC,
Petitioner,

v.

ENTROPIC COMMUNICATIONS, LLC,
Patent Owner.

CASE: IPR2024-00373
U.S. PATENT NO. 7,594,249

**PATENT OWNER'S OBJECTIONS TO
PETITIONER'S EVIDENCE FILED WITH PETITION**

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner hereby submits the following objections to the evidence Petitioner filed with its Petition dated January 16, 2024. (Paper 2). Patent Owner's objections apply equally to Petitioner's reliance on these Exhibits in the Petition and any subsequently-filed papers in this proceeding. These objections are being filed within ten business days of institution.

Patent Owner makes the following objections of the following exhibits:

Exhibit 1010	Relevance (FRE 401 & 402) Foundation (FRE 602) Hearsay (FRE 801 & 802) Authenticity (FRE 901)
Exhibit 1011	Relevance (FRE 401 & 402) Foundation (FRE 602) Hearsay (FRE 801 & 802) Authenticity (FRE 901)
Exhibit 1012	Relevance (FRE 401 & 402) Foundation (FRE 602) Hearsay (FRE 801 & 802) Authenticity (FRE 901)
Exhibit 1013	Relevance (FRE 401 & 402) Foundation (FRE 602) Hearsay (FRE 801 & 802) Authenticity (FRE 901)
Exhibit 1014	Relevance (FRE 401 & 402) Foundation (FRE 602) Hearsay (FRE 801 & 802) Authenticity (FRE 901)
Exhibit 1015	Relevance (FRE 401 & 402) Foundation (FRE 602) Hearsay (FRE 801 & 802) Authenticity (FRE 901)
Exhibit 1016	Relevance (FRE 401 & 402) Foundation (FRE 602) Hearsay (FRE 801 & 802)

	Authenticity (FRE 901)
Exhibit 1017	Relevance (FRE 401 & 402) Foundation (FRE 602) Hearsay (FRE 801 & 802) Authenticity (FRE 901)
Exhibit 1018	Relevance (FRE 401 & 402) Foundation (FRE 602) Hearsay (FRE 801 & 802) Authenticity (FRE 901)
Exhibit 1019	Relevance (FRE 401 & 402) Foundation (FRE 602) Hearsay (FRE 801 & 802) Authenticity (FRE 901)
Exhibit 1020	Relevance (FRE 401 & 402) Foundation (FRE 602) Hearsay (FRE 801 & 802) Authenticity (FRE 901)
Exhibit 1021	Relevance (FRE 401 & 402) Foundation (FRE 602) Hearsay (FRE 801 & 802) Authenticity (FRE 901)
Exhibit 1022, ¶¶1-9 and 18-46	Relevance (FRE 401 & 402)
Exhibit 1022	Relevance (FRE 401 & 402) Foundation (FRE 602) Hearsay (FRE 801 & 802) Authenticity (FRE 901)

Exhibits 1010-1021, are hearsay, as they are out of court statements being used to establish the truth of the matter asserted. There is no applicable hearsay exception that would apply to any of these documents, and certainly not to the specific portions relied upon by the Petition. Each exhibit lacks any foundation and,

as a document that is not self-authenticating, there is no basis to conclude any of Exhibits 1010-1021 are what Petitioner purports them to be. Accordingly, Exhibits 1010-1021 are inadmissible under FRE 401 and 402 because they do not relate to a fact that is of consequence in determining the action.

The identified paragraphs of Exhibit 1022 (¶¶1-9 and 18-46) are not cited in the Petition or Petitioner's expert declaration and are therefore irrelevant to this proceeding. Accordingly, these paragraphs of Exhibit 1022 are inadmissible under FRE 401 and 402 because they do not relate to a fact that is of consequence in determining the action.

Exhibit 1022 is a declaration from a deponent that has not yet been made available for deposition. As a result, Exhibit 1022 and the attachments thereto are hearsay as the entirety is an out of court statement made without opportunity for cross examination, and are out of court statements being offered for the truth of the matter asserted. Exhibit 1022, the declaration and the attachments, therefore lacks any foundation and, as a document that is not self-authenticating, there is no basis to conclude Exhibit 1022 and its attachments are what Petitioner purports them to be. Accordingly, Exhibit 1022 is inadmissible under FRE 401 and 402 because it does not relate to a fact that is of consequence in determining the action.

To the extent Petitioner fails to correct the evidentiary defects associated with the above evidence in view of Patent Owner's objections, Patent Owner reserves the

right to file one or more motions to exclude the exhibits or portions thereof under 37 C.F.R. § 42.64(c).

Respectfully submitted,

Dated: August 9, 2024

/Jason A. Engel/
Jason A. Engel
Reg. No. 51,654
K&L GATES LLP
70 W. Madison Street, Suite 3300
Chicago, IL 60602
Jason.Engel.PTAB@klgates.com
T: (312) 807-4236
F: (312) 827-8145

Counsel for Patent Owner

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2024, a true and correct copy of the foregoing was caused to be served electronically on the following counsel of record for Petitioner at the following email addresses:

Adam R. Shartzner
Ruffin B. Cordell
Michael J. Ballanco
Matthew P. Mosteller
John J. Thuermer
Timothy Riffe
Usman Khan
Fish & Richardson P.C.
60 South Sixth Street
Minneapolis, MN 55402
Tel: 202-783-5070
Fax: 877-769-7945
Email: IPR45035-0036IP1@fr.com

/Jason A. Engel/

Jason A. Engel
Reg. No. 51,654