

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC,
Petitioner,

v.

ENTROPIC COMMUNICATIONS, LLC,
Patent Owner.

CASE: IPR2024-00430
U.S. PATENT NO. 8,284,690

**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 February 15, 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 1002, ¶¶ 88, 91, 100, 111, 244, 343, 352, 386, 417, 424, 449, 652, 667	Improper Expert Testimony (FRE 702)
Exhibit 1010	Hearsay (FRE 801 & 802) Authenticity (FRE 901)
Exhibit 1011	Hearsay (FRE 801 & 802) Authenticity (FRE 901)
Exhibit 1012	Hearsay (FRE 801 & 802) Authenticity (FRE 901)
Exhibit 1013	Hearsay (FRE 801 & 802) Authenticity (FRE 901)
Exhibit 1014	Relevance (FRE 401 & 402) Hearsay (FRE 801 & 802) Authenticity (FRE 901)
Exhibit 1015	Hearsay (FRE 801 & 802) Authenticity (FRE 901)
Exhibit 1017	Hearsay (FRE 801 & 802) Authenticity (FRE 901)
Exhibit 1018	Hearsay (FRE 801 & 802)
Exhibit 1019	Hearsay (FRE 801 & 802)
Exhibit 1020	Hearsay (FRE 801 & 802)
Exhibit 1021	Hearsay (FRE 801 & 802) Authenticity (FRE 901)
Exhibit 1022	Hearsay (FRE 801 & 802)

	Authenticity (FRE 901)
Exhibit 1023	Hearsay (FRE 801 & 802)
Exhibit 1024	Hearsay (FRE 801 & 802) Authenticity (FRE 901)
Exhibit 1025	Hearsay (FRE 801 & 802) Authenticity (FRE 901)
Exhibit 1026	Hearsay (FRE 801 & 802) Authenticity (FRE 901)
Exhibit 1027	Hearsay (FRE 801 & 802) Authenticity (FRE 901)
Exhibit 1028	Hearsay (FRE 801 & 802) Authenticity (FRE 901)
Exhibit 1029	Relevance (FRE 401 & 402) Hearsay (FRE 801 & 802) Authenticity (FRE 901)
Exhibit 1030	Hearsay (FRE 801 & 802)
Exhibit 1031	Hearsay (FRE 801 & 802)
Exhibit 1032, ¶¶ 44-52, 65-79	Relevance (FRE 401 & 402)
Exhibit 1033, ¶¶ 3-7	Relevance (FRE 401 & 402) Lack of Personal Knowledge (FRE 602) Improper Lay Opinion (Rule 701)
Exhibit 1033 (attachments)	Hearsay (FRE 801 & 802) Authenticity (FRE 901)

Exhibit 1002 includes the following paragraphs that are inadmissible under FRE 702: ¶¶ 88, 91, 100, 111, 244, 343, 352, 386, 417, 424, 449, 652, 667. These paragraphs are not based on sufficient fact or data, are not the product of reliable principles and methods, and/or do not reflect a reliable application of the principles and methods to the facts of this proceeding.

Exhibits 1010-1031 are hearsay, as they are an out of court statement being used to establish the truth of the matter asserted. There is no applicable hearsay

exception that would apply to these documents, and certainly not to the specific portions relied upon by the Petition. Accordingly, Exhibits 1010-1031 are inadmissible under FRE 801 and 802.

Exhibits 1010-1015, 1017, 1021-1022, and 1024-1029 lack any foundation and, as documents that are not self-authenticating, there is no basis to conclude those exhibits are what Petitioner purports them to be. Accordingly, Exhibits 1010-1015, 1017, 1021-1022, and 1024-1029 are inadmissible under FRE 901.

Exhibit 1029 is not cited in the Petition or Petitioner's expert declaration and is therefore irrelevant to this proceeding. Accordingly, Exhibit 1029 is inadmissible under FRE 401 and 402 because it does not relate to a fact that is of consequence in determining the action.

The identified paragraphs of Exhibit 1032 (¶¶ 44-52, 65-79) and Exhibit 1033 (¶¶ 3-7) are not cited in the Petition or Petitioner's expert declaration and are therefore irrelevant to this proceeding. Accordingly, these paragraphs of Exhibit 1032 and Exhibit 1033 are inadmissible under FRE 401 and 402 because they do not relate to a fact that is of consequence in determining the action.

Exhibit 1033 is a declaration from a person who lacks personal knowledge to the matter testified and also provides an improper lay opinion because the testimony is not rationally based on the witness's perception, is not helpful to clearly understanding the witness's testimony or to determining a fact in issue, and is based

on scientific, technical, or other specialized knowledge within the scope of Rule 702. Accordingly, Exhibit 1033 is inadmissible under FRE 602 and 701.

Exhibit 1033 contains attachments that are hearsay, as they are an out of court statement being used to establish the truth of the matter asserted. There is no applicable hearsay exception that would apply to these documents, and certainly not to the specific portions relied upon by the Petition. The attachments also lack any foundation and, as the declaration and those attachments are not self-authenticating, there is no basis to conclude that Exhibit 1033's attachments are what Petitioner purports them to be. Accordingly, Exhibit 1033's attachments are inadmissible under FRE 801, 802, and 901.

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: September 20, 2024

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CERTIFICATE OF SERVICE

I hereby certify that on September 20, 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:

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