

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC,
Petitioner,

v.

ENTROPIC COMMUNICATIONS, LLC,
Patent Owner.

IPR2024-00431
Patent 7,295,518 B2

Before JON M. JURGOVAN, SCOTT B. HOWARD, and
AARON W. MOORE, *Administrative Patent Judges*.

JURGOVAN, *Administrative Patent Judge*.

DECISION

Denying Petitioner's Request on Rehearing
of the Final Written Decision
37 C.F.R. § 42.71(d)

I. INTRODUCTION

On October 6, 2025, Comcast Cable Communications, LLC (“Petitioner”) filed a Request for Rehearing (Paper 34, “Req. Reh’g”) of our Final Written Decision (Paper 32, “Decision” or “Dec.”) entered on September 5, 2025.

In our Decision, we determined that Petitioner had demonstrated that claims 1, 3, and 4 of U.S. Patent No. 7,295,518 B1 (“the ’518 patent,” Ex. 1001) are unpatentable, but had not demonstrated that claim 2 is unpatentable. Dec. 72–73.

In the Request for Rehearing, Petitioner contends that the Board correctly construed claim 2’s “means for determining signal activity” but then misapplied that construction by requiring additionally that the means performs the function of “select[ing] a frequency band for operation that is not used by other services” when the claim language requires that a “network device” (not the “means”) performs that function. *See, e.g.*, Req. Reh’g 3–8.

After review, for the following reasons, we deny Petitioner’s Request for Rehearing and decline to modify the Final Written Decision.

II. STANDARD OF REVIEW

A party requesting rehearing bears the burden of showing that the decision should be modified. 37 C.F.R. § 42.71(d). Under 37 C.F.R. § 42.71(d), a party requesting rehearing of a decision must identify specifically all matters the Board misapprehended or overlooked, and the place where each matter was previously addressed. *Id.* When rehearing a decision on petition, the Board “review[s] the decision for an abuse of discretion.” 37 C.F.R. § 42.71(c) (2021). An abuse of discretion may be

determined if a decision is based on an erroneous interpretation of law, if a factual finding is not supported by substantial evidence, or if the decision represents an unreasonable judgment in weighing relevant factors.

Star Fruits S.N.C. v. U.S., 393 F.3d 1277, 1281 (Fed. Cir. 2005).

III. ANALYSIS

Claim 2 of the '518 patent depends from claim 1 and recites “wherein a network device comprises a means for determining signal activity and selects a frequency band for operation that is not used by other services.”

Petitioner states that the Board correctly construed claim 2’s “means for determining signal activity” in the Final Written Decision as only performing the function of determining signal activity, and not the function of selecting a frequency band. Req. Reh’g 3–5 (citing Dec. 12–15).

However, Petitioner contends that the Board misapplied the construed means-plus-function limitation to require that it also selects a frequency band. Req. Reh’g 6–8 (citing Dec. 71).

We agree with Petitioner that claim 2 does not require that the means performs frequency band selection, but neither does it exclude that possibility, because the means is part of the network device.

Petitioner contended that the Afshary-Mirfakhraei combination disclosed a network device that selects a frequency band. Pet. 52–56. However, we rejected that contention because this combination did “not disclose a network device with the capability to select between frequency bands (as opposed to channels or sub-channels within a frequency band).” Dec. 62.

In the Afshary-Mirfakhraei-Welles combination, the only other thing that Petitioner relied on to disclose claim 2’s “network device” that “selects

a frequency band for operation that is not used by other services” was Welles’s envelope detector. Pet. 69–73. We determined that Petitioner did not show that Welles’s envelope detector (which is included in claim 2’s “network device” according to Petitioner’s contentions) performs frequency band selection. Dec. 71.

Thus, Petitioner has not shown any error in the application of claim 2’s “means for determining signal activity” in the Final Written Decision. Particularly, Petitioner does not show that we misapprehended claim 2’s language to require that the “means for detecting signal activity” also performs the function of “select[ing] a frequency band for operation that is not used by other services.”

IV. CONCLUSION

Accordingly, Petitioner’s Request for Rehearing has not shown error in the Final Written Decision determining that the Petition did not establish unpatentability of claim 2.

Outcome of Decision on Rehearing:

In summary:

Claims	35 U.S.C. §	Reference(s)/Basis	Claims Shown Unpatentable	Claims Not shown Unpatentable
2	103(a)	Afshary, Mirfakhraei, Welles		2
Overall Outcome				2

Final Outcome after Rehearing:

In summary:

Claims	35 U.S.C. §	Reference(s)/Basis	Claims Shown Unpatentable	Claims Not shown Unpatentable
1–4	102	Afshary, Mirfakhraei	1, 3–4	2
2	103(a)	Afshary, Mirfakhraei, Welles		2
Overall Outcome			1, 3–4	2

V. ORDER

For the foregoing reasons, it is

ORDERED that Petitioner’s Request for Rehearing is denied.

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