

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 IPR2024-00433
Patent 9,210,362

EXHIBIT 2006
DECLARATION OF KENNETH K. WANG

I, Kenneth K. Wang, declare the following:

1. I am an attorney at Lowenstein & Weatherwax LLP, and a member in good standing of the State Bar of California. I am also a registered practitioner in good standing before the United States Patent and Trademark Office, with Registration Number 82,675. Unless otherwise stated, I have personal knowledge of the following facts, and if called upon, I could and would testify competently to them.

Exhibit 2001 [All-Parallel-Petitions]

2. I prepared Exhibit 2001 in the above referenced matter with the methodology explained below. Exhibit 2001 is a table of all parallel IPR petitions filed between July 16, 2019 and June 29, 2024.

3. With my web browser, I navigated to <https://search.docketnavigator.com/patent/search>. I provide below a screen shot of that web page.

DocketNavigator Patent

PATENT LIBRARY

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- Docket Reports
- Special Reports

ADVANCED SEARCH

Cases

Case	Active Judge	Case Filing Date
Entropic Technologies, LLC v. Stalder D-IT Specialists, LLC 4:19-cv-00339 (PTAB)	Lynn N. Hughes	Feb. 15, 2019
Comcast Telecommunications, Inc. v. Tivo Pharmaceuticals USA, Inc. et al 2:19-cv-02556 (NAD)	Susan D. Wilgerton	Feb. 27, 2019
8Bit Color Technologies, LLC v. Eastman Kodak Company 6:19-cv-04672 (NAD)	Charles J. Sirogstad	Jun. 26, 2018
Superior Tire & Rubber Corp. v. Neodham Ag Technologies, LLC 1:19-cv-00027 (NAD)	Susan Paradise Baxter	Jun. 26, 2018

Search for cases in federal courts, the ITC and the PTAB.

Documents

Type of Document	Result	Case	Document Date
Motion to Reject Transcript	Denied	Confluent Surgical, Inc. et al v. HyperBranch Med... 1:17-cv-00588 (DC)	Feb. 27, 2019
Motion to Lift Stay / Reopen	Granted	CG Technology Development, LLC et al v. PanGuan... 1:17-cv-01041 (DC)	Feb. 27, 2019
Motion to Dismiss	Granted	Greenwood Overseas GmbH v. P&G GlaxoSmith & Dec... 1:17-cv-01832 (COFC)	Jun. 26, 2018
Motion re Costs	Denied	Alphatec International et al v. United Services Automob... 2:19-cv-00478 (NAD)	Jun. 26, 2018

Search for pleadings and orders filed in patent cases.

Search For Cases

Search For Documents

Patents
Search for patents asserted in federal courts, the ITC, and the PTAB.

Accusations
Search for accusations about infringement, validity, or enforceability of patents.

Docket Sheets
Search the text of docket sheets for patent cases.

Remedies
Search for monetary awards, injunctions, attorney fees, and other remedies.

Parties
Search for parties involved in patent cases.

Firms
Search for law firms appearing in patent cases.

Attorneys
Search for attorneys appearing in patent cases.

PTAB Experts
Search for experts appearing in PTAB cases.

Determinations
Search for determinations of patent infringement, invalidity, or enforceability.

PTAB Institutions
Search for institutions of investigation for AIA proceedings in the PTAB.

Claim Constructions
Search for patent claims that have been construed in patent cases.

PROFILE SEARCH

ANALYTICS TOOLKIT

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4. I clicked on the button “Search For Cases,” shown above. I was directed to a specific case search page reproduced below. I then entered relevant filtering criteria into applicable search fields: the desired Court (Patent Trial and Appeal Board (“PTAB”)), and the Case Filing Date, to retrieve cases filed at the PTAB between July 16th, 2019, to June 29th, 2024. The filing date range was chosen as the July 2019 update to the Trial Practice Guide (“TPG”) was published on July 16th, 2019. Further, the date was June 29th, 2024, at the time of record retrieval.

The screenshot displays the 'Advanced Filters' section of the Docket Navigator website. At the top, there are navigation links: 'Filters for Cases', 'Advanced Filters', 'MORE SEARCH TYPES', 'CREATE ALERT', and 'VIEW RESULTS'. Below these, a search bar prompts the user to 'Go to a specific case' by entering a case number. The main section, 'Find a list of Cases', contains several filter categories:

- Parties:** Includes a dropdown for 'Parties' and an 'Affiliates' link. A search input field is labeled 'begins with'.
- Firms:** A dropdown menu with a search input field labeled 'begin typing'.
- Attorneys:** A dropdown menu with a search input field labeled 'begin typing'.
- Patents:** A dropdown menu with a search input field labeled 'begin typing'.
- Courts:** A dropdown menu showing 'Patent Trial and Appeal Board' and an 'add from tree' link.
- Judges:** A dropdown menu with a search input field labeled 'begin typing'.
- Case Filing Date:** A date range selector showing 'July 16, 2019' to 'June 29, 2024' with an 'Autofill' button.
- Case Status:** A dropdown menu with a search input field labeled 'begin typing'.
- Case Outcome:** A dropdown menu with a search input field labeled 'begin typing'.
- Case Type:** A dropdown menu with a search input field labeled 'begin typing'.

At the bottom left, there is a checkbox labeled 'Make this page my default start page.' and a copyright notice: '© 2008 - 2024 Hopkins Bruce Publishers Corp., a Law Business Research Inc. Company. Terms of Use Report an Issue'.

5. The website indicated that approximately 6.7K records were retrieved after the above-mentioned filters were applied. Docket Navigator allows a user to download tabulated results by clicking “Export Tab to XLS” under the “Options” menu¹. I downloaded multiple sets of 1000 results as XLS files. I collated all the retrieved records into a cumulative spreadsheet (“cumulative records spreadsheet”).

¹ Docket Navigator allows for the maximum retrieval of 1000 records per XLS Export. Multiple XLS Exports were retrieved and collated to reassemble the entire 6.7K records set.

Cases Search 6748 Results

Filters: USDC, ITC, PTAB

Case Filing Date: Jul. 16th, 2019 - Jun. 29th, 2024

Related Filters:

- Case Termination Date
- Case Status
- Document Filing Date
- Judges
- Patents
- Patent Types
- Determinations
- Remedies
- Case Outcome
- CAFC Case Outcome

Case Filing Date	Case Status	Case Name	Case Number	Case Outcome
Jun. 28, 2024	Active	FormFactor, Inc. v. Technoprobe SpA	IPR2024-00933	
Jun. 28, 2024	Active	Celco Partnership d/b/a Verizon Wireless et al v. Cobblestone Wireless, LLC	IPR2024-00946	
Jun. 28, 2024	Active	Google LLC v. Kove IO, Inc.	IPR2024-01017	
Jun. 28, 2024	Active	Google LLC v. Kove IO, Inc.	IPR2024-01018	
Jun. 28, 2024	Active	Google LLC v. Kove IO, Inc.	IPR2024-01019	
Jun. 28, 2024	Active	Google LLC v. Kove IO, Inc.	IPR2024-01020	
Jun. 28, 2024	Active	Google LLC v. Kove IO, Inc.	IPR2024-01021	
Jun. 28, 2024	Active	Google LLC v. Kove IO, Inc.	IPR2024-01022	
Jun. 28, 2024	Active	Samsung Electronics Co., Ltd. v. ASUS Technology Licensing Inc.	IPR2024-01036	
Jun. 28, 2024	Active	Samsung Electronics Co., Ltd. et al v. Ouraring Inc.	IPR2024-01077	
Jun. 28, 2024	Active	Samsung Electronics Co., Ltd. et al v. Ouraring Inc.	IPR2024-01078	
Jun. 28, 2024	Active	Samsung Electronics Co., Ltd. et al v. Ouraring Inc.	IPR2024-01079	
Jun. 28, 2024	Active	Samsung Electronics Co., Ltd. et al v. Oura Health OY	IPR2024-01080	
Jun. 28, 2024	Active	Apple Inc. v. Smith Interface Technologies, LLC	IPR2024-01083	
Jun. 28, 2024	Active	Apple Inc. v. Smith Interface Technologies, LLC	IPR2024-01084	
Jun. 28, 2024	Active	Apple Inc. v. Smith Interface Technologies, LLC	IPR2024-01085	
Jun. 28, 2024	Active	Apple Inc. v. Smith Interface Technologies, LLC	IPR2024-01086	
Jun. 28, 2024	Active	Samsung Display Co., Ltd. v. Pictiva Displays International Limited	IPR2024-01093	
Jun. 28, 2024	Active	Head Sport GmbH v. Vermont Safety Developments LLC	IPR2024-01099	
Jun. 28, 2024	Active	Aylo Freesites Ltd. f/k/a MG Freesites Ltd. v. WellcomeMat, LLC	IPR2024-01101	
Jun. 28, 2024	Active	Dr. Squatch LLC v. The Proctor & Gamble Company	IPR2024-01104	
Jun. 28, 2024	Active	Dr. Squatch LLC v. The Proctor & Gamble Company	IPR2024-01105	
Jun. 28, 2024	Active	Bombardier Recreational Products, Inc. v. MHL Custom, Inc.	IPR2024-01107	
Jun. 28, 2024	Active	Bombardier Recreational Products, Inc. v. MHL Custom, Inc.	IPR2024-01108	
Jun. 28, 2024	Active	Apple Inc. v. Smith Interface Technologies, LLC	IPR2024-01114	
Jun. 28, 2024	Active	Apple Inc. v. Smith Interface Technologies, LLC	IPR2024-01115	

LOAD 1000

6. Under the “View” menu, a user can configure Docket Navigator to export tabular records with selected pre-populated fields. The cumulative records spreadsheet included retrieved results with the following fields populated: Case Filing Date, Case Status, Case Outcome, Case Number, Case Name, Parties, and Patents.

7. Using sorting features in Microsoft Excel, I generated a separate listing of parallel petitions from the cumulative records spreadsheet. A sorting function returned “TRUE” for patents that were challenged in more than one case, and “FALSE” for all patents that were only challenged in a single proceeding. Removing all “FALSE” results provided a preliminary results spreadsheet. The preliminary results spreadsheet was then further sorted to group like petitioners

alphabetically, and then by date (Newest to Oldest)². Cases challenging the same patent but where different lead petitioners challenged the patent-at-issue were removed. Likewise, cases with filing dates longer than 90 days from one another (3 months) were discarded as well.

8. The resulting listing of cases therefore represented PTAB proceedings which were filed against the same patent more than once, by the same party, and within 90 days of one another. The parallel petitions list was then collated to display the following fields: Case Name, Case Number, Patent Number, Case Filing Date, First Named Petitioner³, and IPRs per set of Petitions⁴. Exhibit 2001 is a PDF copy of the resulting parallel petitions list.

² The petitioner in each case was determined by retrieving parties listed in the “Parties” column, then subsequent sorting and selecting of only petitioner names in agreement with the first listed petitioner based on the retrieved “Case Name” column. Where appropriate, petitioner names were consolidated to resolve, for example, inconsistent punctuation or naming.

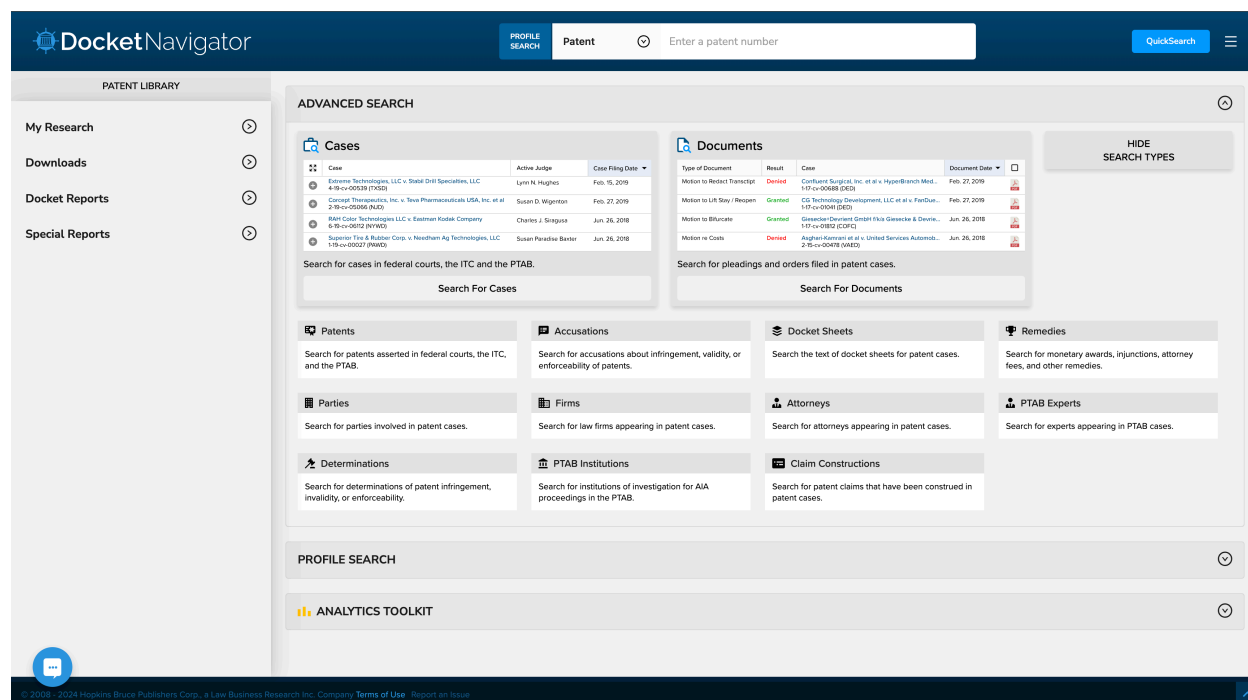
³ Determined by separating out and selecting only the petitioner’s name from the “Parties” column.

⁴ Determined after counting all repetitions of a patent number per petitioner.

Exhibit 2002 [All-Comcast-Petitions]

9. I prepared Exhibit 2002 in the above referenced matter with the methodology explained below. Exhibit 2002 is a table of all IPR petitions filed by Comcast, either directly as a party or through its real parties in interest, between 2016 and 2024.

10. With my web browser, I navigated to <https://search.docketnavigator.com/patent/search>. I provide below a screen shot of that web page.



11. I clicked on the button “Search For Cases,” shown above. I was directed to a specific case search page reproduced below. I then entered the relevant filtering criteria into applicable search fields: the desired Court (Patent

Trial and Appeal Board (“PTAB”)), and the Parties (“Comcast”)⁵.

The screenshot displays the Docket Navigator search interface. At the top, there is a navigation bar with a logo, a back arrow, and tabs for "Filters for Cases" (active) and "Advanced Filters". To the right of the tabs are buttons for "MORE SEARCH TYPES", "CREATE ALERT", and "VIEW RESULTS". Below the navigation bar, there is a search bar labeled "Go to a specific case" with a placeholder "Enter a case number". Underneath the search bar, the text "Find a list of Cases" is displayed. The main area contains several filter sections: "Parties" with a dropdown menu showing "begins with Comcast" and a checked "Affiliates" checkbox; "Firms" with a dropdown menu showing "begin typing"; "Attorneys" with a dropdown menu showing "begin typing"; "Patents" with a dropdown menu showing "begin typing"; "Courts" with a dropdown menu showing "Patent Trial and Appeal Board" and an "add from tree" button; "Judges" with a dropdown menu showing "begin typing"; "Case Filing Date" with a date range selector showing "On or after" and "TO On or before"; "Case Status" with a dropdown menu showing "begin typing"; "Case Outcome" with a dropdown menu showing "begin typing"; and "Case Type" with a dropdown menu showing "begin typing". At the bottom left, there is a blue circular icon with a speech bubble. At the bottom right, there is a checkbox labeled "Make this page my default start page." and a footer bar with copyright information: "© 2006 - 2024 Hedberg Brink Pashers Corp., a Law Business Research Inc. Company Terms of Use Report an Issue".

12. The website indicated that approximately 254 records were retrieved after the above-mentioned filters were applied. Docket Navigator allows a user to download tabulated results by clicking “Export Tab to XLS” under the “Options” menu. I downloaded the records as an XLS file.

13. Under the “View” menu, a user can configure Docket Navigator can export tabular records with selected pre-populated fields. The downloaded records included cases with the following fields populated: Case Filing Date, Case Status, Case Outcome, Case Number, Case Name, Parties, and Patents.

⁵ The “Affiliates” checkbox was checked.

14. The resulting downloaded records were subsequently filtered to where “Comcast” or variants thereof were named as a Party or Real-Party-in-Interest (RPI). Cases where Comcast later joined, or was not named in the initial petition, as well as cases that did not list Comcast or any variant thereof in the “Parties” column, were disregarded. Cases involving party “Freewheel Media” however, were not discarded as Freewheel Media listed Comcast as its real party interest in those petitions. Freewheel Media also otherwise presents itself to the public as a “Comcast company.” *See* Ex. 2005 [FreeWheel-Media-About-Page]. For each entry, petitioner’s law firm and lead counsel were added as separate columns. Moreover, columns indicating whether trial was instituted, whether the Board discussed Parallel Petitioning explicitly, parallel petition status, and Comcast’s status as petitioner or only an RPI were added. Where the column contained information not immediately retrievable by Docket Navigator, I reviewed each case docket to ascertain that information.

15. A table with columns indicating: the Petition Set #, Case Name, Case Filing Date, Case Number, Case Status, Patent at Issue, Institution (Y/N), Parallel Petition Discussion, Law Firm(s) for Petitioner, Lead Counsel, Parallel Petition Status, and Petitioner/RPI Status was generated. Exhibit 2002 is a PDF copy of the resulting Comcast petitions list.

Other Tables.

16. I also created two tables based on Exhibits 2001 and 2002, as well as other information, which I explain below.

17. I created the table below with the following methodology. The top ten recurring petitioners ranking was obtained using the Pivot Table Feature of Microsoft Excel, which, among other functions, provides a numerical value for how many instances does a specific value occur in a column. The Pivot Table Feature was applied to the table of Exhibit 2001 to obtain the most recurring parallel petitioners. Another pivot table was used to assess the number of total parallel petitions per petitioning party in the table of Exhibit 2001. The total number of petitions by each of the top ten parallel petitioners was obtained by using a pivot table in the table of all PTAB petitions discussed in paragraph 5 above. The “% Of Petitions That are Parallel Petitions” was obtained by dividing the total number of parallel petitions by the total number of petitions filed.

Top 10 Parallel Petitioners (July 2019-June 2024) Rate of Parallel Petitions per Overall Petition Filings				
Rank (Total Parallel Petitions)	Petitioner	Total Parallel Petitions Filed	Total Petitions Filed	% Of Petitions That are Parallel Petitions
4	Comcast*	75	81	93%
5	Intel	49	106	46%
8	Micron	18	48	38%
7	Roku	25	68	37%
3	Google	96	273	35%
6	Microsoft	30	95	32%
1	Samsung	144	528	27%
2	Apple	102	388	26%
9	Amazon	18	72	25%
10	Meta Platforms	16	73	22%

18. I also created the table below with the following methodology. A Pivot Table applied to the table of Exhibit 2001 provided the top ten parallel petitioners. For each of the top ten parallel petitioners, the number of parallel petitions challenging each patent (the number of petitions in each “set” of petitions) was then manually counted.⁶ This data was entered into the column “Total Sets of Parallel Petitions.” Of those, the number of sets with three or more petitions were also manually counted and noted in the column titled “Sets of 3 or

⁶ For example, all petitions against U.S. Patent 9,210,362 would be counted as a single set, and that set would comprise 3 separate petitions (IPR2024-00432, -00433, -00434).

More Petitions.” The percentage was obtained by dividing the value in column “Sets of 3 or More Petitions” by the value in column “Total Sets of Parallel Petitions.”

Top 10 Parallel Petitioners (July 2019-June 2024) Percentage Of Sets with 3+ Petitions				
Rank (Total Parallel Petitions)	Petitioner	Sets of 3 or More Petitions	Total Sets of Parallel Petitions	% Of Sets With 3 or More Petitions
4	Comcast*	16	22	73%
5	Intel	5	21	24%
6	Microsoft	2	12	17%
1	Samsung	10	66	15%
3	Google	5	44	11%
7	Roku	1	11	9%
2	Apple	3	46	7%
8	Micron Technology Inc	0	8	0%
9	Amazon	0	9	0%
10	Meta Platforms	0	8	0%

19. I certify that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true, and that these statements were made with knowledge that willful false statements and the like are made punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Respectfully submitted,

/ Kenneth K. Wang /

Date: July 11, 2024