UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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COMCAST CABLE COMMUNICATIONS, LLC,
Petitioner,

v.

ENTROPIC COMMUNICATIONS, LLC.,
Patent Owner.

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Patent No. 11,399,206
Filing Date: January 28, 2022
Issue Date: July 26, 2022
Title: METHOD FOR RECEIVING A TELEVISION SIGNAL

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*Inter Partes* Review No.: IPR2024-00438

**PETITIONER'S PETITION RANKING AND EXPLANATION OF MATERIAL DIFFERENCES BETWEEN PETITIONS**

Pursuant to the November 2019 update to the America Invents Act (AIA) Trial Practice Guide published by the USPTO, Petitioner submits this notice of its ranking of its petitions for *inter partes* review of U.S. Patent No. 11,399,206 filed in IPR2024-00438, IPR2024-00439, and IPR2024-00440. *See* "CONSOLIDATED TRIAL PRACTICE GUIDE UPDATE (November 2019)" at 59-60. Petitioner also includes herein an explanation of the material differences between the petitions.

Petitioner filed three petitions. Petition 1 (IPR2024-00438) primarily relies on the Zhang reference. Petition 2 (IPR2024-00439) primarily relies on the Cholas and Petrovic references, and Petition 3 (IPR2024-00440) primarily relies on the Pugel reference.

***Ordering of Petitions.*** Although Petitioner believes that its petitions are all meritorious and justified in light of the positions Patent Owner may take, at this stage, Petitioner requests that the Board consider the petitions in the following order:

| Rank | Petition | Primary Reference(s) |
|---|---|---|
| A | IPR2024-00438 (Petition 1) | Zhang |
| B | IPR2024-00439 (Petition 2) | Cholas-Petrovic |
| C | IPR2024-00440 (Petition 3) | Pugel |

Below are some of the material differences between the petitions:

**(1) *Different Prior Art Date of References*:** Certain of the primary references relied on in the petitions qualify as prior art under 35 U.S.C. § 102(e), including claiming the benefit of provisional filings. It is, therefore, possible that the Patent Owner could attempt to antedate these references and/or remove them as prior art.

In particular, the Petrovic reference is prior art under 102(e) but only predates the ’206 Patent’s earliest possible priority date by a few weeks. Petrovic claims the benefit of a provisional application, though Patent Owner may attempt to antedate Petrovic’s provisional date and/or challenge its prior art status as failing the *Dynamic Drinkware* analysis. The Cholas reference is also 102(e) prior art but predates the ’206 Patent’s earliest possible priority date by almost two years.

The Zhang and Pugel references are 102(b) prior art and as such cannot be antedated by Patent Owner.

**(2)** ***Different Approaches to the Claim Limitations***: Each of the primary references describes receivers that are strikingly similar to the receiver disclosed in the ’866 Patent, yet each reference has different strengths with respect to various different claims. Petition IPR2024-00438 asserts that Zhang alone renders obvious independent claims 1, 13, 25, and 38. In contrast, Petition IPR2024-00439 asserts that the combination of Cholas-Petrovic or Cholas-Petrovic-Rabaey renders those claims obvious, and IPR2024-00440 asserts that Pugel-Chandrakasan renders claim 1 obvious, and Pugel-Crols-Chandrakasan renders 13 obvious.

Zhang is advantageous because it describes a well-integrated system that generally includes all components of the independent claims, such that fewer references are required. However, Petrovic describes downconverters, complex mixers, baseband channel selection, and certain other claimed features, in the same

arrangement and with the same or higher level of detail than is shown in the ’866 Patent. These additional details may provide for more compelling grounds in Petrovic as compared to Zhang depending on the nature of the challenges that Respondent may raise.

Furthermore, the petitions generally use different secondary references for certain features or for back-up arguments to the primary references. For instance, the Zhang petition cites Pandey as an alternative, backup ground for certain features regarding parallel or serial interfaces, the Cholas-Petrovic petition cites Rabaey for those features, and the Pugel petition cites Chandrakasan for those features. However, Pugel does not require an additional reference for features regarding DVR or picture-in-picture. Depending upon the arguments Patent Owner makes, the use of these different references could be material.

In view of the material differences shown above, the Board should consider all three petitions and not exercise its discretion to deny institution of any of the IPRs.

Dated: February 16, 2024

By: /Frederic M. Meeker/

Frederic M. Meeker
Reg. No. 35,282

## CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.105, I hereby certify that I caused a true and correct copy of the PETITIONER'S PETITION RANKING AND EXPLANATION OF MATERIAL DIFFERENCES BETWEEN PETITIONS to be served via FedEx Priority Overnight on February 16, 2024, on the following:

McAndrews, Held & Malloy, Ltd
500 West Madison Street
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Dated: February 16, 2024

By: /Frederic M. Meeker/

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