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 IPR2024-00442
Patent 9,825,826

PETITIONER'S OBJECTIONS TO EXHIBITS IN PATENT OWNER'S PRELIMINARY RESPONSE

Comcast ("Petitioner") hereby makes the following objections pursuant to 37 C.F.R. § 42.64(b):

Exhibit No.	Section	Objections
2002	Entirety	Petitioner objects to Exhibit 2002 under Fed. R. Evid. 401, 402, 403, 801, 802, and 901. Patent Owner cites this exhibit to purportedly support its allegation that the original assignee of the '826 Patent was using Full-Spectrum Capture technology in 2010, but offers no evidence of what this document is or any support for its authenticity or accuracy. *See* Patent Owner's Response, Section III.A. Exhibit 2002 also does not bear any date of publication. For the above reasons, Exhibit 2002 lacks proper authentication. *See* Fed. R. Evid. 901. Patent Owner relies on a statement in Exhibit 2002 (namely, that MaxLinear was purportedly using Full-Spectrum Capture in 2010) to prove the truth of the matter asserted therein, but the statement was made outside the current proceeding and thus constitutes inadmissible hearsay. *See* Fed. R. Evid. 801, 802.

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		Exhibit 2002 does not meet any exception provided under Fed. R. Evid. 803-804 and 807. Exhibit 2002 appears to be incomplete, as the bottom of page 1 does not appear to continue at the top of page 2, and there are portions in which multiple words appear to be superimposed over one another, rendering them illegible. The incomplete and illegible copy provided as Exhibit 2002 is unclear and risks confusing the issues and causing unfair prejudice. *See* Fed. R. Evid. 401, 402, 403.
2004	Entirety	Petitioner objects to Exhibit 2004 under Fed. R. Evid. 401, 402, 403, 801, 802, and 901. Patent Owner cites this exhibit to purportedly offer a definition of the alleged invention of the '826 Patent, and the circumstances behind its origins. *See* Patent Owner's Response, Section III.A. However, Patent Owner offers no evidence of what this document is or any support for its authenticity or accuracy. Exhibit 2004 refers to itself as a "Technical Paper," but there is

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		no indication of where it was ever actually published, and there is no indication of any date of publication. For the above reasons, Exhibit 2004 lacks proper authentication. *See* Fed. R. Evid. 901. Patent Owner relies on statements in Exhibit 2004 to prove the truth of the matters asserted therein (namely, the alleged invention of the '826 Patent, and the circumstances surrounding its origins), but the statements were made outside the current proceeding and thus constitute inadmissible hearsay. *See* Fed. R. Evid. 801, 802. Exhibit 2004 does not meet any exception provided under Fed. R. Evid. 803-804 and 807.
2005	Entirety	Patent Owner relies on Exhibit 2005 to purportedly explain certain features from the claims of the '826 Patent, and the circumstances surrounding the original development of those features. Patent Owner Preliminary Response, Sections III.A. and III.D. Exhibit 2005 appears to be a partial copy of a

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		deposition transcript in a prior district court litigation that did not include Petitioner, and there is no witness signature or errata sheet, so Exhibit 2005 copy lacks authentication. *See* Fed. R. Evid. 901. Patent Owner relies on statements in Exhibit 2005 to prove the truth of the matters asserted therein (namely, the alleged invention of the '826 Patent, and the circumstances surrounding the original development of its features), but the statements were made outside the current proceeding without cross-examination by Petitioner and thus constitute inadmissible hearsay. *See* Fed. R. Evid. 801, 802. Exhibit 2005 does not meet any exception provided under Fed. R. Evid. 803-804 and 807.
2006	Entirety	Petitioner objects to Exhibit 2006 under Fed. R. Evid. 401, 402, 403, 801, 802, and 901. Patent Owner relies on Exhibit 2006 to allege that a third-party entity, Broadcom Corporation, had developed its own version of the "Full-Spectrum

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		Capture" feature claimed in the '826 Patent, but did not mention using it for network maintenance, to support Patent Owner's allegation that the claimed invention was not obvious. Patent Owner's Preliminary Response, Section III.A. However, Patent Owner offers no evidence of what this document is or any support for its authenticity or accuracy. For the above reasons, Exhibit 2006 lacks proper authentication. *See* Fed. R. Evid. 901. Patent Owner relies on statements in Exhibit 2006 (namely, its purported explanation of and uses for the "Full-Band Capture" feature) for the truth of the matter asserted therein, but the statements were made outside the current proceeding and thus constitute inadmissible hearsay. *See* Fed. R. Evid. 801, 802. Exhibit 2006 does not meet any exception provided under Fed. R. Evid. 803-804 and 807.
2007	Entirety	Petitioner objects to Exhibit 2007 under Fed. R. Evid. 401, 402, 403, 801, 802, and 901.

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		Patent Owner relies on Exhibit 2007, in combination with Exhibit 2008, to assert that the Cablelabs standard recommended a different approach to network maintenance before (Exhibit 2008) and after (Exhibit 2007) the alleged invention of the '826 Patent. Patent Owner Preliminary Response, Sections III.A. and III.D. However, Patent Owner offers no evidence of Exhibit 2007's authenticity or accuracy. For the above reasons, Exhibit 2007 lacks proper authentication. *See* Fed. R. Evid. 901. Patent Owner relies on statements in Exhibit 2007 (namely, that it purportedly espoused using Full-Band Capture for network maintenance for the first time in 2016) for the truth of the matter asserted therein, but the statements were made outside the current proceeding and thus constitute inadmissible hearsay. *See* Fed. R. Evid. 801, 802. Exhibit 2007 does not meet any exception provided under Fed. R. Evid. 803-804 and 807.

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2008	Entirety	Petitioner objects to Exhibit 2008 under Fed. R. Evid. 401, 402, 403, 801, 802, and 901. Patent Owner relies on Exhibit 2008, in combination with Exhibit 2007, to assert that the Cablelabs standard recommended a different approach to network maintenance before (Exhibit 2008) and after (Exhibit 2007) the alleged invention of the '826 Patent. Patent Owner Preliminary Response, Sections III.A. and III.D. However, Patent Owner offers no evidence of Exhibit 2008's authenticity or accuracy. For the above reasons, Exhibit 2008 lacks proper authentication. *See* Fed. R. Evid. 901. Patent Owner relies on statements in Exhibit 2008 (namely, that it purportedly taught using "pre-equalization coefficients" for isolating network issues) for the truth of the matter asserted therein, but the statements were made outside the current proceeding and thus constitute inadmissible hearsay. *See* Fed. R. Evid. 801, 802. Exhibit 2008 does not meet any

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		exception provided under Fed. R. Evid. 803-804 and 807.
2010	Entirety	Petitioner objects to Exhibit 2010 under Fed. R. Evid. 401, 402, 403, 801, 802, and 901. Patent Owner cites Exhibit 2010 to purportedly show that in 2013 a Broadcom director recognized that Broadcom's "Full-Band Capture can turn a downstream device into a spectrum measurement tool." Patent Owner Preliminary Response, III.D. However, Patent Owner offers no evidence of what this document is or any support for its authenticity or accuracy. For the above reasons, Exhibit 2010 lacks proper authentication. *See* Fed. R. Evid. 901. Patent Owner relies on statements in Exhibit 2010 (namely, Broadcom's purported 2013 realization that its Full-Band Capture can "turn a downstream device into a spectrum measurement tool.") for the truth of the matter asserted therein, but the statements were made outside the current proceeding and thus constitute

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		inadmissible hearsay. *See* Fed. R. Evid. 801, 802. Exhibit 2010 does not meet any exception provided under Fed. R. Evid. 803-804 and 807.

BANNER & WITCOFF, LTD

Dated: September 4, 2024

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned hereby certifies that the foregoing PETITIONER'S OBJECTIONS TO EXHIBITS IN PATENT OWNER'S PRELIMINARY RESPONSE was served electronically via e-mail on September 4, 2024 on the following counsel of record for Patent Owner:

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