

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DIRECTV, LLC,
Petitioner,

v.

ENTROPIC COMMUNICATIONS, LLC,
Patent Owner.

IPR2024-01059
Patent 7,295,518 B1

Before LYNNE H. BROWNE, PATRICK R. SCANLON, and
JON M. JURGOVAN, *Administrative Patent Judges*.

JURGOVAN, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314
Granting Motion for Joinder
35 U.S.C. § 315(c); 37 C.F.R. § 42.122

I. INTRODUCTION

DIRECTV (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting *inter partes* review of claims 1 and 3 of U.S. Patent No. 7,295,518 B1 (Ex. 1001, “’518 patent”). Petitioner also filed a Motion for Joinder, seeking to join Petitioner as a party to *DISH Network LLC v. Entropic Communications, LLC*, IPR2024-00393 (“DISH IPR”). Paper 3, 1 (“Mot.”).

Entropic Communications, LLC (“Patent Owner”) did not file a preliminary response to the Petition, nor did it file an opposition to Petitioner’s Motion for Joinder.

We have authority to institute review under 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” For the reasons set forth below, we institute an *inter partes* review of claims 1 and 3 of the ’518 patent and grant Petitioner’s Motion for Joinder.

II. RELATED PROCEEDINGS

Petitioner provides the following listing of proceedings related to this case:

Case Number	Filing Date
<i>Entropic Communications, LLC v. DirecTV, LLC f/k/a DirecTV, Inc. et al.</i> , 2-23-cv-05253 (CDCA)	July 1, 2023
<i>Entropic Communications, LLC v. DISH Network Corporation et al.</i> , 2-23-cv-01043 (CDCA)	February 10, 2023
<i>Entropic Communications, LLC v. Cox Communications, Inc. et al.</i> , 2-23-cv-01047 (CDCA)	February 10, 2023

<i>Entropic Communications, LLC v. Comcast Corporation et al.</i> , 2-23-cv-01048 (CDCA)	February 10, 2023
<i>Entropic Communications, LLC v. Charter Communications, Inc.</i> , 2-23-cv-00050 (EDTX)	February 10, 2023
<i>Entropic Communications, Inc. v. ViXS Systems, Inc. et al.</i> , 3-13-cv-01102 (SDCA)	May 8, 2023
<i>DISH Network LLC v. Entropic Communications, LLC</i> , IPR2024-00393 (PTAB)	January 16, 2024
<i>Comcast Corporation v. Entropic Communications, LLC</i> , IPR2024-00431 (PTAB)	February 15, 2024

Patent Owner identifies several patents and patent publications that are related to the '518 patent, patents that are being asserted in the matters referenced above, and *inter partes* reviews of Patent Owner's patents. IPR2024-01059, Paper 5, 2–4 (Patent Owner's Mandatory Notices).

We instituted *inter partes* reviews in the DISH IPR and in IPR2024-00431. *See* IPR2024-00393, Paper 7; IPR2024-00431, Paper 8. In the DISH IPR, we instituted *inter partes* review of claims 1 and 3 of the '518 patent on the following grounds:

Ground	Challenged Claims	35 U.S.C. §	Reference(s)
1	1, 3	103(a)	Kliger, Isaksson
2	1, 3	103(a)	Amit, Jacobsen, Isaksson

IPR2024-00393, Paper 7 at 7, 35 (PTAB July 26, 2024) ("393 Decision").

III. INSTITUTION OF *INTER PARTES* REVIEW

Petitioner contends that it "asserts the same unpatentability arguments and the same grounds in its Petition as those raised in the DISH IPR."

Mot. 4. Petitioner further contends that it relies on “substantially the same supporting evidence in its Petition as is relied on in the DISH IPR.” *Id.*

For the reasons set forth in the 393 Decision, we determine that Petitioner has demonstrated a reasonable likelihood of prevailing with respect to at least one challenged claim of the ’518 patent. Thus, we institute an *inter partes* review on all grounds and all challenged claims of the ’518 patent set forth in the Petition.

IV. GRANT OF MOTION FOR JOINDER

A motion for joinder should (1) set forth why joinder is appropriate; (2) identify any new grounds of unpatentability asserted in the petition; (3) explain what impact, if any, joinder would have on the trial schedule for the existing review; and (4) address specifically how briefing and discovery may be simplified. *See Kyocera Corp. v. Softview LLC*, IPR2013-00004, Paper 15 at 4 (PTAB April 24, 2013).

Petitioner contends that “joinder with the DISH IPR is appropriate because Petitioner asserts the same unpatentability arguments and the same grounds in its Petition as those raised in the DISH IPR.” Mot. 4. Petitioner asserts that “[b]oth petitions contain identical grounds based on the same prior art combinations against the same claims” and that “Petitioner . . . relies on substantially the same supporting evidence in its Petition as is relied on in the DISH IPR.” *Id.* Thus, according to Petitioner, “[b]ecause these proceedings introduce substantially identical unpatentability arguments and the same grounds, good cause exists for joinder, so that the Board, consistent with 37 C.F.R. § 42.1(b), can efficiently ‘secure the just, speedy, and inexpensive resolution’ of the Petition and the DISH IPR.” *Id.*

Petitioner further contends that joinder will not add any new grounds of unpatentability, and will not affect the trial schedule in the DISH IPR. Mot. 5–6. In addition, Petitioner contends that joinder will simplify briefing and discovery because Petitioner agrees to take an “understudy” role in a joined proceeding so long as DISH Network, LLC remains a petitioner in the case. *Id.* at 6–7.

Petitioner further contends that joinder will not prejudice Patent Owner because “[n]o additional grounds or arguments are being introduced; no issues are being added; and no additional discovery, briefing, or oral argument should be necessary because of Petitioner’s joinder.” *Id.* at 7–8. Petitioner argues that “joinder would beneficially allow Patent Owner to litigate the same patentability issues with both DISH Network, LLC and Petitioner efficiently and in a coordinated manner.” *Id.* at 8. Petitioner asserts that joinder is in the interests of the Board, Petitioner, and Patent Owner and will “simplify the issues and promote efficiency, justice, and speed.” *Id.*

Upon review of Petitioner’s arguments, which were not opposed by Patent Owner, we agree that joinder of this proceeding with the DISH IPR is appropriate. Accordingly, we *grant* Petitioner’s Motion for Joinder.

V. ORDER

Accordingly, it is

ORDERED that, pursuant to 35 U.S.C. § 314(a) and 37 C.F.R. § 42.4, an *inter partes* review is hereby instituted on all challenged claims on all grounds asserted in the Petition;

FURTHER ORDERED that Petitioner's Motion for Joinder with IPR2024-00393 is *granted*, and Petitioner is hereby joined as a petitioner in IPR2024-00393;

FURTHER ORDERED that the grounds on which trial in IPR2024-00393 were instituted are unchanged, and no other grounds are added in IPR2024-00393;

FURTHER ORDERED that Petitioner's role in IPR2024-00393 shall be limited as stated by Petitioner in the Motion for Joinder (Paper 3 at 6–7) unless and until DISH Network, LLC is terminated from that proceeding;

FURTHER ORDERED that the case caption in IPR2024-00393 shall be changed to reflect joinder of Petitioner in accordance with the attached example;

FURTHER ORDERED that a copy of this Decision be entered into the record of IPR2024-00393;

FURTHER ORDERED that the Scheduling Order in place for IPR2021-00393 (Paper 8) remains unchanged, and shall govern the joined proceeding; and

FURTHER ORDERED that all further filings shall be made in IPR2024-00393.

IPR2024-01059
Patent 7,295,518 B1

FOR PETITIONER:

Adam R. Shartzer
Ruffin B. Cordell
Michael J. Ballanco
Matthew P. Mosteller
John J. Thuermer
Timothy Riffe
Usman Khan
Alyaman Amer
FISH & RICHARDSON P.C.
IPR45035-0025IP1@fr.com

Cory C. Bell
Daniel F. Klodowski
Safiya Aguilar
Victor Palace
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP
cory.bell@finnegan.com
daniel.klodowski@finnegan.com
safiya.aguilar@finnegan.com
victor.palace@finnegan.com

FOR PATENT OWNER:

Jason A. Engel
Erik J. Halverson
Jared R. Lund
K&L GATES LLP
Jason.Engel.PTAB@klgates.com
erik.halverson@klgates.com
Jared.Lund@klgates.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DISH NETWORK, LLC and DIRECTV, LLC,¹
Petitioner,

v.

ENTROPIC COMMUNICATIONS, LLC,
Patent Owner.

IPR2024-01059
Patent 7,295,518 B1

¹ DIRECTV, LLC filed a motion for joinder and a petition in IPR2024-01059 and has been joined as a petitioner in this proceeding.