

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DIRECTV, LLC,
Petitioner,

v.

ENTROPIC COMMUNICATIONS, LLC,
Patent Owner.

IPR2024-01061
Patent 7,889,759 B2

Before LYNNE H. BROWNE, BARBARA A. PARVIS, and
FREDERICK C. LANEY, *Administrative Patent Judges*.

LANEY, *Administrative Patent Judge*.

DECISION

Denying Institution of *Inter Partes* Review

35 U.S.C. § 314

Denying Motion for Joinder

35 U.S.C. § 315(c); 37 C.F.R. 42.122

I. INTRODUCTION

On July 1, 2024, DIRECTV, LLC (“Petitioner”) filed a Petition (Paper 1, “Pet.” or “Petition”) requesting an *inter partes* review of claims 1–3 of U.S. Patent No. 7,889,759 B2 (Ex. 1001, “the ’759 patent”). Concurrently, Petitioner filed a Motion for Joinder seeking to be joined as a party to *DISH Network LLC v. Entropic Communications LLC*, IPR2024-00462 (“the DISH Network IPR”). Paper 3 (“Mot.”). Entropic Communications, LLC (“Patent Owner”) filed a Preliminary Response to the Petition. Paper 7 (“Prelim. Resp.”). We have authority and jurisdiction under 35 U.S.C. §§ 6, 314 and 37 C.F.R. § 42.4.

For the reasons discussed below, we determine institution of *inter partes* review is not warranted and deny Petitioner’s Motion for Joinder.

II. ANALYSIS

A. *Decision in IPR2024-00462*

We denied institution of the DISH Network IPR. DISH Network IPR, Paper 14. In our Decision Denying Institution of the DISH Network IPR, we determined that Petitioner did not establish a reasonable likelihood of prevailing with respect to any challenged claim (i.e., claims 1–3 of the ’759 patent). *Id.* at 29.

B. *Motion for Joinder*

Joinder in *inter partes* reviews is governed by 35 U.S.C. § 315(c), which states:

If the Director institutes an *inter partes* review, the Director, in his or her discretion, may join as a party to that *inter partes* review any person who properly files a petition under section 311 that the Director, after receiving a preliminary response under section 313 or the expiration of the time for filing such a

response, determines warrants the institution of an *inter partes* review under section 314.

Procedurally, a motion for joinder must be filed “no later than one month after the institution date of any *inter partes* review for which joinder is requested.” 37 C.F.R. § 42.122(b) (2019). Petitioner filed its Motion for Joinder on July 1, 2024, before our August 26, 2024, decision denying institution in the DISH Network IPR that Petitioner seeks to join. Mot. 8; DISH Network IPR, Paper 14.

Joinder is only permissible, however, when the *inter partes* review Petitioner seeks to join has been instituted. 35 U.S.C. § 315(c). As the DISH Network IPR has not been instituted, we do not grant Petitioner’s Motion for Joinder.

C. Denial of Institution of Inter Partes Review

Petitioner asserts that the instant Petition “is substantively the same as [the petition filed in] IPR2024-00462.” Pet. 1. Based on our independent review of the instant Petition, the petition filed in the DISH Network IPR, and the evidence relied upon in both petitions, we agree with Petitioner. *Compare* Pet. 1–84 with DISH Network IPR, Paper 2, 1–85.

For the same reasons discussed in our Decision Denying Institution of the DISH Network IPR, Paper 14, we determine Petitioner has not demonstrated a reasonable likelihood of prevailing with respect to any claim.

III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Motion for Joinder with IPR2024-00462 is *denied*; and

ORDERED that the Petition is *denied*, and no *inter partes* review is instituted.

IPR2024-01061
Patent 7,889,759 B2

For PETITIONER:

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

For PATENT OWNER:

Jason Engel
Erik Halverson
Jared Lund
K&L GATES LLP
jason.engel.ptab@klgates.com
erik.halverson@klgates.com
jared.lund@klgates.com

Kenneth Weatherwax
Parham Hendifar
LOWENSTEIN & WEATHERWAX LLP
weatherwax@lowensteinweatherwax.com,
hendifar@lowensteinweatherwax.com