

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC,
Petitioner,

v.

ENTROPIC COMMUNICATIONS, LLC,
Patent Owner.

IPR2025-00181
Patent 11,785,275 B2

Before JEFFREY T. SMITH, MICHELLE N. WORMMEESTER, and
SCOTT B. HOWARD, *Administrative Patent Judges*.

HOWARD, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

A. Background and Summary

Comcast Cable Communications, LLC (“Petitioner”) filed a Petition (Paper 2, “Pet.”), seeking *inter partes* review of claims 1–20 (the “challenged claims”) of U.S. Patent No. 11,785,275 B2 (Ex. 1101, “the ’275 patent”). Entropic Communications, LLC (“Patent Owner”) filed a Preliminary Response (Paper 7, “Prelim. Resp.”).

We have authority, acting on the designation of the Director, to determine whether to institute an *inter partes* review. 35 U.S.C. § 314 (2024); 37 C.F.R. § 42.4(a) (2024). *Inter partes* review may not be instituted unless “the information presented in the petition filed under [35 U.S.C.] section 311 and any response filed under [35 U.S.C.] section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a). “When instituting *inter partes* review, the Board will authorize the review to proceed on all of the challenged claims and on all grounds of unpatentability asserted for each claim.” 37 C.F.R. § 42.108(a).

For the reasons provided below, we are persuaded, based on the record before us, to exercise our discretion to deny institution in this proceeding based on Petitioner’s parallel petition in IPR2025-00180.

B. Real Parties in Interest

Petitioner identifies Comcast Corporation, Comcast Cable Communications, LLC, and Comcast Cable Communications Management, LLC, as the real parties-in-interest in this proceeding. Pet. vii.

Patent Owner identifies itself as the real party-in-interest. Paper 5, 1 (Patent Owner’s Mandatory Notices).

C. Related Matters

The parties indicate that the '275 patent has been asserted in *Entropic Communications, LLC v. Comcast Corporation*, No. 2:23-cv-01050 (C.D. Cal. filed Feb. 10, 2023), *Entropic Communications, LLC v. Cox Communications, Inc.*, No. 2:23-cv-01049 (C.D. Cal. filed Feb. 10, 2023), and *Entropic Communications, LLC v. Charter Communications, Inc.*, No. 2:23-cv-00052-JRG (E.D. Tex. filed April 27, 2022). Pet. viii; Paper 5, 1. The parties also identify two additional *inter partes* review proceedings involving the '275 patent. Pet. vii; Paper 5, 1.

Petitioner further identifies other proceedings before the Office involving related patents, another district court proceeding in which the '275 patent and other related patents are being asserted, and related patent applications. Pet. vii–x.

D. The '275 Patent

The '275 patent is titled System and Method for Receiving a Television Signal and is directed “to wideband receiver systems and methods having a wideband receiver that is capable of receiving multiple radio frequency channels located in a broad radio frequency spectrum.” Ex. 1101, code (54), 1:32–35. “In particular,” the '275 patent “relates to wideband receiver systems that are capable of receiving multiple desired television channels that extend over multiple non-contiguous portions of the broad frequency spectrum and grouping them into a contiguous, or substantially-contiguous, frequency spectrum.” *Id.* at 1:35–40. The system does this using

a wideband analog-to-digital converter (ADC) module and a digital frontend (DFE) module. The wideband ADC is configured to concurrently digitize a band of frequencies comprising a plurality of desired channels and a plurality of

undesired channels. The DFE module is coupled to the digital in-phase and quadrature signals. The DFE module is configured to select the plurality of desired channels from the digitized band of frequencies, and generate an intermediate frequency (IF) signal comprising the selected plurality of desired channels and having a bandwidth that is less than a bandwidth of the band of frequencies, where the generation comprises frequency shifting of the selected plurality of desired channels. The IF signal may be a digital signal and the DFE is configured to output the IF signal via a serial or parallel interface.

Id. at code (57).

E. Illustrative Claims

Claims 1 and 11 are independent claims and claim 1, reproduced below, is illustrative of the subject matter of the challenged claims.

1. [1A] A method for operating a television receiver, comprising:

[1B] receiving, by an input terminal, an input signal comprising broadcast channels, the broadcast channels comprising a plurality of desired channels and a plurality of undesired channels, wherein the plurality of desired channels are non-contiguous;

[1C] processing, by a radio front end coupled to the input terminal, the input signal to generate a processed input signal;

[1D] digitizing, by an analog-to-digital converter (ADC) coupled to the radio front end, the processed input signal to generate a digitized signal;

[1E] selecting, by a digital frontend (DFE) coupled to the ADC, the plurality of desired channels from the digitized signal; and

[1F] outputting, by the DFE, the selected plurality of desired channels to at least one demodulator as a digital datastream, wherein the demodulator extracts information encoded in the digital datastream.

Ex. 1101, 12:22–41; *see also* Pet. 78 (adding brackets).

F. Prior Art and Asserted Grounds

Petitioner asserts that claims 1–20 would have been unpatentable on the following grounds:

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1, 4, 7–9, 11, 14, 17–19	103(a) ¹	Petrovic ² , Edison ³
2, 3, 12, 13	103(a)	Petrovic, Edison, Rabaey ⁴
11, 14, 17–19	103(a)	Petrovic, Edison, Takahiko ⁵
12, 13	103(a)	Petrovic, Edison, Takahiko, Rabaey
1, 4, 5, 7, 8, 10, 11, 14, 15, 17, 18, 20	103(a)	Cholas ⁶ , Petrovic, Maalej ⁷
2, 3, 12, 13	103(a)	Cholas, Petrovic, Maalej, Rabaey
6, 16	103(a)	Cholas, Petrovic, Maalej, Lee ⁸
11, 14, 15, 17, 18, 20	103(a)	Cholas, Petrovic, Maalej, Takahiko
12, 13	103(a)	Cholas, Petrovic, Maalej,

¹ The Leahy-Smith America Invents Act (“AIA”) included revisions to 35 U.S.C. §§ 102 and 103 that became effective on March 16, 2013. Pub. L. No. 112–29, 125 Stat. 284, 287–88 (2011). The application that issued as the ’275 patent was filed after that date but claims the benefit of the filing of applications filed before the effective date. Ex. 1101, codes (22), (60), (63). For purposes of this Decision, we apply the pre-AIA version of the statute. We note that we would reach the same outcome applying the AIA version.

² US 2009/0290659 A1, published Nov. 26, 2009 (Ex. 1108).

³ US 7,783,958 B1, issued Aug. 24, 2010 (Ex. 1112).

⁴ Rabaey, J. M., Chandraksan, A., & Nikolić, B. (2003). *Digital Integrated Circuits: A design perspective*. Pearson Education. (Ex. 1116).

⁵ US 2006/0256216 A1, published Nov. 16, 2006 (Ex. 1161).

⁶ US 2010/0020794 A1, published Jan. 28, 2010 (Ex. 1158).

⁷ US 6,160,443, issued Dec. 12, 2000 (Ex. 1160).

⁸ US 2008/0039036 A1, published Feb. 14, 2008 (Ex. 1153).

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
		Takahiko, Rabaey
16	103(a)	Cholas, Petrovic, Maalej, Takahiko, Lee

Pet. 17. Petitioner also relies on the testimony of David B. Lett (Ex. 1102) and Sylvia Hall-Ellis, Ph.D. (Ex. 1173).

II. ANALYSIS

Patent Owner contends that the Board should “exercise its absolute discretion to deny institution of all three of Comcast’s parallel petitions challenging the ’275 patent.” Prelim. Resp. 6. Barring that, Patent Owner contends that the Board “should, at most, consider only one of the three.” *Id.* For the reasons that follow, we agree and therefore exercise our discretion under 35 U.S.C. § 314(a) to deny institution.

This is the second of three petitions filed concurrently by Petitioner challenging claims 1–20 of the ’275 patent. Consistent with the Board’s practice for handling parallel petitions, Petitioner filed a Petition Ranking (Paper 3, “Ranking”). *See* Patent Trial and Appeal Board Consolidated Trial Practice Guide 59–60 (November 2019) (“Practice Guide”).⁹ Petitioner ranks this Petition second and the petition in IPR2025-00180 first.

Ranking 1. In our separate decision in IPR2025-00180, entered concurrently with this decision, we institute *inter partes* review of claims 1–20 of the ’275 patent on all grounds stated in the Petition. IPR2025-00180, Paper 8.

In support of its decision to file three separate petitions challenging the same claims, Petitioner makes four arguments. Ranking 1–5. First, Petitioner asserts that because “[c]ertain of the primary references relied on in the petitions qualify as prior art under 35 U.S.C. § 102(e), including

⁹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

claiming the benefit of provisional filings,” it is “possible that the Patent Owner could attempt to antedate these references and/or remove them as prior art.” Ranking 1–2. Second, Petitioner asserts that “[e]ach of the primary references describes receivers that are strikingly similar to the receiver disclosed in the specification and drawings of the ’275 patent, yet each reference has different strengths with respect to various different claims.” *Id.* at 2. Third, Petitioner argues that “application of the references may have material differences in view of the prosecution history and/or issues related to § 325(d).” *Id.* at 4. Fourth, Petitioner argues that there are compelling unpatentability arguments. *Id.* at 4–5 (citing Director Vidal, *Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings With Parallel District Court Litigation* (June 21, 2022)). We do not find these arguments, either individually or collectively, persuasive.

Our Practice Guide provides guidance on handling situations involving multiple petitions by a single petitioner challenging the same patent claims:

Based on the Board’s experience, *one petition should be sufficient* to challenge the claims of a patent in most situations In addition, *multiple petitions by a petitioner are not necessary in the vast majority of cases*. To date, a substantial majority of patents have been challenged with a single petition.

Practice Guide 59 (emphasis added). The Practice Guide provides examples of “circumstances in which more than one petition may be necessary.” *Id.* None of these examples are pertinent here.

With regard to the first point, Petitioner’s ranking of the Petitions argues against us considering any potential antedating issues. Although Petitioner argues that the prior art relied upon might be antedated, that issue does not arise in the first ranked petition. Potential antedating issues may

provide a basis for instituting on multiple petitions in some circumstances, but such concerns do not exist in situations like this one where there are no issues regarding the prior art status of the prior art used in the first ranked petition. *See, e.g., Dexcom, Inc. v. Abbott Diabetes Care, Inc.*, IPR2023-01252, Paper 9, 13–14 (Feb. 5, 2024) (Institution Decision) (finding that where a priority dispute exists in the second ranked petition, the second petition is “unnecessary”).

With regard to the second point, Patent Owner points out that Petitioner “fails to show why any difference between the primary references would justify instituting more than one petition.” Prelim. Resp. 48. We agree. As our Practice Guide cautions, “[t]wo or more petitions filed against the same patent at or about the same time . . . may place a substantial and unnecessary burden on the Board and the patent owner and could raise fairness, timing, and efficiency concerns.” Practice Guide 59. This is especially concerning here, where the instituted trial in IPR2025-00180 will involve five references and nine grounds. Adding an additional six grounds and five references from this Petition to the mix would create an “unnecessary burden.”

With regard to the third point, Patent Owner does not make an argument based on section 325(d). *See* Prelim. Resp. 54. Accordingly, Petitioner’s concern is moot. Moreover, the Board previously rejected that argument. *Comcast Cable Communications, LLC v. Rovi Guides, Inc.*, IPR2019-01422, Paper 10, 7 (PTAB Jan. 30, 2020).

With regard to the fourth point, the memorandum relied upon by Petitioner has been rescinded in its entirety by the Office. USPTO Rescinds Memorandum Addressing Discretionary Denial Procedures (Feb. 28, 2025, available at www.uspto.gov/about-us/news-updates/uspto-rescinds-

memorandum-addressing-discretionary-denial-procedures (last accessed April 17, 2025)). Moreover, the guidance memo was directed to arguments regarding parallel district court proceedings, not multiple petitions.

Accordingly, Petitioner fails to show “why the Board should exercise its discretion to institute additional petitions if it identifies one petition that satisfies petitioner’s burden under 35 U.S.C. § 314(a).” Practice Guide 60.

III. CONCLUSION

For the foregoing reasons, we are not persuaded that the facts presented by Petitioner justify a second petition challenging the same claims of the ’275 patent as the petition in IPR2025-00180. We therefore exercise our discretion under 35 U.S.C. § 314(a) to deny institution of *inter partes* review.

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Petition is denied and *inter partes* review of claims 1–20 of U.S. Patent No. 11,785,275 is not instituted with respect to all grounds of unpatentability set forth in the Petition.

IPR2025-00181
Patent 11,785,275 B2

FOR PETITIONER:

Frederic Meeker
Harry Porter
Paul Qualey
Craig Kronenthal
Joshua Davenport
BANNER & WITCOFF, LTD.
fmeeker@bannerwitcoff.com
wporter@bannerwitcoff.com
pqualey@bannerwitcoff.com
ckronenthal@bannerwitcoff.com
jdavenport@bannerwitcoff.com

FOR PATENT OWNER:

Parham Hendifar
Kenneth J. Weatherwax
Jason A. Engel
Erik J. Halverson
Kyle M. Kantarek
Nolan R. Hubbard
Matthew A. Blair
K&L GATES LLP
hendifar@lowensteinweatherwax.com,
weatherwax@lowensteinweatherwax.com
jason.engel.ptab@klgates.com
erik.halverson@klgates.com
kyle.kantarek@kirkland.com
nolan.hubbard@klgates.com
matthew.blair@klgates.com