UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC,
Petitioner,

v.

ENTROPIC COMMUNICATIONS, LLC.,
Patent Owner.

Patent No. 9,866,438
Filing Date: February 16, 2017
Issue Date: January 9, 2018

Title: METHOD AND SYSTEM FOR SERVICE GROUP MANAGEMENT IN A CABLE NETWORK

Inter Partes Review No.: IPR2025-00183

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. 9,866,438 filed in IPR2025-00183, IPR2025-00184 and IPR2025-00185. *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 (IPR2025-00183) primarily relies on the Cooper reference. Petition 2 (IPR2025-00184) primarily relies on the Prodan reference. Petition 3 (IPR2025-00185) primarily relies on the Thibeault 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	IPR2025-00183 (Petition 1)	Cooper
B	IPR2025-00184 (Petition 2)	Prodan
C	IPR2025-00185 (Petition 3)	Thibeault

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 a provisional filing. It is, therefore, possible that the Patent Owner could attempt to antedate these references and/or remove them as prior art.

In particular, the Prodan and Thibeault references are prior art under 102(e). The Thibeault reference was filed on August 11, 2011, and the Prodan reference claims priority to a provisional application filed April 22, 2011. The Cooper reference is 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 a system for grouping cable modems that is strikingly similar to the system disclosed in the '438 patent specification, yet each reference has different strengths with respect to various different claims. For example, Petition 1 asserts that Cooper in combination with Cooper840 or Azenkot renders obvious claims 1-2, 7-8, 10-11 and 16-17. In contrast, Petitions 2 and 3 assert that a combination of Prodan or Thibeault in combination with Cooper840 or Azenkot render obvious at least claim 1.

In addition, Prodan (unlike Cooper and Thibeault) was considered during prosecution and the Examiner found that Prodan disclosed every feature of independent claims 1 and 10 except for a specific claim limitation that Applicant added by amendment to overcome a prior art rejection. Petition 2 includes separate grounds that combine Prodan with two different prior art references (Cooper840 and Azenkot) that disclose the limitation added by amendment—which was the only feature of claims 1 and 10 that the Examiner believed was missing from the prior art. Cooper840 was not considered during prosecution, while Azenkot was cited but

not applied in any rejection.

Furthermore, the petitions generally use different references as teaching certain features of dependent claims or for back-up arguments to the primary references. For instance, the Cooper combinations in Petition 1 include back-up arguments for independent claims 1 and 10 based on Monk, whereas the Thibeault combinations in Petition 3 do not rely on Monk as a back-up argument. Furthermore, the Prodan combinations in Petition 2 do not require an additional reference for dependent claim 6 because Prodan expressly discloses determining a signal-to-noise ratio versus frequency profile. Similarly, the Cooper combinations in Petition 1 also do not require an additional reference for dependent claims 7-8 and 16-17 because Cooper expressly discloses assigning cable modems to service groups based on their distance to a CMTS or based on amplifier cascade depth.

Finally, the petitions add different references to their respective base combinations in order to show certain dependent claims are obvious. With respect to dependent claims 3-5, for example, the petitions rely on different secondary references that disclose different reasons for using OFDM—specifically, Jalali in Petition 2 and Monk802 in Petition 3. In addition, Petition 3 adds an additional reference (Cooper) to the Thibeault combinations for dependent claims 7-8 and 16-17.

Depending upon the arguments Patent Owner makes, the use of these different references could be material.

Conclusion. For the reasons set forth above, the Board should consider each of Petitions 1-3 and not exercise its discretion to deny institution of the IPRs.

Dated: December 6, 2024 By: /Frederic M. Meeker/

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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 December 6, 2024, on the following:

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Dated: December 6, 2024

By: /Frederic M. Meeker/

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