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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

ENTROPIC COMMUNICATIONS, LLC,

Plaintiff,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

ENTROPIC COMMUNICATIONS, LLC,

Plaintiff,

v.

COMCAST CORPORATION, *et al.*,

Defendants.

Case No.: 2:23-cv-01049-JWH-KES (Lead Case)

Case No.: 2:23-cv-01050-JWH-KES (Related Case)

[Assigned to the Honorable John W. Holcomb]

PLAINTIFF ENTROPIC COMMUNICATIONS, LLC'S AMENDMENT TO MOTION FOR LEAVE TO AMEND AND SUPPLEMENT COMPLAINT AGAINST COMCAST DEFENDANTS, AND AMEND INFRINGEMENT CONTENTIONS (DKT. 115); DECLARATION OF CASSIDY T. YOUNG IN SUPPORT THEREOF

Hearing Date: December 15, 2023
Hearing Time: 9:00 a.m.
Courtroom: 9D

PLAINTIFF'S AMENDMENT TO ITS MOTION FOR LEAVE TO AMEND AND SUPPLEMENT

TO THE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Entropic Communications, LLC ("Entropic") hereby amends its Notice of Motion and Motion for Leave to Amend and Supplement Complaint Against Comcast defendants, And Amend Infringement Contentions (the "Motion") (Dkt. 115).

Entropic filed the Motion on November 13, 2023 pursuant to Rule 15 of the Federal Rules of Civil Procedure on the grounds that good cause existed (and still exists) to grant Entropic leave to amend and supplement its First Amended Complaint against the Comcast defendants, and to amend its infringement contentions. Specifically, Entropic discovered facts establishing a good-faith basis to assert the U.S. Patent No. 9,866,438 (the "'438 Patent") only recently. In addition, the U.S. Patent No. 11,785,275 (the "'275 Patent") was recently issued on October 10, 2023. Entropic's Motion is currently set to be heard on January 16, 2023 pursuant to the Court's Order continuing the hearing on that Motion (Dkt. 121).

Seven days after Entropic filed its Motion, the Court entered its Order Granting Comcast's Motion to Dismiss and Granting Entropic Leave to Amend (Sealed Dkt. 120). Entropic, in compliance with the Court's Order, filed its Second Amended Complaint ("SAC") on December 8, 2023 (Dkt. 129), which included allegations of certain post-filing conduct of Comcast. Out of an abundance of caution, Entropic also filed an additional Motion for Leave to Supplement Complaint (Dkt. 131) since the Court's Order was ambiguous as to whether it granted Entropic's request for leave to supplement, which it requested in its Opposition to Comcast's Motion to Dismiss, and Entropic's SAC included post-filing conduct of Comcast. *See* Fed. R. Civ. P. 15.

Entropic hereby amends its Motion to: (1) make clear that Entropic's Motions to Amend and Supplement and its subsequent Motion to Supplement (Dkt 115 and

Dkt 131) have not been mooted—rather, they each address discrete issues, and (2) submit a supplemental declaration for the purposes of attaching (a) a proposed Third Amended Complaint (and redline) that simply adds the proposed new allegations and claims that were previously submitted to the Court with Entropic's Motion (Dkt. 115) to the subsequently filed Second Amended Complaint, such that if the Court grants Entropic's Motion, it will have an updated, complete proposed Third Amended Complaint, and (b) a proposed separate second supplemental pleading that contains the allegations contained in the proposed Third Amended Complaint based on post-filing conduct. Entropic furthermore hereby incorporates by reference the Memorandum of Point and Authorities in Support of Entropic's Motion (Dkt. 115).

Dated: December 15, 2023

Respectfully submitted,

By: /s/ Christina Goodrich

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