

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAGEMCOM BROADBAND SAS,

Petitioner

v.

ENTROPIC COMMUNICATIONS, LLC,

Patent Owner.

IPR2026-00263

U.S. Patent No. 11,785,275

**PETITIONER’S MOTION TO ADOPT THE RECORD FROM
IPR2025-00180 AND PROCEED STRAIGHT TO ORAL HEARING**

I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Petitioner Sagemcom Broadband SAS (“Sagemcom” or “Petitioner”) hereby moves that: (1) the Board adopt the record from *Comcast Cable Communications, LLC v. Entropic Communications, LLC*, IPR2025-00180 (“the Comcast IPR”), which was recently terminated on February 6, 2026, and (2) proceed directly in this IPR to the stage of the Comcast IPR at the time of its termination, namely, oral hearing followed by Final Written Decision. Or alternatively, if Entropic Communications, LLC (“Entropic” or “Patent Owner”) agrees to waive the oral hearing, Petitioner would agree to the same, so that the Board can proceed directly to issuing a final written decision.

The instant Petition is a copycat of the Comcast IPR petition: it involves the same patent, same claims, same grounds of unpatentability, same arguments word-for-word, and same evidence (including the same prior art combinations supported by the same expert declarations) as the Comcast IPR.¹ In addition, if this IPR is instituted, Petitioner has stipulated to accept the record in the Comcast IPR,

¹ Petitioner has filed a supplemental declaration from the same expert. EX-1131. That supplemental declaration confirms the expert has been retained by Petitioner and that he reaffirms his prior opinions and testimony; it contains no new opinions or substantive testimony. *See id.*

including all papers and expert testimony filed by Comcast, as its own (Paper 3). In other words, because the Board has already expended significant resources in the Comcast IPR, Petitioner seeks simply to have the Board pick up where it left off: conducting an oral hearing and issuing a final written decision based on the record in the Comcast IPR.

As further explained below, granting this motion will promote efficiency in determining patentability for the challenges raised in the Comcast IPR, in which a full record has already been developed, without prejudice to Patent Owner.

II. BACKGROUND

Entropic is the purported owner of the '275 Patent, and that patent issued on October 10, 2023. Entropic asserted the '275 Patent against Comcast in a second amended complaint filed on December 8, 2023 in *Entropic Communications, LLC v. Comcast Corp.*, No. 2:23-cv-01050 (C.D. Cal.). Comcast then challenged the '275 Patent in IPR, and the Board instituted the Comcast IPR on April 29, 2025. Comcast IPR, Paper 8. Entropic requested Director Review of that institution decision (*id.*, Paper 12), which was denied on August 21, 2025 (*id.*, Paper 20). The parties completed all substantive briefing in the Comcast IPR; the Board set the oral hearing for January 27, 2026 (*id.*, Paper 35); and both parties filed demonstrative exhibits for the oral hearing (*id.*, EX-1096, EX-2032). The oral hearing, however, never took

place because the parties moved to terminate based on settlement. *Id.*, Paper 41, EX-3003. The Board terminated the Comcast IPR on February 6, 2025. *Id.*, Paper 42.

On April 10, 2025, Entropic filed a complaint asserting the '275 Patent against Sagemcom in *Entropic Communications, LLC v. Sagemcom Broadband SAS*, No. 2:25-cv-00379 (E.D. Tex.), and then Entropic waited more than two months to serve Sagemcom (*id.*, Dkt. 15). Notably, by the time Sagemcom was served, the time for seeking to join the Comcast IPR had already passed. *See* 37 C.F.R. §42.122(b). Entropic's litigation against Sagemcom has not proceeded past the pleading stage and has been stayed since October 9, 2025 when the district court granted the parties joint motion to stay pending IPR. *Id.*, Dkt. 29. The district court recently granted the parties' joint motion to continue that stay pending all Federal Circuit appeals of FWDs in IPRs of other patents² asserted against Sagemcom. *Id.*, Dkt. 40.

III. STATEMENT OF REASONS FOR RELIEF REQUESTED

The Board has broad discretion to determine the “proper course on conduct in a proceeding for any situation not specifically covered by [the rules] and may enter non-final orders to administer the proceeding.” 37 C.F.R. §42.5(a). 35 U.S.C. §315(d) provides for situations where multiple proceedings are pending before the

² Those IPRs are IPR2024-00435, IPR2024-00438, IPR2024-00441, IPR2024-00442, and IPR2024-00446.

Office at the same time, and in that case “the Director may determine the manner in which the *inter partes* review or other proceeding or matter may proceed, including providing for stay, transfer, consolidation, or termination of any such matter or proceeding.” *See also* 37 C.F.R. §42.122(a) (“Where another matter involving the patent is before the Office, the Board may during the pendency of the *inter partes* review enter any appropriate order regarding the additional matter including providing for the stay, transfer, consolidation, or termination of any such matter.”). Here, no other proceeding is pending before the Office regarding the ’275 Patent. Because the Rules do not expressly provide for the situation presented by this motion, the Board can determine the appropriate course of conduct for this IPR. More specifically, here, the Board should institute this IPR (as it did in the Comcast IPR), enter a Scheduling Order that sets only the date for oral hearing, and following the oral hearing proceed to issue a Final Written Decision.³ Such an approach will promote efficiency for the Board, the district court, and the parties.

A. Granting This Motion Will Promote Efficiency at the Office

As noted, this Petition is a copycat of the Comcast IPR petition. In that IPR, all that remained at the time of termination was the oral hearing and for the Board to

³ Or alternatively, if Entropic agrees to forego the oral hearing, Petitioner would agree to the same.

issue its Final Written Decision. Regarding institution, Patent Owner filed both a Patent Owner Preliminary Response and a Director Review Request of the Board's institution decision. Comcast IPR, Papers 7, 12. In addition, the parties developed a complete trial record after institution: they took depositions of each other's declarants and filed all substantive briefs. *Id.*, Papers 16, 18, 19, 22, 25, 27, 34. Both parties requested oral hearing (*id.*, Papers 31-32) and filed demonstrative exhibits in anticipation of it (*id.*, EX-1096, EX-2032). But the parties settled just before the oral hearing, and the Board granted their motion to terminate it. *Id.*, EX-3003, Papers 38-42.

Petitioner here does not seek to change anything in the record in the Comcast IPR. Petitioner presents no new challenges or changes to the challenges in the Comcast IPR, and Petitioner seeks to adopt the entire record from it. In doing so, Petitioner asks to move directly to the oral hearing in this IPR (or to forego it if Patent Owner agrees). For that reason, this IPR does not present concerns of duplicative challenges before the Office, and proceeding directly to oral hearing would leverage the Board's experience with the '275 Patent and the asserted prior art.

B. Granting This Motion Will Promote Efficiency at the District Court

As discussed above, the litigation against Sagemcom has not proceeded past the pleading stage and has been stayed since October 9, 2025. *Entropic*, No. 2:25-

cv-00379, Dkt. 29. The district court recently granted the parties joint motion to continue that stay pending resolution of all Federal Circuit appeals of five IPRs which found all, or most, of the asserted claims in each patent to be unpatentable. *Id.*, Dkt. 39, 40. Entropic has filed appeals to the Federal Circuit of three of these decisions, and the time for Entropic to file appeals on the remaining two has not yet expired. *Id.*, Dkt. 39. Because of this, the district court's stay of the co-pending litigation is likely to continue into 2028),⁴ with or without this copycat petition.

Granting this motion and proceeding directly to the oral hearing will allow the Board to quickly resolve unpatentability and avoid duplicative effort in the district court. Notably, if this IPR is instituted, Sagemcom has provided a broad stipulation (Paper 5) that it will not pursue in the co-pending litigation (i) the specific grounds raised in this IPR, (ii) any other grounds that could have reasonably been raised before the PTAB in that instituted proceeding (i.e., any ground that could have reasonably been raised under §§ 102 or 103 on the basis of prior art patents or printed publications), or (iii) any ground based on a combination of system prior art and the references asserted as part of a ground raised in this IPR. *See Tesla, Inc. v. Intell.*

⁴ For Federal Circuit appeals from the USPTO in FY2025, the median time from docketing to disposition was 21 months. *See* <https://www.cafc.uscourts.gov/wp-content/uploads/reports-stats/FY2025/MedianDispositionTime-Merits.pdf>.

Ventures II, LLC, IPR2025-00217, Paper 9 at 2-3 (June 13, 2025); *see also Samsung Elecs. Co. v. Wilus Inst. of Standards & Tech. Inc.*, IPR2025-00933, Paper 11 at 2-5 (Oct. 10, 2025) (citing *Tesla*, IPR2025-00217, Paper 9 at 2-3); *Toyota Motor Corp. v. Autoconnect Holdings, LLC*, PGR2025-00041, Paper 9 at 2-3 (Sept. 8, 2025); *Shenzen Tuozhu Tech. Co. v. Stratasy, Inc.*, IPR2025-00438, Paper 10 at 2-4 (July 17, 2025) (citing *Tesla*, IPR2025-00217, Paper 9 at 2-3); *Tesla, Inc. v. U.S.A.. as Represented by the Sec'y of the Navy*, IPR2025-00341, Paper 12 at 2-3 (June 13, 2025). Because the co-pending litigation is stayed, this broad stipulation, which is broader than the statutory estoppel in 35 U.S.C. §315(e)(2), will eliminate overlap if/when that litigation resumes. On the other hand, if the Board does not resolve invalidity, the district court would be starting from scratch.

C. Granting This Motion Will Promote Efficiency for the Parties

If this motion is granted, it would be efficient for the parties, who would not need to file any substantive briefs, take any depositions, or prepare any demonstratives for oral hearing. Instead, the parties would need only to participate in oral hearing (unless the parties agree to forego even that), which would save duplicative effort from the Comcast IPR (or work on overlapping grounds in co-pending litigation).

IV. CONCLUSION

For the reasons discussed above, Petitioner respectfully requests that the Board grant this motion and (1) adopt the record from the Comcast IPR and (2) proceed directly to scheduling the oral hearing in this IPR.

Respectfully submitted,

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