

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAGEMCOM BROADBAND SAS,  
Petitioner,

v.

ENTROPIC COMMUNICATIONS, LLC,  
Patent Owner.

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Case IPR2026-00263  
Patent 11,785,275

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**PATENT OWNER'S OPPOSITION TO  
PETITIONER'S MOTION TO ADOPT THE RECORD FROM IPR2025-  
00180 AND PROCEED STRAIGHT TO ORAL ARGUMENT**

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## **I. INTRODUCTION**

Sagemcom’s motion to “adopt the record” from a terminated IPR and proceed directly to oral argument (“Motion” or “Mot.”) should be denied. The Motion identifies no statute, regulation, or Board rule authorizing the relief it seeks—and none exists.

In substance, Sagemcom seeks to (i) reopen a terminated IPR, (ii) bypass the statutory deadline for joinder, and (iii) step into Comcast’s role after electing not to participate when it had the opportunity to do so. Sagemcom was sued before IPR2025-00180 (“the Comcast IPR”) was instituted and had ample time to file its own petition and seek joinder. It did neither. Instead, it waited until after the Comcast IPR was terminated following settlement, and now seeks to invoke that record without having participated in its development. The Motion fails for at least four independent reasons.

First, it is procedurally improper. Sagemcom filed its Motion without seeking prior authorization from the Board, in violation of 37 C.F.R. § 42.20(b). *See* Section III.A.

Second, even if considered, the Motion fails because the Board lacks authority to grant the requested relief. The AIA and the Board’s rules do not permit reopening a terminated IPR or granting equivalent relief at the request of a non-party. *See* Section III.B.

Third, Sagemcom’s request is, in substance, an untimely attempt to join a terminated IPR. The deadline for seeking joinder expired on May 29, 2025—nearly nine months before Sagemcom filed its Motion—and no proceeding remained to join after termination. *See* Section III.C.

Fourth, even if the Motion were procedurally proper and within the Board’s authority—which it is not—granting it would reward gamesmanship and undermine the integrity of IPR proceedings. Sagemcom declined to participate when the statutory mechanisms were available, then sought to capitalize on another party’s efforts after settlement. Granting that request would undermine finality, discourage settlement, and distort the adversarial structure of inter partes review. *See* Section III.D.

For these reasons, the Motion should be denied.

## **II. FACTUAL BACKGROUND.**

Comcast filed IPR2025-00180 (the “Comcast IPR”) challenging the ’275 patent on December 6, 2024. Patent Owner filed its complaint asserting the ’275 patent against Sagemcom on April 10, 2025—more than two weeks before the Comcast IPR was instituted on April 29, 2025.

The deadline to request joinder was May 29, 2025—49 days after the complaint was filed. 37 C.F.R. § 42.122(b). Sagemcom did not seek joinder, did not file its own petition, and did not otherwise participate in the Comcast IPR. By

electing not to join, Sagemcom sought to avoid estoppel. *See* 35 U.S.C. § 315(e).

On February 3, 2026, Comcast filed a Joint Motion To Terminate the Comcast IPR because “[t]he Parties have entered into a settlement agreement that resolves all underlying disputes between Petitioner and Patent Owner with respect to the ’275 patent.” Ex. 2001 [Comcast IPR Joint Motion to Terminate] 1. The Board granted that motion and terminated the Comcast IPR on February 6, 2026. Ex. 2002 [Comcast IPR Termination] 2.

Only after the Comcast IPR was terminated did Sagemcom act. On February 20, 2026—nearly 9 months after the joinder deadline passed—Sagemcom filed its Petition and the present Motion requesting that the Board adopt the prior record and proceed directly to oral argument. Sagemcom did not seek authorization to file the Motion and did not meet and confer with Patent Owner or otherwise provide even pre-filing notice of its motion.

### **III. PETITIONER’S MOTION SHOULD BE DENIED.**

#### **A. Sagemcom’s Motion Is Unauthorized.**

Sagemcom filed its Motion without first seeking authorization from the Board, in violation of the Office’s rules. 37 C.F.R. § 42.20(b)—titled “prior

authorization”—provides that “[a] motion<sup>[1]</sup> will not be entered without Board authorization.” Sagemcom’s Motion—seeking to import the record of a terminated IPR and proceed directly to oral argument—required prior authorization. The Board has clear authority to expunge unauthorized motions. *See* 37 C.F.R. § 42.7(a) (“The Board may expunge any paper . . . that is not authorized under [Part 42] or in a Board order.”).

Sagemcom’s disregard for procedural requirements did not stop there. Sagemcom also failed to meet and confer with Patent Owner and provided no pre-filing notice of its Motion, further underscoring that the Motion was filed outside the ordinary and authorized processes governing Board practice.

For these reasons alone, the Motion is procedurally improper and should be expunged or denied.

**B. Even If Considered, The Motion Should Be Denied Because The Board Lacks Authority To Grant The Requested Relief.**

Even if the Board were to consider Sagemcom’s unauthorized Motion, it should be denied because the Board lacks authority to grant the relief requested. Sagemcom asks the Board to adopt the record of a terminated IPR and proceed

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<sup>1</sup> Under 37 C.F.R. § 42.2, a “[m]otion means a request for relief other than by petition.”

directly to oral argument and final written decision. Mot., 1. That request necessarily requires the Board to revive a terminated proceeding or grant equivalent relief by allowing a non-party to step into a concluded IPR and obtain a final written decision on a record it did not create. No provision of the AIA or the Board's rules authorizes that result.

The Board addressed this issue in *Ubiquiti Inc. v. XR Commc'ns, LLC*, IPR2024-00148, Paper 11 (May 6, 2024) ("*Ubiquiti*"). There, as here, the petitioner sought to reopen a terminated IPR and participate after the fact.<sup>2</sup> The Board rejected that request, finding the Board lacked authority to grant the requested relief:

Petitioner does not identify any specific statute or regulation that authorizes us to reopen a properly terminated *inter partes* review proceeding. And we do not discern a specific statute or regulation that gives us such authority. Petitioner argues that there is no authority that precludes us from reopening a proceeding. But the lack of an express

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<sup>2</sup> The complaint against Ubiquiti was filed in June 2021. *Ubiquiti*, 3.

Ubiquiti did not file any IPRs challenging the patent-at-issue. *Id.*, 15. In October 2023, just a few weeks before the final written decision was due in the -00613 IPR, all petitioners settled and the -00613 IPR was terminated. *Id.*, 4. Only then did Ubiquiti file its motion to revive the terminated IPR. *Id.*, 2.

prohibition against an action does not necessarily mean we have the authority for that action, particularly the extraordinary action of reopening a terminated proceeding at the behest of a non-party to that proceeding.

*Ubiquiti*, 12-13.

That holding forecloses Sagemcom's Motion. Although Sagemcom attempts to reframe its request as merely adopting a prior record, the substance is the same: it seeks to obtain a final written decision based on a terminated proceeding in which it did not participate. As in *Ubiquiti*, Sagemcom identifies no authority permitting the Board to take such an extraordinary step because none exists. That alone is sufficient reason to deny the Motion.

The Board in *Ubiquiti* also emphasized that "even if we had the authority" to grant the motion, there was no reason to do so given the petitioner's failure to act when procedures were available "weigh[ed] heavily against any interests of justice in reopening" the proceeding. *Id.*, 15-16. That consideration applies here as well. Sagemcom was sued before institution of the Comcast IPR, had the opportunity to file its own petition, and could have sought joinder within the one-month period set by 37 C.F.R. § 42.122(b). It did neither and only now seeks to participate after the prior proceeding was terminated.

Accordingly, even if the Motion were properly before the Board, it should be denied because the Board lacks authority to grant the requested relief, and because Sagemcom's failure to avail itself of available procedures independently weighs against any discretionary relief.

**C. Sagemcom's Motion Is Effectively An Untimely Motion To Join A Terminated IPR.**

Although Sagemcom does not label its Motion as one to reopen IPR2025-00180 or to seek joinder after the deadline, that is the substance of the relief it requests. Sagemcom asks the Board to "(1) ... adopt the record from [the Comcast IPR], which was recently terminated ... and (2) proceed directly ... to ... oral hearing followed by Final Written Decision." Mot., 1.

That request cannot be meaningfully distinguished from reopening the Comcast IPR and permitting Sagemcom to join that proceeding after termination. The only way for the Board to adopt the prior record and proceed directly to decision would be to treat Sagemcom as stepping into the role of the prior petitioner in a concluded proceeding—*i.e.*, to revive the terminated IPR in substance, if not in name.

Framing the request as one to "adopt the record" does not alter its legal effect. The AIA provides a specific mechanism for a non-party to participate in an existing IPR—joinder under 35 U.S.C. § 315(c)—and imposes a strict deadline for

doing so. 37 C.F.R. § 42.122(b) requires that any motion for joinder be filed “no later than one month after the institution date” of the IPR.

Here, the Comcast IPR was instituted on April 29, 2025. The deadline to seek joinder was therefore May 29, 2025. Sagemcom did not seek joinder by that deadline, did not file its own petition, and did not participate in the Comcast IPR in any way. Instead, Sagemcom waited until after the Comcast IPR was terminated on February 6, 2026, and only then—on February 20, 2026, more than eight months after the joinder deadline—filed its Petition and Motion.

Moreover, joinder presupposes the existence of a pending proceeding. Once the Comcast IPR was terminated on February 6, 2026, there was no longer any proceeding to join. As the Board explained in *Ubiquiti*, where reopening is denied, the petitioner “has no proceeding to join.” *Ubiquiti*, 17. Sagemcom’s Motion thus seeks relief that is not only untimely, but impossible under the Board’s framework governing joinder.

Sagemcom’s Motion thus seeks to obtain, after termination, the very relief that could only have been obtained through timely joinder before termination. The Board has repeatedly denied joinder requests filed even days or weeks late. *E.g.*, *TrickleStar LLC v. Embertec Pty Ltd.*, IPR2017-00839, Paper 11, 32-33 (June 10, 2017) (denying joinder motion filed five days after deadline); *Google Inc. v. Personalweb Techs., LLC*, IPR2014-00978, Paper 11, 4-5 (Oct. 30, 2014) (denying

joinder motion filed one month after statutory deadline). Sagemcom's attempt—filed months after the deadline and after the underlying proceeding has been terminated—falls far outside the bounds of permissible joinder practice.

In short, Sagemcom seeks to obtain, after termination, the very relief that could only have been obtained through timely joinder before termination. The Board should treat the Motion accordingly—as an untimely attempt to join a terminated IPR—and deny it on that basis alone.

**D. Even If, Counterfactually, Sagemcom's Motion Could Be Granted, Doing So Would Reward Gamesmanship For No Good Purpose.**

Even if the Board were to overlook the procedural and legal defects discussed above, Sagemcom's Motion should be denied for additional, independent reasons. Sagemcom's lack of diligence, the prejudice to Patent Owner, and the strong interest in preserving the finality of terminated proceedings all weigh decisively against granting the extraordinary relief requested.

First, Sagemcom's lack of diligence strongly disfavors relief. Sagemcom was sued on the '275 patent before the Comcast IPR was instituted. Mot., 3. It therefore had a full and fair opportunity to (i) file its own petition within the one-year statutory window and (ii) seek joinder within one month of institution. It did neither. Instead, Sagemcom waited until after the Comcast IPR had progressed to the eve of trial and was terminated following settlement before filing its Petition

and Motion. That sequence reflects a deliberate choice to sit on the sidelines and attempt to capitalize on another party's efforts after the fact. As the Board has recognized, a petitioner's failure to avail itself of available procedures within the timeframes set by statute and rule weighs heavily against granting extraordinary relief. *Ubiquiti*, 15-16.

Second, granting Sagemcom's Motion would undermine the Board's strong interest in the finality of terminated proceedings and discourage settlement. Patent Owner and Comcast resolved the Comcast IPR with the expectation that termination would bring the proceeding to a close. Allowing a non-party to effectively revive that proceeding after settlement would erode that expectation of finality. As the Board explained in *Ubiquiti*, reopening a terminated IPR would disincentivize settlement by depriving parties of the certainty that termination is intended to provide. *Ubiquiti*, 16. Permitting Sagemcom's Motion would invite precisely that result, creating an incentive for non-parties to await the outcome of another party's IPR and then attempt to resurrect the proceeding post-termination.

Third, Sagemcom's Motion would create a fundamentally unfair and asymmetric proceeding. Sagemcom seeks to adopt a fully developed trial record created by Comcast—including expert testimony, cross-examination, and briefing—without having participated in its development or being subject to the corresponding procedural burdens. Comcast's record reflects its own strategic

choices, positions, and concessions. Sagemcom, by contrast, would be free to inherit the benefits of that record while avoiding the risks and constraints that produced it.

The IPR framework does not permit a petitioner to obtain the benefit of a completed trial record without undertaking the obligations necessary to create it. Allowing Sagemcom to do so would decouple the evidentiary record from the party responsible for developing it, resulting in a proceeding that is neither balanced nor consistent with the adversarial structure contemplated by the AIA.

Fourth, Sagemcom's invocation of "efficiency" (Mot., 4-7) does not justify the requested relief. Efficiency cannot override the statutory framework governing IPR proceedings, including the statutory time limit for seeking joinder, nor can it justify granting relief that would otherwise be improper. In any event, granting the Motion would likely create, not reduce, inefficiency—giving rise to disputes over the scope and applicability of the prior record, the relevance of party-specific testimony, and the propriety of issuing a final written decision on a record not developed in the present proceeding.

Finally, Sagemcom's reliance on the Board's general discretion under 37 C.F.R. § 42.5(a) and 35 U.S.C. § 315(d) (Mot., 3–4) does not alter the analysis. Those provisions permit the Board to manage proceedings that are properly before it; they do not permit the Board to revive a terminated proceeding or to create a

new procedural mechanism allowing a non-party to inherit a completed trial record. Nor do they justify granting relief that would undermine the statutory scheme and the fairness of the proceeding.

In short, even setting aside the threshold defects discussed above, every relevant discretionary consideration weighs against granting Sagemcom's Motion. The Motion should be denied on that basis as well.

#### **IV. CONCLUSION**

For the foregoing reasons, the Board's reasoning in *Ubiquiti* should apply here, and Petitioner's Motion should be denied.

Respectfully submitted,

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Date: March 20, 2026

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the following documents were served by electronic service, by agreement between the parties, on the date signed below:

**PATENT OWNER'S OPPOSITION TO  
PETITIONER'S MOTION TO ADOPT THE RECORD FROM IPR2025-  
00180 AND PROCEED STRAIGHT TO ORAL ARGUMENT**

**EXHIBITS 2001–2002**

The names and addresses of the parties being served are as follows:

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Respectfully submitted,

/ Michael Cosley /

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Date: March 20, 2026