

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 REPLY IN SUPPORT OF ITS MOTION TO ADOPT THE
RECORD FROM IPR2025-00180 AND PROCEED STRAIGHT TO ORAL
ARGUMENT**

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Petitioner moved for the Board to adopt the record from IPR2025-00180 (“the Comcast IPR”)¹ and proceed directly to the stage of the Comcast IPR at the time of its termination—namely, oral hearing followed by a Final Written Decision (“FWD”). Paper 4 (“Mot.”).² Although PO tries to imbue ill intent into that motion, the facts show the opposite. In particular, Petitioner was not served with a complaint asserting infringement of U.S. Patent 11,785,275 (the “’275 patent,” EX1001) until after the time for joining the Comcast IPR had passed. Unable to join, Petitioner chose not to bring a duplicative serial challenge and instead reasonably expected the Comcast IPR to reach a Final Written Decision—just as multiple other IPRs filed by Comcast did. But this Comcast IPR settled on the eve of oral hearing.

Based on that development, Petitioner chose to file its own IPR, but in a way that would be the least burdensome to the Board and the parties. Along with its Petition, Petitioner filed a stipulation broader than *Sotera* (Paper 5) and a stipulation to accept the record from the Comcast IPR (Paper 3). With this motion, Petitioner also wished to make its intent with the latter clear: it did not demand a wasteful do-over in re-developing the same IPR record all over again; instead, Petitioner agreed

¹ Petitioner filed the record from that IPR as exhibits in this IPR. *See* EX1001-1130.

² Petitioner also agreed to waive the oral hearing if PO agreed to do so. Mot. 1.

that it would accept what had already been done (both where it was helpful to Petitioner and where it was not) to avoid unnecessary work for the Board and PO.

Entropic settled with Comcast after many of Entropic's other patents had been invalidated in IPRs, but before there could be a FWD for the '275 patent. It is unclear from PO's opposition (Paper 9 ("Opp.")) why it prefers to now start from scratch for the '275 patent. Nevertheless, Petitioner continues to believe this IPR should proceed as efficiently as possible, and for the reasons discussed below, Petitioner respectfully requests the Board grant this motion.

I. GRANTING THIS MOTION WOULD ALLOW THIS IPR TO PROCEED EFFICIENTLY³

As explained (Mot. 5-6), the co-pending litigation against Petitioner is at an early stage and has been stayed since October; that stay is likely to continue into 2028. Thus, Petitioner described the statutory and regulatory bases for the motion's requested relief (*id.*, 4-5)⁴ and that granting this motion will allow the Board to quickly resolve unpatentability and avoid duplicative effort in district court (*id.*, 6).

³ PO argues that Petitioner should have sought authorization prior to filing this motion. Opp. 1, 3-4. To the extent the Board agrees, Petitioner requests authorization now and for the Board to consider the merits of this motion.

⁴ PO's argument against these bases presupposes this IPR is not properly before the Board. Opp. 11-12. That is incorrect, because Petitioner is not time-barred here.

And Petitioner provided a stipulation broader than the statutory estoppel in 35 U.S.C. §315(e)(2) to ensure elimination of any potential overlap in the future. *Id.*, 6-7.⁵

PO does not dispute any of this but instead seeks to cast the motion as an untimely joinder motion. *E.g.*, Opp. 1 (construing this motion as a request to “reopen a terminated IPR,” “step into Comcast’s role,” and “seek joinder”), 7 (arguing the motion is “*effectively* an untimely motion to join a terminated IPR” (emphasis added)). Not so. Petitioner is not time-barred, and the facts here support the Board instituting and reaching a FWD on the merits (challenged patent issued in 2023 and co-pending litigation is stayed with little investment). The Board has already determined the grounds in this IPR show a reasonable likelihood of success for purposes of institution (because they are the same as the instituted grounds in the Comcast IPR). If instituted (as it should be), this IPR would reach a FWD no later than August 2027 (when the district court litigation is expected to still be stayed). Petitioner believes it is unnecessary to spend over a year recreating the record from the Comcast IPR when this Petition is a copycat of that one.

PO does not explain why it wants to do so, other than to delay or avoid a decision on this IPR. PO argues that granting this motion “would create a

⁵ PO’s claim that Petitioner is seeking to avoid estoppel (Opp. 3) cannot be reconciled with the broad stipulation that Petitioner filed with its Petition.

fundamentally unfair and asymmetric proceeding” (Opp. 10), but it is unclear how. In the Comcast IPR, PO had the opportunity to file briefs and evidence, and it was permitted to and did cross-examine Petitioner’s expert. Petitioner does not seek to add evidence, file different briefs, or change experts; it accepts the entirety of the record as it was developed by PO itself. Petitioner is far from being free from the “risks and constraints” of the record in the Comcast IPR, as PO contends (Opp. 11), because Petitioner has agreed to adopt that record in whole.

PO accuses Petitioner of gamesmanship because it is upsetting PO’s “expectation of finality” (Opp. 10), but—to Petitioner—it appears the opposite: PO settled to avoid a determination of invalidity for a patent that it waited to assert against Petitioner and others. PO has no expectation of finality with Petitioner here.

II. *UBIQUITI* IS INAPPOSITE

PO argues a Board panel’s decision in *Ubiquiti Inc. v. XR Commc’ns LLC*, IPR2024-00148, Paper 11 (May 6, 2024), “forecloses” this motion. Opp. 6; *see id.*, 5-8, 10, 12. It does not. Importantly, that IPR involved a time-barred petitioner, who could only file a petition if it sought joinder with an already-instituted IPR. *Id.*, Paper 12, at 11 (May 6, 2024). The problem there was that there was no pending IPR for the petitioner to join; nevertheless, the petitioner filed a motion for joinder along with a motion to reopen a terminated IPR. *Id.*, 10-11. Not surprisingly, the Board denied that motion. But the Board’s decision in *Ubiquiti* did not address facts like

those here—namely, where Petitioner seeks only to conduct this proceeding efficiently and is *not* time-barred, has not filed a joinder motion, and does not seek to re-open the Comcast (terminated) IPR.⁶

III. ANY DELAY HERE WAS CAUSED BY PO FAILING TO TIMELY SERVE ITS COMPLAINT

PO argues that Petitioner delayed in bringing this IPR, but it was PO who delayed in serving its district court complaint. Mot. 3. It is undisputed that PO waited to serve the complaint in the co-pending litigation until after the time period for joining the Comcast IPR had passed (joinder period ended on May 29, 2025, and complaint served on June 16, 2026). *See id.* (citing *Entropic Comm'ns, LLC v. Sagemcom Broadband SAS*, No. 2:25-cv-00379 (E.D. Tex.), Dkt. 15)); EX-1008. Petitioner should not be penalized here for PO's delay in serving its complaint.

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.

⁶ PO's other cited decisions are likewise inapposite because they relate to time limits for joinder, which Petitioner is not seeking here. Opp., 8-9 (citing *TrickleStar LLC v. Embertec Pty Ltd.*, IPR2017-00839, Paper 11, 32-33 (June 10, 2017); *Google Inc. v. Personalweb Techs., LLC*, IPR2014-00978, Paper 11, 4-5 (Oct. 30, 2014)).

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of Petitioner's Reply in Support of Motion to Adopt the Record from IPR2025-00180 and Proceed Straight to Oral Argument was served upon the below listed counsel by electronic mail:

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