

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

Patent No. 11,785,275

**PETITIONER'S OPPOSITION TO PATENT OWNER'S REQUEST FOR
DISCRETIONARY DENIAL**

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	BACKGROUND	3
III.	THE BOARD SHOULD REJECT PO’S DISCRETIONARY DENIAL REQUEST	6
A.	The Co-Pending Litigation Remains Stayed.....	6
B.	PO Does Not Have Settled Expectations As To The ‘275 Patent.....	7
C.	This IPR Promotes Efficiency.....	8
1.	The Board’s Previous Investment And Petitioner’s Stipulations Demonstrate This IPR Promotes Efficiency.....	8
2.	A FWD Of Unpatentability Would Estop PO From Obtaining Patentably Indistinct Claims	9
D.	The <i>General Plastic</i> Factors Weigh In Favor Of Institution	9
1.	Sagemcom And Comcast Have No Significant Relationship	10
2.	Petitioner Filed A Copycat Of The Instituted Comcast IPR Petition And Seeks To Adopt That IPR’s Record, Eliminating Any Road-Mapping Concerns	12
E.	Section 325(d) Does Not Support Discretionary Denial.....	15
1.	The Examiner Did Not Substantively Consider Zhang	15
2.	Discretionary Denial Is Not Warranted, Even If The Examiner Considered Zhang.....	16
F.	Sagemcom Invests In Domestic Production	19
IV.	CONCLUSION.....	20

TABLE OF AUTHORITIES

CASES

<i>Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GMBH</i> , IPR2019-01469, Paper 6 (Feb. 13, 2020)	15
<i>Apple Inc. v. Theta IP, LLC</i> , IPR2024-00819, Paper 12 (Nov. 26, 2024)	12
<i>Becton, Dickinson & Co. v. B. Braun Melsungen AG</i> , IPR2017-01586, Paper 8 (Dec. 15, 2017)	17
<i>Code200, UAB v. Bright Data Ltd.</i> , IPR2022-00861, Paper 18 (Aug. 23, 2022)	13, 14
<i>Entropic Comm’ns, LLC v. Charter Comm’ns, Inc.</i> , No. 2:23-cv-00052 (E.D. Tex.)	4
<i>Entropic Comm’ns, LLC v. Comcast Corp.</i> , No. 2:23-cv-01050 (C.D. Cal.)	4
<i>Entropic Comm’ns, LLC v. Comcast Corp.</i> , No. 2:25-cv-07969 (C.D. Cal.)	4
<i>Entropic Comm’ns, LLC v. Cox Comm’ns, Inc.</i> , No. 2:23-cv-01049 (C.D. Cal.)	4
<i>Entropic Comm’ns, LLC v. Sagemcom Broadband SAS</i> , No. 2:25-cv-00379 (E.D. Tex.)	4
<i>Entropic Comm’ns, LLC v. Vantiva SA</i> , No. 2:24-cv-00912 (E.D. Tex.)	4
<i>Gen. Plastic Indust. Co. v. Canon Kabushiki Kaisha</i> , IPR2016-01357, Paper 19 (Sept. 6, 2017)	2, 9, 10, 12, 13
<i>Globus Med., Inc. v. Spinelogik, Inc.</i> , IPR2025-00225, Paper 8 (June 12, 2025)	7
<i>Keysight Techs., Inc. v. Centripetal Networks, Inc.</i> , IPR2023-00446, Paper 9 (Aug. 7, 2023)	12

<i>Magnolia Med. Techs., Inc. v. Kurin, Inc.</i> , IPR2026-00097, Paper 17 (May 14, 2026).....	9, 20
<i>Mercedes-Benz Grp. AG v. The Phelan Grp., LLC</i> , IPR2025-00413, Paper 13 (June 25, 2025).....	8
<i>Qualcomm Inc. v. Cobblestone Wireless, Inc.</i> , IPR2024-01336, Paper 15 (Mar. 7, 2025)	14, 15
<i>Resmed Corp. v. Cleveland Med. Devices, Inc.</i> , IPR2025-00246, Paper 10 (June 12, 2025).....	7
<i>SoftView LLC v. Apple Inc.</i> , 108 F.4th 1366 (Fed. Cir. 2024)	9
<i>Valneva Austria GMBH v. Takeda Vaccines, Inc.</i> , IPR2025-00776, Paper 11 (Aug. 11, 2025)	7
<i>Valve Corp. v. Elec. Scripting Prods., Inc.</i> , No. IPR2019-00062, -00063, -00084	9, 10, 14
<i>Videndum Prod. Solns., Inc. v. Rotolight Ltd.</i> , IPR2023-01218, Paper 12 (Apr. 19, 2024).....	10

STATUTES

35 U.S.C. § 315	2
35 U.S.C. § 325	3, 15, 19

OTHER AUTHORITIES

37 C.F.R. § 42.73	9
37 C.F.R. § 42.122	6

EXHIBIT LIST

Exhibit No.	Description
1001	Power of Attorney
1002	Petition
1003	Petitioner's Ranking
1004	Notice of Filing Date Accorded
1005	Mandatory Notice
1006	Power of Attorney
1007	Patent Owner's Preliminary Response
1008	Institution Decision
1009	Scheduling Order
1010	Notice of Deposition
1011	Notice of Intent to Designate
1012	Request for Director Review
1013	Patent Owner's Objections
1014	Corrected Request for Director Review
1015	Authorized Response to Director Review
1016	Notice of Deposition
1017	Joint Stipulation to Modify Schedule
1018	First Amended Notice of Deposition
1019	Patent Owner's Response
1020	Order Denying Director Review
1021	General Order Related Matters Updated
1022	Notice of Deposition
1023	Petitioner's Updated Exhibit List
1024	Joint Stipulation to Modify Schedule
1025	Petitioner's Reply
1026	Patent Owner's Objections
1027	Notice of Deposition
1028	Notice of Joint Stipulation to Modify Due Date
1029	Patent Owner's Updated Exhibit List
1030	Joint Stipulation to Modify Schedule
1031	Petitioner's Request for Oral Argument
1032	Patent Owner's Request for Oral Argument
1033	Updated Mandatory Notice
1034	Patent Owner's Sur Reply
1035	Order Setting Oral Argument

Exhibit No.	Description
1036	Petitioner's Updated Exhibit List
1037	Patent Owner's Updated Exhibit List
1038	Joint Motion to Seal Settlement Agreement
1039	Motion to Terminate due to Settlement
1040	Joint Motion to Seal Settlement Agreement
1041	Motion to Terminate due to Settlement
1042	Termination Decision
1043	U.S. Patent No. 11,785,275 ("the '275 patent")
1044	Expert Declaration of David B. Lett
1045	Curriculum Vitae of David B. Lett
1046	Certified Prosecution History of the '275 patent
1047	Certified Prosecution History of U.S. Patent No. 11,490,152 ("the parent")
1048	Certified Prosecution History of U.S. Provisional App. No. 61/170,526 ("526 provisional")
1049	U.S. Pub. No. 2003/0056221 ("Zhang")
1050	U.S. Patent No. 7,237,214 ("Pandey")
1051	Excerpts of "IEEE Std 100-2000, The Authoritative Dictionary of IEEE Standards Terms, Seventh Edition" (IEEE Press. 2000) ("IEEE Std 100")
1052	Excerpts of Jan M Rabaey, "Digital Integrated Circuits: A Design Perspective" (Pearson, 2nd ed. 2002) ("Rabaey")
1053	A. P. Chandrakasan, "Ultra low power digital signal processing," Proceedings of 9th International Conference on VLSI Design, Bangalore, India, 1996, pp. 352-357 ("Chandrakasan")
1054	S. Mirabbasi and K. Martin, "Classical and Modern Receiver Architectures," IEEE Communications Magazine, vol. 38, no. 11, pp. 132-139, November 2000 ("Mirabbasi")
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1056	Data-Over-Cable Service Interface Specifications, DOCSIS 2.0, Radio Frequency Interface Specification, CM-SP-RFiv2.0-I11-060602
1057	J. Crols and M. S. J. Steyaert, "Low-IF topologies for high-performance analog front ends of fully integrated receivers," IEEE Transactions on Circuits and Systems II: Analog and Digital Signal Processing, vol. 45, no. 3, pp. 269-282, March 1998 ("Crols")
1058	U.S. Patents and Patent Applications Family Tree for the '275 patent

Exhibit No.	Description
1059	Excerpts of W. Ciciora, J. Farmer, D. Large, and M. Adams, “Modern Cable Television Technology: Video, Voice, and Data Communications” (2nd ed. 2004) (“Ciciora”)
1060	Excerpts of J. Crols and M. Steyaert, “CMOS Wireless Transceiver Design” (1997)
1061	U.S. Patent No. 7,340,230 (“Khoini-Poorfard”)
1062	U.S. Pub. No. 2003/0217362 (“Summers”)
1063	U.S. Pub. No. 2006/0256799 (“Eng”)
1064	U.S. Pub. No. 2006/0083335 (“Seendripu”)
1065	Excerpts of Chris Bowick, “RF Circuit Design” (2nd ed. 2008)
1066	Excerpts of Roland Priemer, “Introductory Signal Processing” (1991)
1067	U.S. Patent No. 7,272,375 (“Tuttle”)
1068	U.S. Patent No. 7,130,576 (“Gurantz”)
1069	U.S. Patent No. 5,278,837 (“Kelley”)
1070	Jeffrey Hugh Reed, “Software Radio: A Modern Approach to Radio Engineering” (2002)
1071	U.S. Patent No. 7,213,042 (“Cannon”)
1072	Excerpts of William Buchanan, “Computer Busses” (2000) (“Buchanan”)
1073	U.S. Patent No. 7,079,528 (“Ziegler”)
1074	Excerpts of “Software Defined Radio: Enabling Technologies” (Walter H.W. Tuttlebee ed., 2003)
1075	U.S. Pub. No. 2005/0183015 (“Dunton”)
1076	Expert Declaration of Dr. Sylvia Hall-Ellis
1077	U.S. Patent No. 6,791,995 (“Azenkot”)
1078	U.S. Patent No. 6,542,203 (“Shadwell”)
1079	International Publication No. WO 2004/059933 (“Zhang ‘933”)
1080	U.S. Pub. No. 2004/0250284 (“Dong”)
1081	U.S. Patent No. 3,968,444 (“Tenny”)
1082	April 1, 2025 Ex Parte Reexamination Certificate and February 10, 2025 Notice of Intent to Issue Ex Parte Reexamination Certificate; Reexamination No. 90/019,255 re US 9,210,362
1083	Complaint, <i>Entropic Communications, LLC v. Comcast Corporation, et al.</i> , 2:25-cv-07969-JWH-KES (C.D. Cal. Aug. 23, 2025)

Exhibit No.	Description
1084	Joint Claim Construction and Pre-Hearing Statement, <i>Entropic Communications, LLC v. Cox Communications, Inc.</i> , et al., 2:23-cv-01049-JWH-KES (C.D. Cal. Apr. 19, 2024)
1085	Reply Declaration of David B. Lett
1086	United States Frequency Allocations, The Radio Spectrum, U.S. Department of Commerce, National Telecommunications and Information Administration, October 2003
1087	Excerpts from <i>Entropic Communications, LLC v. Comcast Corp. et al.</i> , No. 2:23-cv-01050 (C.D. Cal.), Document 128-20 (Exhibit 20 of Entropic’s Second Amended Complaint – Entropic’s infringement chart for the ‘275 patent)
1088	The American Heritage College Dictionary, fourth edition, 2002, excerpt including definition of “select”
1089	Transcript of Deposition of Dr. Russ
1090	Final Written Decision
1091	Final Written Decision
1092	Final Written Decision
1093	Transcript of Oral Hearing held on July 18, 2025 for IPR2024-00432, IPR2024-00435, and IPR2024-00438
1094	U.S. Patent No. 11,399,206 (“the ’206 patent”)
1095	Petitioner’s Demonstrative Exhibit
1096	Table Of Parallel Petitions Filed By All Petitioners (July 16, 2019-January 31, 2025) [All-Parallel-Petitions]
1097	Table of All Petitions Filed By Comcast (As Petitioner or RPI) (2016-2025) [All-Comcast-Petitions]
1098	PTAB Multiple Petitions Study [Multiple-Petitions-Study]
1099	PTAB Multiple Petitions Study Executive Summary [Executive-Summary]
1100	<u>FreeWheel About Webpage (www.freewheel.com/about)</u>
1101	Declaration of Kenneth K. Wang [Wang-Decl.]
1102	Director Vidal’s June 21, 2022, Memorandum Regarding Discretionary Denial With Co-Pending District Court Litigation[Interim-Denial-Memo]
1103	Email Request For Director Review [PainTEQ-Email-Request]
1104	Formal Request For Director Review [PainTEQ-Rehearing-Request]
1105	Declaration of Nathan Lowenstein In Support Of <i>Pro Hac Vice</i> Admission

Exhibit No.	Description
1106	Exhibit 2012 To Deposition Of David Lett Dated July 23, 2025: Errata For Depositions Dated December 10-11 2024
1107	Declaration of Samuel H. Russ, Ph.D. [Russ-Decl.]
1108	Curriculum Vitae of Samuel H. Russ, Ph.D. [Russ-CV]
1109	European Patent Application No. 02759732.7.2415 Communication From Examining Division [EPO-Communication-Annex]
1110	European Patent Application No. 02759732.7.2415 Reply To Communication From Examining Division [Zhang-EPO-Reply]
1111	European Patent Application No. 02759732.7.2415 Intent To Grant European Patent [EPO-Grant-Intent]
1112	U.S. Patent 11,381,866 [‘866-Patent]
1113	Deposition Of David Lett Dated December 10, 2024 [Lett-Depo.]
1114	Deposition Of David Lett Dated December 11, 2024 [Lett-Depo.]
1115	Deposition Of David Lett Dated May 20, 2025 [Lett-Depo.]
1116	Deposition Of David Lett Dated July 23, 2025 [Lett-Depo.]
1117	U.S. Pat. No. 6,704,372 [Zhang-Patent]
1118	Information Disclosure Statement submitted during the prosecution of the ‘275 patent [IDS]
1119	Notice Of Allowance for the ‘275 patent [NOA]
1120	<i>Comcast Cable Communications LLC v. Entropic Communications LLC</i> , IPR2024-00432, Paper 28 [Comcast-Reply]
1121	<i>Comcast Cable Communications LLC v. Entropic Communications LLC</i> , IPR2024-00438, Exhibit 1078 [Lett-Decl.]
1122	Information Disclosure Statement filed June 18, 2024 in Reexamination No. 90/019,255
1123	Applicant’s Arguments filed June 18, 2024 in Reexamination No. 90/019,255
1124	Information Disclosure Statement filed August 7, 2024 in Reexamination No. 90/019,255
1125	Deposition Of David Lett Dated December 16, 2025 [Lett-Depo.]
1126	Patent Owner’s Oral Argument Demonstrative Exhibits
1127	EX3001
1128	EX3003
1129	EX3100
1130	EX3101
1131	Supplemental Declaration of David Lett
1132	CV of David B. Lett

Exhibit No.	Description
1133	Comparison of IPR2025-00180 Paper 2 – Petition for Inter Partes Review and Instant Petition IPR2026-00263
1134	Joint Motion to Continue Stay Pending Inter Partes Review, <i>Entropic Commc'ns, LLC v. Sagemcom Broadband SAS</i> , No. 2:25-cv-00379 (E.D. Tex. Feb. 13, 2026), ECF No. 39
1135	Entropic Communications, LLC's Complaint for Patent Infringement, <i>Entropic Commc'ns, LLC v. Sagemcom Broadband SAS</i> , No. 2:25-cv-00379 (E.D. Tex. Apr. 10, 2025), ECF No. 1
1136	Executed Summons, <i>Entropic Commc'ns, LLC v. Sagemcom Broadband SAS</i> , No. 2:25-cv-00379 (E.D. Tex. June 26, 2025), ECF No. 15
1137	Order, <i>Entropic Commc'ns, LLC v. Sagemcom Broadband SAS</i> , No. 2:25-cv-00379 (E.D. Tex. Oct. 9, 2025), ECF No. 29
1138	Order, <i>Entropic Commc'ns, LLC v. Sagemcom Broadband SAS</i> , No. 2:25-cv-00379 (E.D. Tex. Feb. 18, 2026), ECF No. 40
1139	U.S. Publication No. 2025/0175663
1140	<i>Entropic Communications, LLC v. Sagemcom Broadband SAS</i> , No. 2:25-cv-00379 (E.D. Tex. April 10, 2025), ECF No. 1-7 (Appx. F of Entropic's Complaint – Entropic's infringement chart for the '275 patent)
1141	D&B Report: Sagemcom USA LLC
1142	Sagemcom Head Office and Subsidiaries
1143	Sagemcom 2022 CSR Report
1144	Sagemcom BEAD Product BABA Compliance
1145	Build America, Buy America (BABA) Waivers
1146	Comcast SNE Energy Information
1147	Declaration of Thibault Decoudun (Sagemcom), <i>Entropic Commc'ns, LLC v. Sagemcom Broadband SAS</i> , No. 2:25-cv-00379 (E.D. Tex. Aug. 12, 2025), ECF No. 19-35
1148	Appellant's Unopposed Motion for Extension of Time to File Opening Brief, <i>Entropic Commc'ns, LLC v. Squires</i> , No. 26-1432 (Fed. Cir. May 19, 2026), ECF No. 13
1149	Order, <i>Comcast Cable Commc'ns, LLC v. Entropic Commc'ns, LLC</i> , IPR2024-00432, -435, -438, Paper 49 (Jan. 26, 2026)
1150	Joint Status Report, <i>Entropic Commc'ns, LLC v. Sagemcom Broadband SAS</i> , No. 2:25-cv-00379 (E.D. Tex. Aug. 17, 2026), ECF No. 46

I. INTRODUCTION

The Board should reach the merits of this IPR. It already found that the grounds in this Petition are reasonably likely to show the unpatentability of United States Patent No. 11,785,275 (“‘275 patent,” EX1043) in IPR2025-00180 (“Comcast IPR”), and the patent owner fully crystallized its positions as to those grounds there. But Patent Owner Entropic Communications, LLC (“Entropic” or “PO”) avoided any final written decision in that IPR by settling with Comcast on the eve of the hearing—before any ‘275 patent claims could be declared unpatentable, but after many of Entropic’s other related patent claims had already fallen in separate IPRs. PO understandably continues to prefer that the Board never reach a final decision on the ‘275 patent.¹ The facts, however, do not support discretionary denial here.

Importantly, PO cannot (and does not) claim settled expectations or that *Fintiv* supports denial; the ‘275 patent issued less than three years ago, and the co-pending district court suit is stayed (and likely to remain so for several years). PO instead seeks discretionary denial by incorrectly framing the Petition here as a late request

¹ PO’s allegations that Petitioner has delayed cannot be reconciled with the fact that PO sought to manufacture an RPI dispute based on the publicly known fact that Sagemcom (a global leader in broadband and other products) has a private equity investor. Petitioner mooted this issue, so now PO tries new arguments here.

for joinder or an improper serial petition. It is neither. Petitioner is not time-barred, is not seeking joinder, and was never served with a complaint asserting infringement of the '275 patent until after the time to join the Comcast IPR had passed. And Petitioner reasonably expected the Comcast IPR would reach an FWD—just as multiple other IPRs filed by Comcast actually did.

Further, this IPR is the antithesis of an inefficient serial petition, meaning that denial under *General Plastics* is not warranted. This is Petitioner's first post-grant challenge to the '275 patent, and—contrary to the bold, repeated, and false proclamations on this point in PO's brief—Petitioner does *not* have a significant relationship with Comcast for the accused products here. As before, PO points only to its own unsubstantiated and incorrect complaint allegations as supposed proof, but these allegations have never been and are not now evidence. Instead, the only actual record evidence here indisputably proves that Petitioner has *no* relevant relationship with Comcast—whether PO acknowledges that evidence or not.

There is also no road-mapping concern here, where Petitioner proposes to adopt the Comcast record in full, picking up where the Board left off when PO settled with Comcast. Moreover, Petitioner provided a broad stipulation with a full estoppel that goes well beyond both Section 315(e)(2) and *Sotera* because it seeks to have the Board address this IPR as a true alternative to litigation. Petitioner has made it abundantly clear that it elects this forum and this forum alone for Section 102 and

103 invalidity determinations for the ‘275 patent.

PO also now adds a new argument as it takes its second bite at the discretionary denial apple—that the Petition should be denied based on Section 325(d). But this argument is divorced from reality; the Board *already* determined that institution is merited when it instituted Comcast’s identical petition and found that Petition did, in fact, establish a reasonable likelihood that the challenged claims are unpatentable. It also already invalidated dozens of claims from three patents that are related to the ‘275 patent based on Zhang. Entropic is not writing from a clean slate, no matter how much it ignores this history. Moreover, even if the Board wanted to disregard its prior analyses, Entropic’s new Section 325(d) argument is not a good one on its own merits: the ‘275 prosecution history makes clear that the examiner did *not* give substantial consideration to Zhang (Ex. 1049 (U.S. Pub. No. 2003/0056221)), which Petitioner relies on here. Indeed, the examiner did not discuss the merits of Zhang at all. Perhaps this is the reason that PO never sought discretionary denial based on Section 325(d) before institution of the Comcast IPR or in its first discretionary denial brief here.

Finally, Petitioner’s domestic operations support reaching the merits of this IPR under the Director’s guidance; PO’s distorted arguments on point are wrong.

II. BACKGROUND

Since the ‘275 patent’s issuance in late 2023, PO has asserted that patent

against five defendants, the latest of which is Sagemcom Broadband SAS (Petitioner here). *See Entropic Comm'ns, LLC v. Charter Comm'ns, Inc.* (No. 2:23-cv-52 (E.D. Tex.)), *Comcast Corp.* (Nos. 2:23-cv-1050 (C.D. Cal.) and 2:25-cv-7969 (C.D. Cal.)), *Cox Comm'ns, Inc.* (No. 2:23-cv-1049 (C.D. Cal.)), *Vantiva SA* (No. 2:24-cv-00912 (E.D. Tex.)), and *Sagemcom Broadband SAS* (No. 2:25-cv-379 (E.D. Tex.)). Here, Entropic asserted the '275 patent along with five other patents against Sagemcom: Nos. 8,223,775; 8,792,008; 9,825,826; 11,381,866; and 11,399,206.²

Comcast challenged in IPRs all six of the Entropic patents now asserted against Sagemcom, and the Board instituted IPRs for all six patents. As shown below, in the five that reached FWD, the Board found almost all of the challenged claims unpatentable and denied all of Entropic's requests for Director Review:

Patent No.	IPR No.	Status
8,223,775	IPR2024-00446	FWD issued Aug. 29, 2025, finding all twenty claims unpatentable; Director Review Request denied Nov. 12, 2025; appealed January 9, 2026 (Fed. Cir. No. 26-1339, pending).

² Entropic has asserted twenty-seven patents in varying combinations against a long list of targets, making it impossible to predict whether or when any given patent will be asserted against anyone. It would be impractical to require every possible target to file IPRs for all such patents upon learning of any assertion of any of them against anyone. The PTAB would be inundated with IPRs, if this was the standard.

Patent No.	IPR No.	Status
8,792,008	IPR2024-00441	FWD issued Sept. 3, 2025, finding all eighteen claims unpatentable; Director Review Request denied Dec. 19, 2025; appealed Feb. 6, 2026 (Fed. Cir. No. 26-1432, pending).
9,825,826 (“‘826 patent”)	IPR2024-00442	FWD issued Aug. 15, 2025, finding ten of eighteen claims unpatentable; appealed Feb. 6, 2026 (Fed. Cir. No. 26-1433, pending).
11,381,866 (“‘866 patent”)	IPR2024-00435	FWD issued Sept. 29, 2025, finding all eighty-two claims unpatentable; Director Review Request denied Jan. 26, 2026; appealed Mar. 24, 2026 (Fed. Cir. No. 26-1585, pending).
11,399,206 (“‘206 patent”)	IPR2024-00438	FWD issued Oct. 1, 2025, finding all seventy-six claims unpatentable; Director Review Request denied Jan. 26, 2026; appealed Mar. 24, 2026 (Fed. Cir. No. 26-1586, pending).

Ex. 1150 (Joint Status Report, No. 2:25-cv-00379, Dkt. 46), 2-3.

Comcast’s IPR for the ‘275 patent appeared headed toward the same fate until that IPR was terminated due to settlement. Specifically, the Board had instituted the Comcast IPR on April 29, 2025. Ex. 1008. Then, after the parties had completed discovery and substantive briefing, the Board set the oral hearing for January 27, 2026. Ex. 1035. Both parties filed demonstrative exhibits for the oral hearing. Exs. 1095, 1126. But the hearing never took place because the parties settled and moved to terminate. Exs. 1039, 1041. Just two weeks after the February 6th termination (Ex. 1042), Petitioner filed this IPR (Paper 1 (filed Feb. 20, 2026)).

Meanwhile, PO had waited until April 2025 to sue Sagemcom, when it filed a complaint asserting six patents that were at that time almost all already being

challenged in IPRs by Comcast. Ex. 1135 (Dkt. 1, Complaint). And then PO waited more than two months (until June 16, 2025) to serve Sagemcom with that complaint. Ex. 1136 (Dkt. 15, Executed Summons). Notably, by the time PO served Sagemcom, the time for seeking to join any of the co-pending Comcast IPRs (including the challenge to the '275 patent and the challenges to the other five patents asserted against Sagemcom) had already passed.³ *See* 37 C.F.R. §42.122(b).

Entropic's litigation against Sagemcom has been stayed since October 9, 2025, when the district court granted the parties' joint motion to stay pending IPRs. Ex. 1137 (Dkt. 29); *see also* Ex. 1138 (Dkt. 40) (continuing stay pending Federal Circuit appeals of five other FWDs).

III. THE BOARD SHOULD REJECT PO'S DISCRETIONARY DENIAL REQUEST

A. The Co-Pending Litigation Remains Stayed

The co-pending litigation against Petitioner never proceeded past the pleading stage before being stayed almost a year ago. Ex. 1137 (Dkt. 29). That litigation is

³ PO speculates that Sagemcom must have known of the patents and IPRs, and so should have joined them before being served with Entropic's complaint, because Sagemcom's products were at issue through Entropic's suits against Comcast and Cox. *See* Paper 21, at 3-5, 7-11. But the premise of this speculation is wrong: Sagemcom products were *not* at issue in those earlier suits, as discussed in § III.D.

likely to remain stayed until all five pending Federal Circuit appeals are decided—i.e., for several years. *See* Ex. 1138 (Dkt. 40). Because this IPR will reach a FWD well before any district court trial, this factor weighs strongly against discretionary denial. *See Globus Med., Inc. v. Spinelogik, Inc.*, IPR2025-00225, Paper 8, at 2 (June 12, 2025) (declining discretionary denial where district court suit was stayed after limited party investment); *Resmed Corp. v. Cleveland Med. Devices, Inc.*, IPR2025-00246, Paper 10, at 2 (June 12, 2025) (same).

B. PO Does Not Have Settled Expectations As To The ‘275 Patent

The ‘275 patent issued less than three years ago, on October 10, 2023. *See* Ex. 1043, Cover. PO therefore does not have settled expectations in it. *Valneva Austria GMBH v. Takeda Vaccines, Inc.*, IPR2025-00776, Paper 11, at 2 (Aug. 11, 2025) (referring petition for merits analysis for 2023 patent). Further, the Board’s determination last year in the Comcast IPR that it was reasonably likely the ‘275 claims were unpatentable based on the exact same grounds in this Petition refutes any suggestion PO could have had settled expectations in the ‘275 patent—i.e., the Board had already told PO that there was a reasonable likelihood that the claims are *not*, in fact, valid. Ex. 1008. When the ‘275 IPR was terminated before FWD, PO should have anticipated that patent would be subject to further challenges by other parties that PO has more recently sued.

Further, any suggestion that PO could reasonably have settled expectations

here is defeated by the reality that the Board has found the vast majority of claims of the other patents asserted by PO against Sagemcom, including three patents related to the ‘275 patent, unpatentable in other IPRs. The ‘275 patent is a grandchild of PO’s ‘206 patent (Ex. 1043 (‘275 patent), 1-2), and the Board found all seventy-six claims of that related patent unpatentable based on the same primary reference as used here, Zhang. *Compare* Ex. 1092 (‘206 FWD) at 7, fn. 2, 49; *with* Pet., 4, 17-18; *see also* Ex. 1090 (‘962 FWD); Ex. 1091 (‘866 FWD). The Director then denied Entropic’s request for Director Review of the ‘206 FWD. Ex. 1149. No settled expectations can exist on these facts. *E.g., Mercedes-Benz Grp. AG v. The Phelan Grp., LLC*, IPR2025-00413, Paper 13, at 2 (June 25, 2025) (referring petition for merits analysis where “claims of a related patent were recently found unpatentable”).

C. This IPR Promotes Efficiency

1. The Board’s Previous Investment And Petitioner’s Stipulations Demonstrate This IPR Promotes Efficiency

This IPR is an efficient use of Office resources. The Petition here is a copycat (or “me too”) of the Comcast IPR petition (*see* Ex. 1133), which was instituted on the merits and proceeded through almost the entirety of trial. *See* Ex. 1008; Ex. 1014; Ex. 1020; Ex. 1035; Ex. 1095; Ex. 1126. Petitioner has stipulated it will accept the record from the Comcast IPR (Paper 3). The ‘275 patent is also related to other patents, such as the ‘206 patent, with which the Board has become familiar and found claims invalid. For all of these reasons, this IPR is an efficient use of resources

because the Office and the parties can leverage work that has already been done.

Further, Petitioner does not seek to litigate duplicative issues in two forums; instead, Petitioner has provided a broad stipulation (Paper 5), showing Petitioner intends this IPR to be the vehicle where it raises any and all Section 102 and 103 invalidity arguments. *See Magnolia Med. Techs., Inc. v. Kurin, Inc.*, IPR2026-00097, Paper 17, at 3-4 (May 14, 2026) (precedential). Resolving the merits of this IPR will create efficiency for the district court. *See id.* at 3-4 (noting the importance of IPRs acting as an alternative to district court litigation).

2. A FWD Of Unpatentability Would Estop PO From Obtaining Patentably Indistinct Claims

PO is prosecuting a pending continuation application to the ‘275 patent. Ex. 1139 (U.S. Pub. 2025/0175663A1; U.S. App. No. 19/033,880). If the challenged claims are found unpatentable, PO would be estopped from obtaining patentably indistinct claims, thus avoiding the need to relitigate invalidity (before the Board or elsewhere) for any patent issuing from that continuation—and creating efficiencies in the process. 37 C.F.R. §42.73(d)(3)(i); *SoftView LLC v. Apple Inc.*, 108 F.4th 1366 (Fed. Cir. 2024).

D. The *General Plastic* Factors Weigh In Favor Of Institution

General Plastic sets forth non-exclusive factors to consider when addressing multiple, serial petitions. IPR2016-01357, Paper 19, at 16 (Sept. 6, 2017) (precedential as to §II.B.4.i). *Valve* then added a gloss on the first *General Plastic*

factor (“whether the same petitioner previously filed a petition directed to the same claims of the same patent”) to find that factor weighs in favor of discretionary denial when the current and prior petitioners have a “significant relationship.” *Valve Corp. v. Elec. Scripting Prods., Inc.*, No. IPR2019-00062, -00063, -00084, Paper 11, at 9-10 (Apr. 2, 2019) (precedential) (significant relationship where the current and prior petitioners were co-defendants in the same district court litigation and accused of infringement based on the same product). There is no such relationship here.

1. Sagemcom And Comcast Have No Significant Relationship

Petitioner and Comcast do *not* have a significant relationship (under *Valve* or otherwise) that is relevant to the ‘275 patent, the accused Sagemcom products, or the formerly accused Comcast products, further establishing that discretionary denial is not warranted. *See Videndum Prod. Solns., Inc. v. Rotolight Ltd.*, IPR2023-01218, Paper 12 at 2, 5-7 (Apr. 19, 2024) (Director vacating discretionary denial of second-filed petition after first-filed petition settled before oral hearing, where the first and second petitioner had no significant relationship).

In support of its suggestion that any such relationship exists, PO cites to only: (1) the wholly unsubstantiated allegations of its complaint, which incorrectly say that Petitioner supplies accused products to Comcast and that Comcast sought indemnity from Petitioner; and (2) a single Comcast website that lists a Sagemcom product. Paper 21 (“DD Req.”), at 4, 7-10 (citing Exs. 2003, 2013). PO suggests

that, based on these scanty and incorrect allegations, discussed further below, Sagemcom should have—within two weeks of being sued (but not served)—known of the Comcast IPR and gotten its joinder petition on file. This is not reasonable.

Even setting aside those timing concerns, PO's scanty allegations also are flat wrong. As to (1), the unsubstantiated "on information and belief" allegations in PO's complaint (Ex. 2003 at, *e.g.*, ¶¶ 62-65) about the relationship between Petitioner and Comcast are incorrect. Petitioner submitted a sworn declaration in the district court litigation proving this point. Ex. 1147 ("Decoudun Declaration") ¶¶ 1, 6 (Sagemcom's Group Chief Operations Officer testifying that Sagemcom Broadband SAS "does not sell or distribute its products to customers in the United States"), 21 (testifying that "Sagemcom USA does not sell its cable set-top box and DOCSIS gateway products to either Comcast or Cox"). When PO incorrectly made the argument in its first discretionary denial brief here that there is a significant relationship between Comcast and Sagemcom (including both Sagemcom USA and its parent, Sagemcom Broadband SAS), Sagemcom pointed PO to the sworn declaration it had provided in Texas over a year ago. PO inexplicably persists in making its demonstrably incorrect argument. Moreover, PO's argument cannot be reconciled with PO's own actions: if there was a customer/supplier relationship between Petitioner and Comcast for accused products, PO's settlement with Comcast should have resolved any claims against Petitioner based on those products.

But PO has not dropped or narrowed its litigation against Petitioner.

As to (2), the Comcast website identifying Petitioner products, the Sagemcom products listed on that page are *not* accused products. The only products accused in this case (as with the Comcast cases before it relating to ‘275 and other patents asserted against Sagemcom) are cable modems and set-top boxes. DD Req., at 7-8 (citing Ex. 2003 (Complaint) ¶¶ 24; 27-28); *see also* Ex. 1140; Ex. 1087 (Comcast Second Amended Complaint, Infringement Chart, Exhibit 20). But the Sagemcom products listed in PO’s website exhibit are a totally different category of products that are *not* accused: extender products. Ex. 1146 (Xfinity website listing Sagemcom products with “Basic LNE” *extender* attributes). That Petitioner and Comcast have some relationship as to unaccused, irrelevant products does not show they have a significant relationship under *General Plastic*’s factor 1. *See Apple Inc. v. Theta IP, LLC*, IPR2024-00819, Paper 12, at 16-17 (Nov. 26, 2024) (no significant relationship where there was no evidence petitioner was accused of infringing challenged patent based on the same product); *Keysight Techs., Inc. v. Centripetal Networks, Inc.*, IPR2023-00446, Paper 9, at 10-11 (Aug. 7, 2023) (same).

At bottom, discretionary denial under *General Plastic* is not warranted here.

2. Petitioner Filed A Copycat Of The Instituted Comcast IPR Petition And Seeks To Adopt That IPR’s Record, Eliminating Any Road-Mapping Concerns

As PO admits, this Petition is substantively identical to the petition in the

Comcast IPR, and Petitioner seeks to adopt the record of that IPR and proceed directly to oral hearing. DD Req., at 8. This is exactly the type of non-road-mapping situation where the Board has refused discretionary denial under *General Plastic*.

First, the Board previously determined that the Comcast IPR had merit (in the institution decision) but never had the opportunity to reach its FWD. Second, Petitioner here has ensured there are no road-mapping concerns by filing a copycat petition and seeking to adopt the entire, unedited record from the prior IPR. It has not sought to supplement or change that record, to submit new declarations or evidence, or to otherwise create extra work for PO or the Board. In short, Petitioner does not seek to “refine” its petition or any of the IPR briefing “based on lessons learned from later developments.” *See id.* at 5. Even PO tacitly admits there is no road-mapping concern here. DD Req., at 10. Because of the substantive merit and absence of road-mapping concerns, this IPR should not be discretionarily denied institution. *Code200, UAB v. Bright Data Ltd.*, IPR2022-00861, Paper 18, at 4-5 (Aug. 23, 2022) (precedential) (“Where the first-filed petition under factor 1 was discretionarily denied ***or otherwise was not evaluated on the merits***, factors 1–3 only weigh in favor of discretionary denial when there are ‘road-mapping’ concerns under factor 3 or other concerns under factor 2.”) (emphasis added).

Moreover, as in *Code200* (*id.*, 6), factor 2 (“whether at the time of filing of the first petition the petitioner knew of the prior art asserted in the second petition or

should have known of it”) is of limited relevance because Petitioner could not reasonably have brought its IPR sooner. And, once the Board terminated the Comcast IPR, Petitioner immediately acted, filing this Petition only two weeks later. *See* Paper 1. As the Director found in *Code200*, “the Board’s mission ‘to improve patent quality and restore confidence in the presumption of validity that comes with issued patents’ outweighs the impact on Board resources needed to evaluate the merits of a petition.” *Id.*, 6. This rationale applies here because the Comcast IPR’s institution shows the unpatentability challenges in this Petition have merit. The need to finally resolve those invalidity challenges to ensure only quality patents remain in force greatly outweighs the limited Board resources needed to complete this IPR.

Qualcomm Inc. v. Cobblestone Wireless, Inc., IPR2024-01336, Paper 15 (Mar. 7, 2025), is on point. After an earlier Samsung IPR, Qualcomm filed a copycat petition, challenging the same claims of the same patent based on identical prior art, arguments, and evidence. *Id.*, 9-10. Despite finding that Qualcomm and a petitioner in a different IPR (Cisco) had a significant relationship under *Valve* (unlike here, where Comcast and Petitioner have no relevant relationship), the Board declined discretionary denial of Qualcomm’s copycat petition. *Id.*, 16. The Board noted both that the prior petitions were instituted, indicating their merit, and a lack of road-mapping concern (like here). *Id.* The Board further found it had “already invested significant resources in evaluating and instituting the Samsung IPR, and therefore

continuing to evaluate those challenges would be an efficient use of the Board's resources." *Id.*, 18. Petitioner here has further minimized the delay and resources necessary to reach a final decision by not just filing a copycat petition, but also by moving to adopt the previous record.

E. Section 325(d) Does Not Support Discretionary Denial

For the first time, PO now argues that the Petition should be discretionarily denied based on 35 U.S.C. §325(d), even though PO could have raised this argument earlier. *See Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GMBH*, IPR2019-01469, Paper 6 (Feb. 13, 2020). PO's last-ditch argument should be rejected: the examiner made no record of any substantive consideration of Zhang (Ex. 1049) or its equivalent during prosecution (indeed, his only comments showed he did not understand what art was before him) and, on the merits, Zhang *does* raise substantial validity questions—as the Board's institution decision in the Comcast IPR and final decisions on related patents plainly establish. Ex. 1008 at 11-13.

1. The Examiner Did Not Substantively Consider Zhang

Zhang (Ex. 1049) itself was not presented to the Office during prosecution of the challenged '275 patent, so PO focuses on the fact that a related reference, United States Patent No. 6,704,372 ("Zhang '372") was part of one of two post-RCE IDS filings on August 16 and 18, 2023, shortly before the '275 patent issued. *See* Ex. 1118; Ex. 1046 at 3415-3420, 4820-4823. These two RCE filings comprised

hundreds of pages of claim construction documents from a case involving different patents, as well as references, including Zhang. *E.g.*, Ex. 1046 at 3415-4823. Although Zhang ‘372 was listed on an IDS, the examiner never mentioned it, much less distinguished it from the claims or explained how the Zhang ‘372 patent was allegedly deficient. *See* Ex. 1119. Even further, in the Notice of Allowance that followed these IDS filings on August 28, 2024, the examiner erroneously dismissed the relevance of Zhang and the other references listed out of hand, saying that “the prior art is from the applicant’s other patents, i.e. US 8223,775....” *Id.* at 6-7; Ex. 1046 at 4829-4830. But Zhang is not merely “from” the ‘775 patent; it is directly relevant to the application that became the ‘275 patent. In other words, the examiner appeared not to have looked at or realized what the Zhang ‘372 reference even was. Certainly, he provided no substantive analysis to which the Board here should defer.

2. Discretionary Denial Is Not Warranted, Even If The Examiner Considered Zhang

Even if the examiner had actually considered the substance of Zhang ‘372 (which it appears he did not), this should not be the end of the inquiry. The Board itself has already recognized that Zhang raises a “reasonable likelihood” that Zhang anticipates at least claim 1 in the Comcast IPR. Ex. 1008 at 11-12 (discussing ground I: “Petitioner has established a reasonable likelihood of prevailing on this asserted ground with respect to claim 1.”). Further, the Board has found unpatentable many claims from patents related to the ‘275 patent based on Zhang as a primary reference,

including all seventy-six claims of the ‘275 patent’s grandparent (the ‘206 patent), further demonstrating the merit of challenges based on Zhang. Ex. 1092, 48-49; *see also, e.g.*, Ex. 1091, at 46-47 (invalidating eighty-two claims of related ‘866 patent based on Zhang grounds); Ex. 1090, at 34-35 (invalidating twenty claims of related ‘362 patent based on Zhang grounds); *see also* Ex. 1058 (family tree).

PO asserts that *Becton Dickinson* factors (c), (e), and (f) favor discretionary denial because, according to PO, the examiner “considered” Zhang ‘372 and “explained that architectures similar to Zhang do not disclose the invention.” DD Req., at 16-18. But this is wrong because, as discussed above, there is no evidence that the examiner considered Zhang’s substance to any, much less a significant, extent under factor (c), and this alone is a material error. Indeed, PO tacitly admits that the examiner did not consider Zhang itself when it argues (i.e., concedes) that the examiner analyzed architectures “similar to” Zhang. *Id.* at 17. Moreover, by arguing that the *examiner* did his job and should be given deference, PO necessarily gives short shrift to the *Board’s* written analysis of Zhang itself (not something “similar” to it) in all of the Comcast IPR’s institution decision and three other IPRs challenging patents related to the ‘275 patent; that analysis directly contradicts, and cannot be reconciled with, PO’s argument here—a point that PO entirely ignores.

As part of its “similarity” argument, and again directly contradicting Board decisions, PO also asserts that “Zhang ... digitizes the input signal with n channels

and separates the input signal into its constituent channels C_1 - C_n ” like other references the examiner considered (DD Req., at 17), further arguing that Zhang includes both desired and undesired channels. But the claim language (“selecting, by a digital frontend (DFE) ... the plurality of desired channels” and “outputting, by the DFE, the selected plurality of desired channels....”) recites no such exclusion of both desired and undesired channels. Further, Zhang expressly teaches to select less than all channels, e.g., selecting only desired channels, for C_1 - C_n .

The Board has found the opposite in final decisions for other patents in the same family as the ‘275 patent, concluding that all claims of the ‘362, ‘866, and ‘206 are patents unpatentable. Ex. 1090 (‘362 FWD) at 23-24 (“We agree with Petitioner that this evidence discloses, or at least strongly suggests ... that the configuration of channel demultiplexer 230 allows it to pick out desired content channels from the multi-channel digital RF signal received from ADC 220 to generate RF channels C_1 - C_n .”); Ex. 1091 (‘866 FWD) at 16 (“the claim covers selecting both desired and undesired channels...”), 18 (“Zhang teaches that ‘RF channels C_1 to C_n contain content channels that are selected or used by a subscriber.’ Ex. 1013 ¶ 28. The fact that channels C_1 - C_n contain content channels that are ‘selected’ or ‘used’ implies that channels C_1 - C_n themselves are desired channels, not ... undesired channels.”); Ex. 1092 (‘206 FWD); *see also* Ex. 1058 (showing familial relationship with ‘275).

In short, the Board should not exercise discretion to allow PO to avoid a final

written decision of invalidity based on Zhang in the circumstances here, particularly when Petitioner has agreed to accept the record that Entropic itself developed as to Zhang—and that Entropic developed *without* ever attempting the Section 325(d) argument newly made here for this “me too” petition.

F. Sagemcom Invests In Domestic Production

PO also argues that the Director’s recent Memorandum on “Additional Discretionary Institution Considerations – U.S. Manufacturing and Small Business Use of AIA Proceedings” (“U.S. Manufacturing Memo” or “Memo”) supports discretionary denial. DD Req., at 19-20 (citing Ex. 2015).

As an initial matter, the Director has never suggested, as PO appears to argue, that the factors in that Memo have determinative weight when all other factors weigh against denial. Petitioner submits that this point alone should be dispositive here.

Moreover, in the Memo, the Director noted the importance of “appropriately weigh[ing] the interests of entities that invest in domestic production.” Ex. 2015, at 2. Petitioner is an entity that significantly invests in its United States operations. Petitioner, although headquartered near Paris, France, has global operations that include Sagemcom USA LLC, which operates a research and design facility in Richardson, Texas. Ex. 1141 (Dun & Bradstreet Overview: Sagemcom USA, LLC); Ex. 1142 (Sagemcom Head Office and Subsidiaries); Ex. 1147 (Decoudun Declaration). In addition to R&D, Petitioner procures product materials in the

United States that include tin, tungsten, tantalum, and gold. Ex. 1143 (Sagemcom 2022 CSR Report), 15, 27, 41. Petitioner also manufactures products (albeit ones not accused in the co-pending litigation) in the United States—e.g., the F@st 5681 10G ONU-BEAD product—that meet Build America Buy America (BABA) waiver requirements. Ex. 1144 (Sagemcom domestically produced, BEAD-compliant products); Ex. 1145 (Build America Buy America waivers). Sagemcom indisputably invests in domestic production and was surprised to see PO suggest otherwise. *See Magnolia*, Paper 17, at 4-5 (“IPRs...[are] important to protect American manufacturers”). PO’s arguments as to this Memo focus on Sagemcom’s global manufacturing operations (DD Req., at 19), but the Director has never suggested that having global operations in addition to those in the United States somehow mean a company should be disfavored in IPRs or that foreign companies should somehow face steeper hurdles to IPR institution in circumstances where the Board has already determined that there are substantial questions as patentability of challenged claims.

IV. CONCLUSION

There are persuasive reasons to reach the merits of this IPR, and PO’s request for discretionary denial should be denied.

Dated: September 15, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that true copies of Petitioner's Opposition to Patent Owner's Request for Discretionary Denial and EXHIBITS 1134 – 1150 were served upon the below listed counsel by electronic mail:

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