

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAGEMCOM BROADBAND SAS,
Petitioner,

v.

ENTROPIC COMMUNICATIONS, LLC.,
Patent Owner.

Case IPR2026-00263
Patent 11,785,275

**PATENT OWNER'S AUTHORIZED SUR-REPLY
IN SUPPORT OF PRELIMINARY RESPONSE**

The Reply to Patent Owner’s Preliminary Response is effectively a reply in support of Petitioner’s motion to reopen and join the already terminated Comcast IPR. It argues that Patent Owner “has nothing new to say” because its preliminary response includes arguments previously raised in the Comcast proceeding. Reply, 1. But a preliminary response is optional, and “no adverse inference” is taken even if none is filed. 37 C.F.R. § 42.107(a); Consolidated Trial Practice Guide at 52 (Nov. 2019); *see also FanDuel, Inc. v. Interactive Games LLC*, 966 F.3d 1334, 1342 (Fed. Cir. 2020) (“the IPR regulations do not require ... *any* response to the petition.”).

Nor is a preliminary response a substitute for the post-institution trial record or evidence developed then. “[T]he Board has an ***obligation*** to assess the question anew after trial based on the totality of the record.” *In re Magnum Oil Tools Int’l, Ltd.*, 829 F.3d 1364, 1377 (Fed. Cir. 2016); 35 U.S.C. § 316(a)(8) (“the Director ***shall*** prescribe regulations ... providing for the filing of” post-institution response). A pre-institution filing decision cannot eliminate the statutory trial process.

Petitioner was sued before institution of the Comcast IPR 18 months ago, could have filed its own petition and sought joinder within the one-month period set by 37 C.F.R. § 42.122(b). Paper 9, 6. It did neither. By January 30, 2026, the Comcast docket (Ex. 3002) reflected the parties’ “anticipated settlement.” Yet, Petitioner waited until after that proceeding was terminated to file its Petition. Its delay does not authorize the Board to dispense with the statutory process.

Respectfully submitted,

/s/ Parham Hendifar

Parham Hendifar, Reg. No. 71,470
LOWENSTEIN & WEATHERWAX LLP

Date: October 9, 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 below:

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IN SUPPORT OF PRELIMINARY RESPONSE**

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

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Respectfully submitted,

/ Parham Hendifar /

Date: October 9, 2026