

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

COMCAST CABLE COMMUNICATIONS, LLC,
Petitioner,

v.

ENTROPIC COMMUNICATIONS, LLC,
Patent Owner.

IPR2025-00183 (Patent 9,866,438 B2)
IPR2025-00184 (Patent 9,866,438 B2)
IPR2025-00185 (Patent 9,866,438 B2)

Before COKE MORGAN STEWART, *Acting Under Secretary of
Commerce for Intellectual Property and Acting Director of the United States
Patent and Trademark Office.*

DECISION

Granting Patent Owner's Request for Discretionary Denial and Denying
Institution of *Inter Partes* Review

IPR2025-00183 (Patent 9,866,438 B2)
IPR2025-00184 (Patent 9,866,438 B2)
IPR2025-00185 (Patent 9,866,438 B2)

Entropic Communications, LLC (“Patent Owner”) filed a request for discretionary denial (Paper 8, “DD Req.”) in the above-captioned cases, and Comcast Cable Communications, LLC (“Petitioner”) filed an opposition (Paper 10, “DD Opp.”).¹

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is appropriate in these proceedings. This determination is based on the totality of the evidence and arguments the parties have presented.

In particular, the presence of multiple parallel proceedings and the avoidance of inconsistent outcomes favors discretionary denial. For example, in addition to the present challenges, Petitioner previously filed two petitions challenging the claims of U.S. Patent Number 10,135,682 B2 (“the ’682 patent”), which is a continuation of the challenged patent and has similar claims to those in the challenged patent. *Comcast Communications, LLC v. Entropic Communications, LLC*, IPR2024-00444, Paper 2 (PTAB Feb. 15, 2024); *Comcast Communications, LLC v. Entropic Communications, LLC*, IPR2024-00445, Paper 2 (PTAB Feb. 15, 2024). The Board denied institution in those proceedings on the merits. IPR2024-00444, Paper 9; IPR2024-00445, Paper 9. Notably, the practice of the same party filing multiple petitions challenging the same patent, as Petitioner has done here and in the earlier proceedings challenging the ’682 patent, is disfavored.

¹ Citations are to papers in IPR2025-00183. The parties filed similar papers in IPR2025-00184 and IPR2025-00185.

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Furthermore, Patent Owner has asserted the '682 patent against Petitioner in district court and has filed a motion for leave to amend/supplement its complaint to include the challenged patent. DD Req. 33–34. In addition, the challenged patent and the '682 patent are also part of another parallel district court proceeding involving Cox Communications, which was consolidated with the district court case involving Petitioner. *Id.* Patent Owner and Cox have agreed to deconsolidate the two cases and to proceed with the district court case against Cox with respect to the challenged patent and the '682 patent. *Id.* at 35 (citing Ex. 2016, 3, 6–8). It is not an efficient use of Board resources to consider the Petitions under these circumstances. Because there are multiple ongoing district court proceedings, discretionary denial of the Petitions reduces the chances of duplicative workloads and inconsistent outcomes.

Although certain arguments are highlighted above, the determination to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petition is denied under 35 U.S.C. § 314(a).

In consideration of the foregoing, it is:

ORDERED that Patent Owner's request for discretionary denial is *granted*; and

FURTHER ORDERED that the Petition is *denied*, and no trial is instituted.

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