

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ARRIS GROUP, INC.  
Petitioner

v.

C-CATION TECHNOLOGIES, LLC  
Patent Owner

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CASE IPR2014-00746  
Patent 5,563,883

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**PATENT OWNER'S MOTION FOR DISCOVERY FROM PETITIONER**

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TABLE OF AUTHORITIES

**Cases**

*Atlanta Gas Light Co. v. Bennett Regulator Guards, Inc.*,  
IPR 2013-00453, Paper 40 (PTAB Apr. 23, 2014) ..... 6, 8

*Garmin Int’l, Inc. v. Cuozzo Speed Techs. LLC*,  
IPR2012-00001, Paper 26 (PTAB Mar. 5, 2013)..... 5, 6, 7, 8

**Statutes**

35 U.S.C. § 315..... 4, 6, 7, 8

35 U.S.C. § 316..... 5

**Other Authorities**

77 FR 48,756..... 5

**Regulations**

37 C.F.R. § 42.51 (b)(2) ..... 1

37 C.F.R. § 42.52(a) ..... 1

**Exhibit List**

<b>Exhibit #</b>	<b>Exhibit Description</b>
C-Cation Tech 2001	C-Cation Technologies, LLC's Proposed Discovery Request to Arris Group, Inc.
C-Cation Tech 2002	Complaint, <i>C-Cation Tech., LLC v. Comcast Corp.</i> , No 2:11-cv-00030 (filed Jan. 21, 2011), D.I. 1.
C-Cation Tech 2003	First Amended Complaint, <i>C-Cation Tech., LLC v. Comcast Corp.</i> , No 2:11-cv-00030 (filed Apr. 5, 2011), D.I. 45.
C-Cation Tech 2004	Unopposed Motion to Dismiss Defendant Comcast Corp., <i>C-Cation Tech., LLC v. Comcast Corp.</i> , No 2:11-cv-00030 (filed Feb. 27, 2012), D.I. 120.
C-Cation Tech 2005	Stipulation of Dismissal, <i>C-Cation Tech., LLC v. Comcast Corp.</i> , No 2:11-cv-00030 (filed Jan. 21, 2014), D.I. 387.
C-Cation Tech 2006	FORM 10-K for the fiscal year ended December 31, 2013 of Arris Group, Inc.
C-Cation Tech 2007	Scheduling and Discovery Order, <i>C-Cation Tech., LLC v. Comcast Corp.</i> , No 2:11-cv-00030 (filed Oct. 3, 2012), D.I. 145.
C-Cation Tech 2008	Defendant Comcast Cable's Supplemental Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1), <i>C-Cation Tech., LLC v. Comcast Corp.</i> , No 2:11-cv-00030.
C-Cation Tech 2009	"Arris Acquires Motorola Home: Creates Premier Video Delivery and Broadband Technology Company" (April 17, 2013), <i>available at</i> <a href="http://ir.arrisi.com/phoenix.zhtml?c=87823&amp;p=irol-newsArticle&amp;ID=1807670">http://ir.arrisi.com/phoenix.zhtml?c=87823&amp;p=irol-newsArticle&amp;ID=1807670</a> .
C-Cation Tech 2010	"Corporate Terms and Conditions of Sale," March 2012, <i>available as of July 7, 2014 at</i> <a href="http://moto.arrisi.com/_docs/EULA_Warranty.pdf">http://moto.arrisi.com/_docs/EULA_Warranty.pdf</a> .
C-Cation Tech 2011	Transcript of June 26, 2014 Conference Call, IPR2014-00746.

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## I. PRECISE RELIEF REQUESTED

Patent Owner C-Cation Technologies, LLC (“Patent Owner”) requests that the Board authorize certain targeted discovery from Petitioner Arris Group, Inc. (“Petitioner”) contained in Exhibit 2001, which consists of a single document request. *See* 37 C.F.R. §§ 42.51 (b)(2), 42.52(a). This motion is filed in accordance with the Board’s July 2, 2014 Order. (Paper No. 9.)

## II. FACTUAL BACKGROUND

### A. Petitioner Indemnified Comcast in an Infringement Lawsuit Relating to the ’883 Patent Filed More than One Year Prior to Petitioner’s Request for *Inter Partes* Review

On January 25, 2011, Patent Owner filed a complaint (Ex. 2002) for patent infringement against Comcast Corporation and others in the United States District Court for the Eastern District of Texas (the “First Texas Action”),<sup>1</sup> alleging that each

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<sup>1</sup> The First Texas Action was assigned docket number 2:11-cv-00030. On April 5, 2011, Patent Owner filed a First Amended Complaint in this action adding Comcast Cable Communications, LLC and Comcast of Houston, LLC as defendants. (Ex. 2003.) The Comcast entities are collectively referred to herein as “Comcast.” Pursuant to a settlement agreement, Patent Owner and Comcast subsequently stipulated to the dismissal of the First Texas Action. (Ex. 2004 and Ex. 2005.)

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