

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

ARRIS GROUP, INC.  
Petitioner

v.

C-CATION TECHNOLOGIES, LLC  
Patent Owner

---

Case: IPR2014-00746

---

**PETITIONER'S UNOPPOSED MOTION FOR ENTRY OF THE  
DEFAULT PROTECTIVE ORDER**

Mail Stop PATENT BOARD  
Patent Trial and Appeal Board  
United States Patent and Trademark Office  
PO Box 1450  
Alexandria, Virginia 22313-1450  
*Submitted Electronically via the Patent Review Processing System*

## **I. INTRODUCTION**

Petitioner ARRIS Group, Inc. hereby moves for entry of the Board's Default Protective Order in this proceeding. *See* Ex. 1026. As shown below, good cause exists for entry of a protective order given the sensitive and confidential nature of the materials the Board Ordered Petitioner to produce to Patent Owner.

## **II. PROCEDURAL BACKGROUND AND PRIOR AUTHORIZATION**

On July 24, 2014, the Board granted Patent Owner's Motion for Additional Discovery relating to agreements under which Comcast requested indemnification from ARRIS in a litigation brought by C-Cation in Texas against Comcast. *See ARRIS Group, Inc. v. C-Cation Techs., LLC*, IPR2014-00746, Paper 15 (Jul. 24, 2014). In its Order, the Board authorized Petitioner "to file a motion or protective order pursuant to the guidance provided in our Order dated July 2, 2014, Paper 9, in this proceeding." Following the guidance provided in Paper 9, Petitioner has conferred with Patent Owner and the parties agree to the entry of the Default Protective Order in these proceedings. Patent Owner has indicated it does not oppose the relief sought in this Motion.

## **III. A PROTECTIVE ORDER IS WARRANTED TO PROTECT ARRIS' CONFIDENTIAL AND SENSITIVE BUSINESS INFORMATION**

In Paper 15, the Board ordered Petitioner to produce "Agreement(s) between Arris and Comcast under which Comcast requested indemnification for the claims brought against Comcast in the Texas Litigation that reference (or are contingent

on) Arris’s ability to control the litigation.” IPR2014-00746, Paper 15 at 5. Petitioner is prepared to produce agreements identified after a reasonable search of its files after an investigation into the subject matter requested.

The agreements to be produced, however, include highly sensitive business information including the terms and conditions that govern Petitioner’s business relationship with its largest customer. To the extent that these agreements—including the provisions that Patent Owner wishes to rely on—are disseminated publicly, it would cause irreparable competitive harm to Petitioner and, perhaps to third party Comcast. *See* Decl. of T. Van Aacken (Ex. 1027) at ¶ 5. These agreements include provisions related to confidentiality, and are treated by Petitioner as confidential business information. *Id.* ¶¶ 3-4. As such, access to these agreements is restricted. *Id.* ¶ 4.

Given the sensitive nature of the information to be produced in response to the Board’s Order, Petitioner respectfully submits that entry of the Default Protective Order is appropriate in this proceeding.

#### **IV. CONCLUSION**

For the foregoing reasons, Petitioner respectfully requests that the Board enter an Order requiring the parties to abide by the Board’s Default Protective Order. *See* Ex. 1026.

Dated: July 31, 2014

Respectfully submitted,

/Andrew R. Sommer/

Andrew R. Sommer

Reg. No. 53,932

*Lead Counsel for Petitioner ARRIS  
Group, Inc.*

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(a), this is to certify that on July 31, 2014, I caused to be served a true and correct copy of the foregoing **“PETITIONER’S UNOPPOSED MOTION FOR ENTRY OF THE DEFAULT PROTECTIVE ORDER”** including Exhibits 1026 (default protective order) and 1027 (Decl. of T. Van Aacken) by electronic mail on counsel for the Patent Owner at:

Lewis V. Popoviski  
[lpopoviski@kenyon.com](mailto:lpopoviski@kenyon.com)

Jeffrey S. Ginsberg  
[jginsberg@kenyon.com](mailto:jginsberg@kenyon.com)

David J. Kaplan  
[djkaplan@kenyon.com](mailto:djkaplan@kenyon.com)

David J. Cooperberg  
[dcooperberg@kenyon.com](mailto:dcooperberg@kenyon.com)

Respectfully submitted,

/Andrew R. Sommer/  
Andrew R. Sommer

(Reg. No. 53,932)

*Counsel for Petitioner ARRIS Group,  
Inc.*

Dated: July 31, 2014

WINSTON & STRAWN LLP  
1700 K Street NW  
Washington, DC 20006