

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,
Petitioner,

v.

C-CATION TECHNOLOGIES, LLC,
Patent Owner.

Case IPR2014-00454
Patent 5,563,883

Before KRISTEN L. DROESCH, KALYAN K. DESHPANDE,
BARBARA A. BENOIT, LYNNE E. PETTIGREW, and
MIRIAM L. QUINN, *Administrative Patent Judges*.

DROESCH, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Cisco Systems, Inc., (“Petitioner”) filed a Petition¹ (Paper 7, “Petition” or “Pet.”) to institute an *inter partes* review of claims 1–20 (“the challenged claims”) of U.S. Patent No. 5,563,883 (“the ’883 Patent”). See 35 U.S.C. §§ 311-19. C-Cation Technologies, LLC (“Patent Owner”) timely filed a Preliminary Response to the Petition. Paper 10 (“Prelim. Resp.”) We determine that, under 35 U.S.C. § 314(a), the information presented in the Petition does not demonstrate a reasonable likelihood that Petitioner would prevail with respect to at least one of the challenged claims.

A. Related Proceedings

Petitioner indicates the ’883 Patent is at issue in *C-Cation Technologies, LLC v. Time Warner Cable Inc.*, No 2:14-cv-0030 (E.D. Tex. 2014). Pet. 1. Petitioner is a named defendant in the aforementioned proceeding. Claims 1, 3, 4, and 14 of the ’883 Patent are also the subject of a petition for *inter partes* review filed by ARRIS Group (IPR2014-00746, Paper 1). However, a decision on institution has not been made in that case.

B. The ’883 Patent (Ex. 1002)

The ’883 Patent relates to a “method and apparatus to support two-way multi-media communication services on a multiple access communication system, which comprises a central controller, a shared transmission media, and a plurality of remote terminals dispersed throughout the network.” Ex. 1002, Abs.; *see id.* at col. 2, l. 65–col. 3, l. 1.

¹ “Petition” and “Pet.” refer to the Corrected Petition filed March 12, 2014.

Figure 1 of the '883 Patent, is reproduced below:

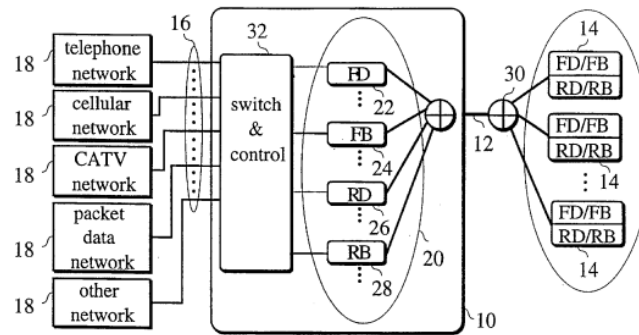


Figure 1 illustrates multiple access communication system architecture with interconnections between remote terminals 14, central controller 10, and wide area networks 18. *Id.* at col. 4, ll. 21–25. Communication channels 16 are provided to wide area networks 18, and communication channels 20 are provided for supporting remote terminals 14. *Id.* at col. 5, ll. 12–15. “All communication signals between central controller 10 and remote terminals 14 are multiplexed onto shared transmission media 12.” *Id.* at col. 5, ll. 21–23. Central controller 10 comprises switch and control mechanism 32; transmitters, called forward signaling data channel (FD) 22 and forward traffic bearer channel (FB) 24; and receivers, called reverse signalling data channel (RD) 26 and reverse traffic bearer channel (RB) 28. *Id.* at col. 5, ll. 15–21, 31–36; *see id.* at col. 12, l. 36–col. 13, l. 1; *see also id.* at col. 5, ll. 1–2; col. 12, l. 36–col. 13, l. 1; Fig. 16 (describing the components of central controller 10).

Figure 17 of the '883 Patent, is reproduced below:

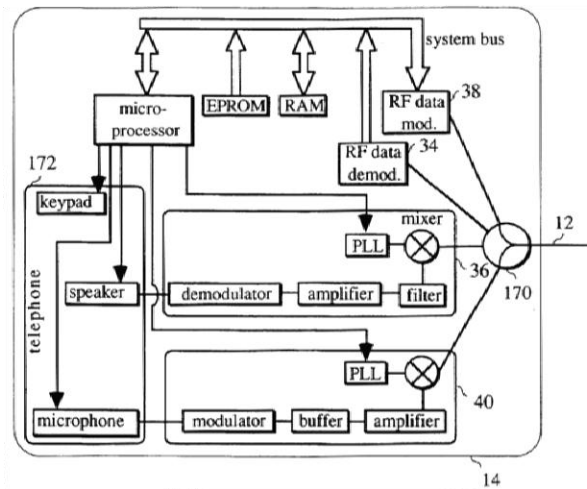


Figure 17 illustrates a diagram of remote terminal 14. *Id.* at col. 5, ll. 3–4. Remote terminal 14 comprises transmitter 40 and receiver 36 for communication on shared transmission media 12 (i.e., FB, RB), and radio frequency (RF) data modulator 38 and RF data demodulator 34 for signalling data channels (i.e., FD, RD). *Id.* at col. 13, ll. 40–45; *see id.* at col. 5, ll. 46–52. Transmitter 40, receiver 36, data modulator 38, and data demodulator 34 are capable of tuning to the assigned RF frequency. *Id.* at col. 13, ll. 45–47. Duplexer 170 combines the communication signals to be transmitted and duplicates the communication signals from shared transmission media 12 to receivers 34, 36. *Id.* at col. 13, ll. 47–51. A micro-processor communicates with Erasable Programmable Read Only Memory (EPROM), Random Access Memory (RAM), RF data demodulator 34, and RF data modulator 38 via a system bus. *Id.* at col. 13, ll. 51–53. Telephone set 172 includes a keypad, speaker and microphone. *Id.* at col. 13, ll. 54–55.

The '883 Patent additionally discloses a polling and registration process at central controller 10 (Ex. 1002, col. 4, ll. 33–34; col. 7, ll. 50–67; Fig. 4); and a registration, channel allocation, terminal assignment, and

reassignment process at central controller 10 (*id.* at col. 4, ll. 37–39; col. 8, ll. 16–55; Fig. 6).

C. Illustrative Claim

Claims 1, 6, 14, and 19 are independent claims. Claims 2–5 depend from claim 1, claims 7–13 depend from claim 6, claims 15–18 depend from claim 14, and claim 20 depends from claim 19. Claim 19, reproduced below, is illustrative.

19. In a multiple access communication system having a central controller, a plurality of communication channels, and a plurality of remote terminals, each of said plurality of remote terminals comprising:

- (a) user traffic transmitting means for transmitting user traffic on an assigned communication channel;
- (b) user traffic receiving means for receiving user traffic on an assigned communication channel;
- (c) signalling data transmitting means for transmitting signalling data on an assigned communication channel;
- (d) signalling data receiving means for receiving signalling data on an assigned communication channel;
- (e) user interfacing means comprising a telephone with a keypad;
- (f) system controlling means for controlling the communication system comprising a micro-processor and associated EPROM and RAM and
- (g) communication controlling means for tuning said signalling data transmitting means and for tuning said signalling data receiving means under control of said central controller a pair of assigned communication channels via said micro-processor and associated EPROM and RAM.

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