

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ARRIS GROUP, INC., and COX COMMUNICATIONS, INC.,  
Petitioner

v.

C-CATION TECHNOLOGIES, LLC,  
Patent Owner

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CASE IPR2015-00635<sup>1</sup>  
Patent 5,563,883

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**PATENT OWNER'S SECOND SET OF OBJECTIONS  
TO PETITIONER'S EXHIBITS**

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<sup>1</sup> Cox Communications, Inc., who filed a Petition in IPR2015-01796, has been joined as a petitioner in this proceeding.

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Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner C-Cation Technologies, LLC (“C-Cation”) submits the following objections to Exhibits 1026-1034 submitted by Arris Group, Inc. (“Arris” or “Petitioner”), and any reference to or reliance on the foregoing. As required by 37 C.F.R § 42.62, C-Cation’s objections below apply the Federal Rules of Evidence.

### **I. OBJECTION TO EXHIBITS 1026-1029**

Exhibit 1026 is described by Petitioner as “U.S. Patent No. 5,586,150 to Balasubramniam (filed Nov. 24, 1993; issued Dec. 17, 1996).” Exhibit 1027 is described by Petitioner as “U.S. Patent No. 5,276,905 to Hurst et al. (filed Feb. 7, 1990; issued Jan. 4, 1994).” Exhibit 1028 is described by Petitioner as “U.S. Patent No. 5,175,870 to Mabey et al. (filed Nov. 30, 1989; issued Dec. 29, 1992).” Exhibit 1029 is described by Petitioner as “EP 0 382 309 A1 (published Aug. 16, 1990).” Petitioner alleges that these references either “cite” or “discuss” Exhibit 1005 (MPT 1327) and are evidence that Exhibit 1005 is a “printed publication.” (Paper 38 at 4.)

To qualify as a printed publication, a document “must have been sufficiently accessible to the public interested in the art.” *In re Lister*, 583 F.3d 1307, 1311 (Fed. Cir. 2009) (internal citations omitted). “A given reference is ‘publicly accessible’ upon a satisfactory showing that such document has been disseminated or otherwise made available to the extent that persons interested

and ordinarily skilled in the subject matter or art exercising reasonable diligence, can locate it.” *SRI Int’l, Inc. v. Internet Sec. Sys., Inc.*, 511 F.3d 1186, 1194 (Fed. Cir. 2008) (internal citations omitted). A copyright date does not establish public accessibility. *See Lister*, 583 F.3d at 1316-17.

C-Cation objects to the admission of Exhibits 1026-1029 under Fed. R. Evid. 802 as constituting inadmissible hearsay for which no exception has been established to the extent it is offered by Petitioner to prove the truth of any matter asserted therein, including, *e.g.*, the date of alleged publication for Exhibit 1005.

Further, C-Cation objects to Exhibits 1026-1029 as irrelevant pursuant to Fed. R. Evid. 401, and, therefore, as inadmissible under Fed. R. Evid. 402 and/or Fed. R. Evid. 403. In particular, Exhibits 1026-1029 are irrelevant for any non-hearsay purpose.

## **II. OBJECTION TO EXHIBITS 1030-1031**

Exhibit 1030 is described by Petitioner as “Michael Paetsch, Mobile Communications in the US and Europe: Regulation, Technology and Markets, 277-324 (1993).” Exhibit 1031 is described by Petitioner as “E.A. Edis & J.E. Varrall, Newnes Telecommunications Pocket Book, 142-155 (1992).” Petitioner alleges that Exhibit 1030 “discusses MPT Specifications” without referencing anything specific, and further alleges that Exhibit 1031 is a “book stamped by

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