

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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Before BARBARA A. BENOIT, LYNNE E. PETTIGREW, and  
MIRIAM L. QUINN, *Administrative Patent Judges*.

PETTIGREW, *Administrative Patent Judge*.

ORDER  
Trial Hearing  
37 C.F.R. § 42.70

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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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ARRIS Group, Inc. and Cox Communications, Inc. (collectively, “Petitioner”) and C-Cation Technologies, LLC (“Patent Owner”) each requested oral hearing in this proceeding pursuant to 37 C.F.R. § 42.70. *See* Papers 42, 44. The requests are *granted*. The hearing will commence at **2:00 PM Eastern Time on Tuesday, April 26, 2016**, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, VA.

Each party will have sixty (60) minutes of total time to present arguments. Petitioner bears the ultimate burden of persuasion that the claims at issue are unpatentable. Therefore, Petitioner will open the hearing by presenting its case regarding the challenged claims for which the Board instituted trial, as well as any arguments regarding Petitioner’s Motion to Exclude (Paper 41). Thereafter, Patent Owner will respond to Petitioner’s arguments and present its own arguments regarding Patent Owner’s Motion to Exclude (Paper 43). Next, Petitioner may use any time it has reserved for rebuttal to respond to arguments presented by Patent Owner. Finally, Patent Owner may use any time it has reserved for rebuttal to respond only to Petitioner’s arguments concerning Patent Owner’s Motion to Exclude.

The Board will provide a court reporter, and the transcript shall constitute the official record of the hearing. Although a Motion to Seal has been granted in this proceeding and another Motion to Seal is pending, neither party has requested that the oral hearing be closed to the public or otherwise indicated a need to discuss any confidential information during the hearing. After reviewing the record, we conclude the parties are capable of presenting their arguments without discussing confidential information, and we exercise our discretion to make the oral hearing publicly accessible. The

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hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis.

Pursuant to 37 C.F.R. § 42.70(b), demonstrative exhibits, if any, must be served on opposing counsel at least five business days before the hearing and filed with the Board no later than three business days before the hearing. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041, Paper 65 (PTAB Jan. 27, 2014), regarding the appropriate content of demonstrative exhibits. A hard copy of the demonstratives should be provided to the court reporter at the hearing.

The Board expects that the parties will meet and confer in good faith to resolve any objections to demonstrative exhibits, but if such objections cannot be resolved, the parties must file any objections to the demonstratives with the Board at least three business days before the hearing. The objections should identify with particularity which portions of the demonstratives are subject to objection, and include a short (one sentence or less) statement of the reason for each objection. No argument or further explanation is permitted. The Board will consider the objections and schedule a conference if deemed necessary. Otherwise, the Board will reserve ruling on the objections. Any objection to the demonstrative exhibits that is not timely presented will be considered waived.

At least one member of the panel will be attending the hearing remotely, by video and audio link. The parties are reminded that, during the hearing, the presenter must identify clearly each demonstrative exhibit (e.g., by referencing a specific slide or screen number) to ensure clarity and

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accuracy of the reporter's transcript and to ensure that a remote judge can follow the argument, even if the video connection is disrupted.

Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797. Requests for audio-visual equipment must be made at least five days in advance of the hearing date. The request is to be sent to [Trials@uspto.gov](mailto:Trials@uspto.gov). If the request is not timely received, the equipment may not be available on the day of the hearing.

The Board expects lead counsel for each party to be present at the oral hearing, although any counsel of record may make the actual presentation. If either party anticipates that its lead counsel will not be in attendance at the oral hearing, the parties should initiate a joint telephone conference with the Board no later than five business days prior to the oral hearing to discuss the matter.

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