

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

C-CATION TECHNOLOGIES, LLC,
Patent Owner.

Case IPR2015-00635¹
Patent 5,563,883

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

PETTIGREW, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

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

I. INTRODUCTION

In this *inter partes* review, instituted pursuant to 35 U.S.C. § 314, ARRIS Group, Inc. and Cox Communications, Inc. challenge the patentability of certain claims of U.S. Patent No. 5,563,883 (Ex. 1001, “the ’883 patent”), owned by C-Cation Technologies, LLC (“Patent Owner”). We have jurisdiction under 35 U.S.C. § 6(c). This Final Written Decision is entered pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons discussed below, Petitioner has shown by a preponderance of the evidence that claims 1, 3, and 4 of the ’883 patent are unpatentable.

A. Procedural History

ARRIS Group, Inc. filed a Petition for *inter partes* review of claims 1, 3, and 4 of the ’883 patent. Paper 2 (“Pet.”). Patent Owner filed a Preliminary Response in both unredacted (confidential) form (Paper 16) and redacted form (Paper 18), along with a Motion to Seal its Preliminary Response and Certain Associated Exhibits (Paper 17). On July 31, 2015, we instituted an *inter partes* review of claims 1, 3, and 4 of the ’883 patent on asserted grounds of unpatentability and granted Patent Owner’s Motion to Seal. Paper 19 (“Institution Decision” or “Dec.”).

Subsequent to institution, Cox Communications, Inc. filed a Petition and a Motion for Joinder with the instant proceeding. *Cox Commc’ns, Inc. v. C-Cation Techs., LLC*, Case IPR2015-01796, Papers 1, 3. We instituted an *inter partes* review and granted the Motion, joining Cox Communications, Inc. with ARRIS Group, Inc. (collectively, “Petitioner”) in this *inter partes* review. Paper 26.

Patent Owner filed a Patent Owner Response to the Petition in both unredacted (confidential) form (Paper 28, “PO Resp.”) and redacted form

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(Paper 30), along with a Motion to Seal the Patent Owner Response and Exhibit 2028 (Paper 29). Petitioner filed a Reply to the Patent Owner Response. Paper 38 (“Pet. Reply”).

Petitioner filed a Motion to Exclude Exhibit 2028 (Paper 41), Patent Owner filed an Opposition to the Motion to Exclude (Paper 47), and Petitioner filed a Reply (Paper 48). Patent Owner filed a Motion to Exclude Exhibits 1005–07, 1014, 1015, 1018, 1019, and 1026–34 (Paper 43), Petitioner filed an Opposition to the Motion to Exclude (Paper 46), and Patent Owner filed a Reply (Paper 49). Patent Owner also filed objections to Exhibits 1035–1038. Paper 50.

An oral hearing was held on April 26, 2016. A transcript of the hearing has been entered into the record. Paper 54 (“Tr.”).

B. Related Matters

The parties indicate that Patent Owner has asserted the ’883 patent against Petitioner ARRIS Group, Inc. and other defendants in *C-Cation Technologies, LLC v. Time Warner Cable Inc.*, No. 2:14-cv-00059 (E.D. Tex.), and against Petitioner Cox Communications, Inc. and other defendants in *C-Cation Technologies, LLC v. Atlantic Broadband Group LLC*, No. 1:15-cv-00295 (D. Del.). Pet. 2; Paper 40, 1.

The ’883 patent has been the subject of other petitions for *inter partes* review. In *Cisco Systems, Inc. v. C-Cation Technologies, LLC*, Case IPR2014-00454 (PTAB Aug. 29, 2014) (Paper 12), and *Unified Patents Inc. v. C-Cation Technologies, LLC*, Case IPR2015-01045 (PTAB Oct. 7, 2015) (Paper 15), the Board denied institution of *inter partes* review. In *ARRIS Group, Inc. v. C-Cation Technologies, LLC*, Case IPR2014-00746 (PTAB Nov. 24, 2014) (Paper 22), the Board instituted *inter partes* review of

claim 14 of the '883 patent, and subsequently granted Patent Owner's request for adverse judgment (Paper 28).

C. The '883 Patent

The '883 patent "pertains generally to methods and apparatus for facilitating the two-way multi-media communication based on a shared transmission media such as coaxial cable-TV network, and more specifically to methods and apparatus for signalling channel management and protocol." Ex. 1001, 1:7–12.

Figure 1 of the '883 patent is reproduced below:

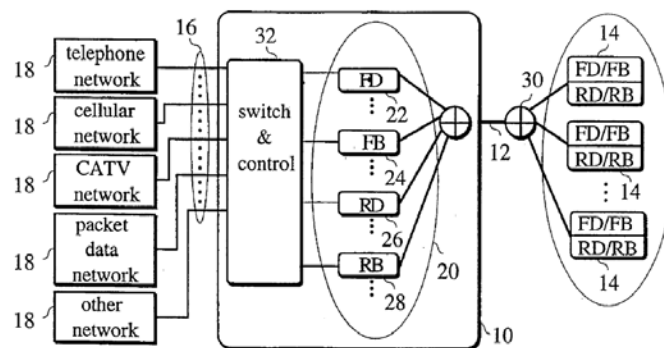


Figure 1

Figure 1 illustrates a multiple access communication system architecture comprising central controller 10, shared transmission media 12, and a plurality of remote terminals 14. *Id.* at 5:8–11. Central controller 10 interfaces with wide area networks 18 via a pool of communication channels 16. *Id.* at 5:12–14. A pool of communication channels 20—including forward signalling channels 22, forward traffic bearer channels 24, reverse signalling channels 26, and reverse traffic bearer channels 28—support communications between central controller 10 and remote terminals 14. *Id.* at 5:15–21.

The '883 patent describes a method for dynamic signalling channel allocation, assignment of remote terminals to signalling channels, and terminal reassignment. *Id.* at 2:38–51. Figure 6 of the '883 patent, as annotated by Petitioner to include reference numbers (*see* Ex. 1023), is reproduced below.

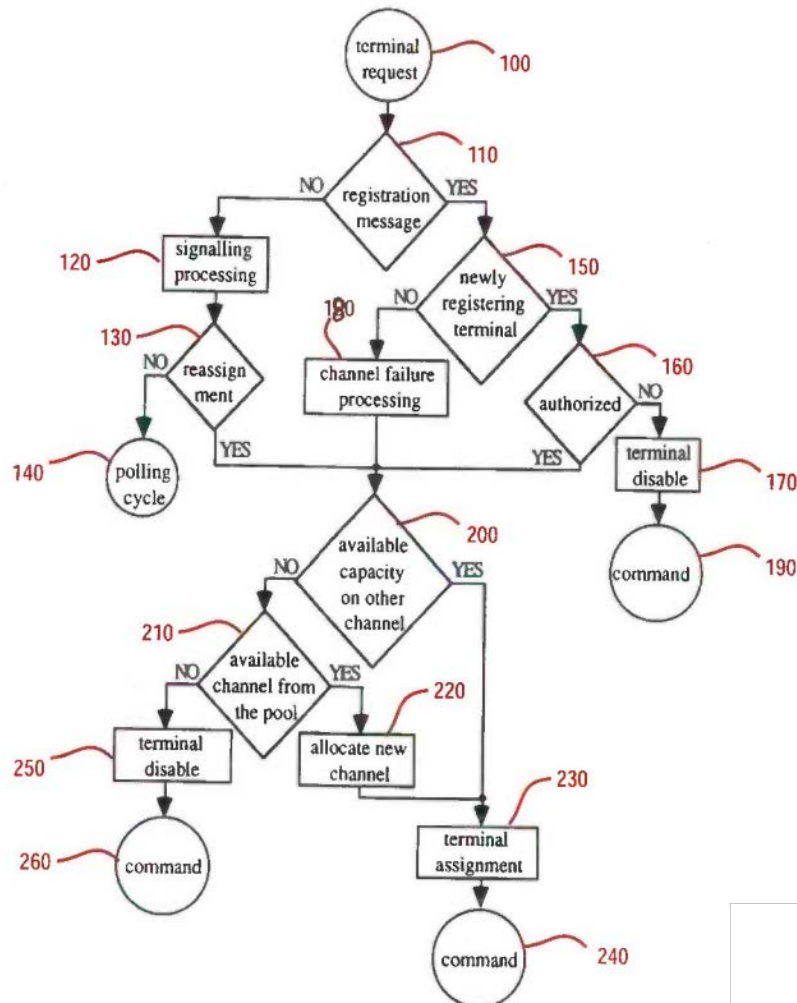


Figure 6

Figure 6 is a logic flow diagram illustrating a process for terminal registration, channel allocation, terminal assignment, and terminal reassignment. *Id.* at 8:16–18. In a preferred embodiment, the central controller receives a registration message from a remote terminal and, if the remote terminal is newly registering and authorized, checks for available

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