

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 : IPR2015-00635
U.S. Patent 5,563,883

Before the Honorable KRISTEN L. DROESCH, KALYAN K. DESHPANDE, and
MIRIAM L. QUINN *Administrative Patent Judges.*

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

Pursuant to 37 C.F.R. § 42.64(b)(1), the undersigned, on behalf of and acting in a representative capacity for Petitioner ARRIS Group, Inc., hereby submit the following objections to Patent Owner C-CATION Technologies, LLC's ("Patent Owner") Exhibits 2001-2010, and any reference to/reliance on the foregoing. As required by 37 C.F.R § 42.62, Petitioners' objections below apply the Federal Rules of Evidence.

I. OBJECTIONS TO EXHIBIT 2001

Evidence objected to: Exhibit 2001

Grounds for objection: Exhibit 2001, a document titled “C-CATION Technologies, LLC’s Proposed Discovery Requests to ARRIS Group, Inc.,” is objected to under Fed. R. Evid. 401 and 403. Exhibit 2001 does not make any fact relevant to the grounds upon which trial was instituted more or less probable and any facts that might be established based on this exhibit is of no consequence in determining the issues on which trial was instituted. Introduction and evaluation of Exhibit 2001 would further lead to undue delay, confusion, and a waste of time.

II. OBJECTIONS TO EXHIBIT 2002

Evidence objected to: Exhibit 2002

Grounds for objection: Exhibit 2002, a document titled “Complaint,” and allegedly filed in connection with an action styled *C-Cation Technologies, LLC v. Comcast Corp., et al.*, No. 2:11-cv-30 (E.D. Tex.), is objected to under Fed. R. Evid. 401 and 403. Exhibit 2002 does not make any fact relevant to the grounds upon which trial was instituted more or less probable and any facts that might be established based on this exhibit is of no consequence in determining the issues on which trial was instituted. Introduction and evaluation of Exhibit 2002 would further lead to undue delay, confusion, and a waste of time.

III. OBJECTIONS TO EXHIBIT 2003

Evidence objected to: Exhibit 2003

Grounds for objection: Exhibit 2003, a document that is allegedly a copy of ARRIS Group, Inc.'s FORM 10-K for fiscal year ended December 31, 2013, is objected to under Fed. R. Evid. 401, 403, and 408. Exhibit 2003 does not make any fact relevant to the grounds upon which trial was instituted more or less probable and any facts that might be established based on this exhibit is of no consequence in determining the issues on which trial was instituted. Introduction and evaluation of Exhibit 2003 would further lead to undue delay, confusion, and a waste of time.

Additionally, the use of statements regarding any settlement of any indemnity claim that may have been made by Comcast against ARRIS in an effort to prove that Comcast had a valid claim for indemnification against ARRIS is prohibited by Fed. R. Evid. 408(a), and does not fall within an exception under Fed. R. Evid. 408(b).

IV. OBJECTIONS TO EXHIBIT 2004

Evidence objected to: Exhibit 2004

Grounds for objection: Exhibit 2004, a document titled "Scheduling and Discovery Order," and allegedly entered in connection with an action styled *C-
Cation Technologies, LLC v. Comcast Corp., et al.*, No. 2:11-cv-30-MHS-CMC

(E.D. Tex.), is objected to under Fed. R. Evid. 401 and 403. Exhibit 2004 does not make any fact relevant to the grounds upon which trial was instituted more or less probable and any facts that might be established based on this exhibit is of no consequence in determining the issues on which trial was instituted. Introduction and evaluation of Exhibit 2004 would further lead to undue delay, confusion, and a waste of time.

V. OBJECTIONS TO EXHIBIT 2005

Evidence objected to: Exhibit 2005

Grounds for objection: Exhibit 2005, a document titled “Defendant Comcast Cable’s Supplemental Initial Disclosures,” and allegedly served in connection with an action styled *C-Cation Technologies, LLC v. Comcast Corp., et al.*, No. 2:11-cv-30-MHS-CMC (E.D. Tex.), is objected to under Fed. R. Evid. 401, 403, 802, and 901. Exhibit 2005 does not make any fact relevant to the grounds upon which trial was instituted more or less probable and any facts that might be established based on this exhibit is of no consequence in determining the issues on which trial was instituted. Introduction and evaluation of Exhibit 2005 would further lead to undue delay, confusion, and a waste of time.

Exhibit 2005 is further objectionable in that it constitutes hearsay under Fed. R. Evid. 802, to which no exception applies. Moreover, Exhibit 2005 has not been authenticated as required by Fed. R. Evid. 901.

VI. OBJECTIONS TO EXHIBIT 2006

Evidence objected to: Exhibit 2006

Grounds for objection: Exhibit 2006, a press release titled “ARRIS Acquires Motorola Home: Creates Premier Video Delivery and Broadband Technology Company,” is objected to under Fed. R. Evid. 401 and 403. Exhibit 2006 does not make any fact relevant to the grounds upon which trial was instituted more or less probable and any facts that might be established based on this exhibit is of no consequence in determining the issues on which trial was instituted. Introduction and evaluation of Exhibit 2006 would further lead to undue delay, confusion, and a waste of time.

VII. OBJECTIONS TO EXHIBIT 2007

Evidence objected to: Exhibit 2007

Grounds for objection: Exhibit 2007, a document titled “Corporate Terms and Conditions of Sale,” and allegedly obtained from ARRIS’s website, is objected to under Fed. R. Evid. 401 and 403. Exhibit 2007 does not make any fact relevant to the grounds upon which trial was instituted more or less probable and any facts that might be established based on this exhibit is of no consequence in determining the issues on which trial was instituted. Introduction and evaluation of Exhibit 2007 would further lead to undue delay, confusion, and a waste of time.

VIII. OBJECTIONS TO EXHIBIT 2009

Evidence objected to: Exhibit 2009

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