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
Patent 5,563,883

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

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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 1005-1007, 1010, 1014-1015 and 1017-1019 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 EXHIBIITS 1005-1007

Petitioner alleges that Exhibits 1005-1007 constitute prior art to U.S. Patent No. 5,563,883 ("the '883 patent"). Paper 2 at 5, 16-17. Exhibit 1005 bears the title "MPT 1327: A Signalling Standard for Trunked Private Land Mobile Radio Systems." Exhibit 1006 bears the title "MPT 1343: Performance Specification; System Interface Specification for radio units to be used with commercial trunked networks operating in Band III sub-bands 1 and 2." Exhibit 1007 bears the title "MPT 1347: Radio interface specification; For commercial trunked networks operating in Band III, sub-bands 1 and 2."

C-Cation objects to the admission of Exhibits 1005-1007 because Petitioner has not produced admissible evidence to authenticate these Exhibits as required under Fed. R. Evid. 901(a) and has not produced admissible evidence to establish that these Exhibits are self-authenticating under Fed. R. Evid. 902.

C-Cation further objects to the admission of Exhibits 1005-1007 under Fed. R. Evid. 802 as constituting inadmissible hearsay for which no exception has been established to the extent they are offered by Petitioner to prove the truth of any matter asserted therein, including, e.g., date of publication.

Further, C-Cation objects to Exhibits 1005-1007 as irrelevant pursuant to Fed. R. Evid. 401, and therefore inadmissible under Fed. R. Evid. 402 and/or Fed. R. Evid. 403. 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). "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).

Since Petitioner has not provided admissible evidence to establish when, if ever, Exhibits 1005-1007 were disseminated or otherwise made available such that they could be located by persons of ordinary skill in the art with reasonable diligence, Exhibits 1005-1007 do not qualify as prior art to the '883 patent. Accordingly, Exhibits 1005-1007 are irrelevant under Fed. R. Evid. 401 and inadmissible pursuant to Fed. R. Evid. 402 and 403. *See, e.g., Nordock Inc. v.*

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