

**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.  
Petitioners

v.

C-CATION TECHNOLOGIES, LLC  
Patent Owner

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Case : IPR2015-00635<sup>1</sup>  
U.S. Patent 5,563,883

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

**PETITIONERS' FIRST SET OF OBJECTIONS  
TO PATENT OWNER'S EXHIBITS, NOS. 2023 – 2028**

Pursuant to 37 C.F.R. § 42.64(b)(1), the undersigned, on behalf of and acting  
in a representative capacity for Petitioners, ARRIS Group, Inc. and Cox  
Communications, Inc., hereby submit the following objections to Patent Owner C-  
CATION Technologies, LLC's ("Patent Owner") Exhibits 2023-2028, and any

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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.

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 2027**

Evidence objected to: Exhibit 2027.

Grounds for objection: Exhibit 2027 is a transcript of the deposition for Stuart J. Lipoff, taken on October 20, 2015 in Menlo Park, California in relation to these proceedings, and contains numerous objections preserved for the record by the Petitioners. Petitioners reserves their right to assert any objection to testimony preserved therein.

**II. OBJECTIONS TO EXHIBIT 2028**

Evidence objected to: Exhibit 2028

Grounds for objection: Exhibit 2028, a redacted version of the document titled "Expert Report of Stuart Lipoff Regarding Defendants' Non-infringement of U.S. Patent No. 5,563,883 and Related Technical Matters," and allegedly associated with an action styled *C-Cation Technologies, LLC v. Comcast Corp., et al.*, No. 2:11-cv-30 (E.D. Tex.). Petitioners object to this Exhibit under Fed. R. Evid. 106 because it is an incomplete portion of a writing that (1) is redacted, rendering it incomplete; and (2) it omits documents incorporated by reference into it, further rendering it incomplete. Petitioners further object to this Exhibit under Fed. R. Evid. 401 and 403 because it 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 2028 would further lead to undue delay, confusion, and a waste of time; further, the probative value of this exhibit is outweighed by its prejudicial effect, particularly in light of the incomplete and hearsay nature of the Exhibit.

To the extent that Patent Owner is using Exhibit 2028 in an attempt to impeach Mr. Lipoff's testimony, Patent Owner's use of the Exhibit is improper under Fed. R. Evid. 613(b) in that, despite having the opportunity to do so, Patent Owner did not provide Mr. Lipoff with any allegedly inconsistent statement or provide him an opportunity to address it in his testimony. Moreover, since Patent Owner did not properly attempt to use this Exhibit during Mr. Lipoff's deposition, Petitioners had no opportunity to examine Mr. Lipoff about this Exhibit.

Exhibit 2014 is further objectionable in that it constitutes hearsay under Fed. R. Evid. 802, to which no exception has been (or can be) shown to apply. Moreover, Exhibit 2028 has not been authenticated as required by Fed. R. Evid. 901, and has not been shown to be (and is not) self-authenticating.

Dated: November 12, 2015

Respectfully submitted:

/s/ Andrew R. Sommer

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***Attorneys for Petitioner Cox  
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**§ 42.6(e)—CERTIFICATION OF SERVICE**

In accordance with § 42.6(e)(1), the undersigned certifies that on the 12th day of November 2015, the above **PETITIONER'S FIRST SET OF OBJECTIONS TO PATENT OWNER'S EXHIBITS, NOS. 2023-2028** was served, via electronic mail upon the following counsel for Patent Owner,

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Respectfully submitted,

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Dated: November 12, 2015

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