

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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COX COMMUNICATIONS, INC.,  
Petitioner,

v.

C-CATION TECHNOLOGIES, LLC,  
Patent Owner.

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CASE IPR2015-01796  
Patent 5,563,883

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**PATENT OWNER C-CATION TECHNOLOGIES, LLC'S  
ELECTION TO WAIVE ITS PRELIMINARY RESPONSE  
PURSUANT TO 37 C.F.R. §42.107(b)**

### **Patent Owner's Waiver of Preliminary Response**

In view of Petitioner Cox Communications, Inc.'s ("Cox") Motion for Joinder, filed August 24, 2015 (Paper 3), and the representations made therein,<sup>1</sup> Patent Owner C-Cation Technologies, LLC ("C-Cation") hereby elects to waive its patent owner preliminary response to the Petition for *Inter Partes* Review of U.S. Patent No. 5,563,883 ("883 patent") pursuant to 37 C.F.R. § 42.107(b). As indicated in the Trial Practice Guide, no adverse inference should be taken by this election. *See* Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48764 (Aug. 14, 2012). C-Cation reserves all rights to submit a Patent Owner's Response pursuant to 37 C.F.R. §§ 42.120 should the Board institute *Inter Partes* Review.

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<sup>1</sup> These representations include, *inter alia*, that: (1) its petition is "based on grounds identical to those that formed the basis for pending IPR proceeding *ARRIS Group, Inc. v. C-Cation Technologies, LLC*, IPR2015-00635" (Paper 3 at 1); (2) "Cox agrees to allow ARRIS to take the lead in all matters" and "to work with ARRIS to submit consolidated filings, except for motions that do not involve the other party" (Paper 3 at 7); (3) "Cox will rely on ARRIS to take testimony and defend depositions of all witnesses, unless Arris wishes otherwise or until ARRIS terminates its involvement in the joined proceeding" (*id.*); and (4) "Cox will refrain from requesting or reserving any additional deposition or oral hearing time" (*id.*).

Respectfully submitted,

          / Walter E. Hanley, Jr./

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**Certificate of Service**

The undersigned hereby certifies that the foregoing PATENT OWNER C-  
CATION TECHNOLOGIES, LLC'S ELECTION TO WAIVE ITS PRELIMINARY  
RESPONSE PURSUANT TO 37 C.F.R. §42.107(b) was served via electronic mail on  
September 25, 2015, in its entirety on the following:

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