

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PRINTING INDUSTRIES OF AMERICA
Petitioner

v.

CTP INNOVATIONS, LLC
Patent Owner

Case IPR2013-00474
Patent 6,611,349

Before HOWARD B. BLANKENSHIP, BENJAMIN D. M. WOOD, and
BRIAN J. MCNAMARA, *Administrative Patent Judges*.

WOOD, *Administrative Patent Judge*.

DECISION
Denying Petition to Institute *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

A. *Background*

Printing Industries of America (“PIA” or “Petitioner”) filed a petition (Papers 3, 4,¹ “Pet.”) to institute an *inter partes* review of claims 1-14 (the “challenged claims”) of U.S. Patent No. 6,611,349 (Ex. 1101, “the ’349 patent”). CTP Innovations, LLC (“CTP” or “Patent Owner”) filed a Preliminary Response (Paper 11, “Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314.

The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a), which provides as follows:

THRESHOLD – The Director may not authorize an *inter partes* review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.

Upon consideration of the Petition, the Preliminary Response, and the exhibits attached thereto, we determine that Petitioner has not shown a reasonable likelihood that the Petitioner would prevail with respect to at least one of the challenged claims. Accordingly, we do not authorize an *inter partes* review to be instituted as to the challenged claims.

B. *Related Proceedings*

In Appendix B of the Petition, PIA identifies 35 co-pending infringement actions involving the ’349 patent. Pet., App. B. PIA has also petitioned for *inter*

¹ The Petition cover sheet and tables of contents, authorities and exhibits were submitted separately from the body of the Petition, and have been collectively designated Paper 3. The body of the Petition has been designated Paper 4.

partes review of another patent at issue in the co-pending litigation, U.S. Patent No. 6,738,155. *See* IPR2013-00489, Papers 4, 5 (Aug. 2, 2013).

C. *The '349 Patent*

The '349 patent relates to “a system and method of providing publishing and printing services via a communication network.” Ex. 1101, 1:9-10. According to the '349 patent, “[k]ey steps for producing printed materials using a plate process include (1) preparing copy elements for reproduction (the “design” stage), (2) prepress production, (3) platemaking, (4) printing, and (5) binding, finishing and distribution.” *Id.* at 1:12-15. In the first step, an end user – e.g., a publisher, direct marketer, advertising agency, or corporate communication department – uses a desktop publishing program such as “QuarkXpress” to design “pages” from image and data files. *Id.* at 1:16-25. In the prepress production stage, the user-created pages (also called “copy”) are “transformed into a medium that is reproducible for printing.” *Id.* at 1:26-28. This transformation typically involves typesetting, image capture and color correction, file conversion, “RIPping, proofing, imposition, filmsetting, and platesetting.” *Id.* at 1:29-32.

“RIPping” is based on the acronym “RIP,” which stands for raster image processor. *Id.* at 7:57-59. A RIP is a hardware or software component that “rasterizes” an image file – i.e., converts it to a “bitmap” or raster image. *Id.* “RIPping” is, therefore, synonymous with rasterizing. A bitmap “is a digitized collection of binary pixel information that gives an output device, such [as a printer, proofer or platesetter,] the ability to image the file to paper, film or plate.” *Id.* at 7:59-62. “Proofing” involves creating a sample of the finished product that is sent to the end user for approval. *Id.* at 1:32-35. “Imposition” involves arranging multiple pages into a single flat that can be used to create a printing

plate. *Id.* at 1:38-40. According to the '349 patent, imposition "is particularly important in the creation of booklets or catalogs, where pages are positioned using register marks to assist in the stripping, collating, and folding of the printed product." *Id.* at 1:41-44. A printer makes a plate based on the imposed flat and uses the plate on a printing press to reproduce the product; the product is bound, finished and distributed to create the product in its final form. *Id.* at 1:45-51.

The '349 patent describes and claims a publishing and printing system in which "system components are installed at an end user facility, a printing company facility, and a central service facility," each connected to the others via a communication network. *Id.* at 2:31-36, 51-56. Figure 1, reproduced below, depicts an embodiment of the claimed invention:

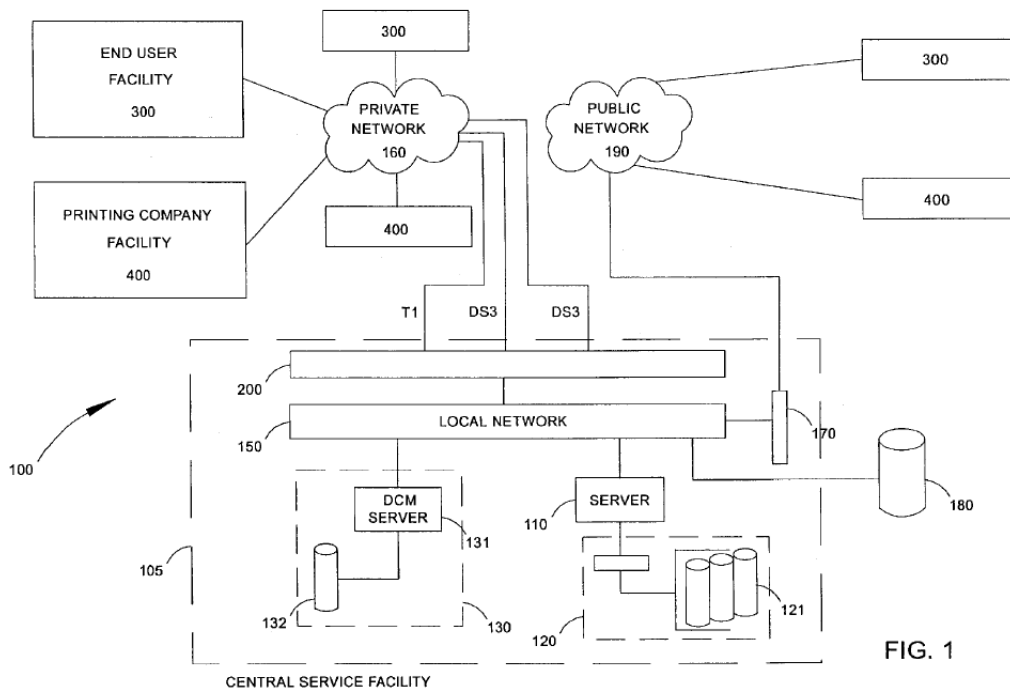


Figure 1 depicts end user facility 300, printing company facility 400, and central service facility 105 connected together via either private network 160 or public network 190. *Id.* at Fig. 1. In this embodiment, end user facility 300

comprises a router, desktop computer for page-building operations, and a color proofer and black and white printer for high-resolution proofing. *Id.* at 7:38-40; Figs. 1, 2, 5. Printing company facility 400 comprises a router, a hub, a server, a laser printer, a color plotter, and a platesetter, and performs production management, digital plate-making, desktop imposition, and press services. *Id.* at 8:31-33; 9:38-43; Figs. 1, 4, 5. Central service facility 105 comprises a server, “hierarchical storage management” (HSM) system 120, “digital content management” system 130, and local area network (LAN) 150. *Id.* at 5:40-50. An end user can store files in HSM system 120 to reduce storage needs at the end user facility. *Id.* at 7:19-23, 38-40.

D. Exemplary Claims

Claims 1-4 and 10 are independent. Claims 1-3 are drawn to printing and publishing systems comprising an end user facility, a central service facility, and a printing company facility. Ex. 1101, 21:18-22:30. Claims 4 and 10 are drawn to methods of generating a plate-ready file configured for the creation of a printing plate. *Id.* at 22:31-48; 23:3-17. Claims 5-9 depend from claim 4. *Id.* at 22:49-23:2. Claims 11-14 depend, either directly or indirectly, from claim 10. *Id.* at 24:1-15.

Claims 1 and 4, reproduced below, are illustrative of the claimed subject matter:

1. A printing and publishing system which generates a printing plate-ready file from data provided remotely in real time using a communication network, the printing and publishing system comprising:

an end user facility coupled to a communication network, the end user facility providing page building operations, the page building operations including the design and construction of pages from images, text, and data available via said communication network;

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