I. MANDATORY NOTICES

A. Real Party in Interest

Printing Industries of America ("Petitioner") is a real party-in-interest and submits this Petition for *Inter Partes* Review ("Petition") of claims 1-20 of U.S. Patent No. 6,738,155 ("the '155 patent") (Ex. 1201). Additional real parties-in-interest herein are identified in Appendix A.

B. Related Matters

The litigation matters listed in Appendix B hereto would affect or could be affected by a decision in this proceeding. Petitioner is not a party to any of the lawsuits listed in Appendix A but has an interest in the outcome of the lawsuits.

In all of the lawsuits listed in Appendix B, where CTP Innovations LLC ("CTP") is identified as plaintiff, CTP has asserted infringement of the '155 patent and U.S. Patent No. 6,611,349 ("the '349 patent") against the named defendants. The '155 and '349 patents disclose the same subject matter but claim different subject matter. A second petition for *inter partes* review of the '349 patent (claims 1-14) has been filed by petitioner.

C. Counsel

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II. CERTIFICATION OF GROUNDS FOR STANDING

Petitioner certifies pursuant to Rule 42.104(a) that the patent for which review is sought is available for *inter partes* review and that Petitioner is not barred or estopped from requesting an *inter partes* review challenging the patent claims on the grounds identified in this Petition.

III. OVERVIEW OF CHALLENGE AND RELIEF REQUESTED

Pursuant to Rules 42.22(a)(1) and 42.104(b)(1)-(2), Petitioner challenges claims 1-20 of the '155 patent (Ex. 1201), and requests that each challenged claim be cancelled.

A. Prior Art Patent Documents

Petitioner relies upon the following patent documents:

1. U.S. Patent No. 7,242,487 ("Lucivero et al.;" Ex. 1205) which issued on July 10, 2007 and is prior art under 35 U.S.C. § 102(e).

2. European Patent Application No. EP0878303 ("Benson et al.; Ex. 1206) which was published on November 18, 1998 and is prior art under 35 U.S.C. § 102(e).

3. U.S. Patent No. 5,634,091 ("Sands et al."; Ex. 1207) which issued on May 27, 1997 and is prior art under 35 U.S.C. § 102(b).

4. U.S. Patent No. 6,643,909 ("Holub; Ex. 1210) which issued on March 28, 2000 and is prior art under 35 U.S.C. § 102(b).

5. European Patent Application No. EP0920667 ("Dorfman et al."; Ex. 1211) which was published on June 9, 1999 and is prior art under 35 U.S.C. § 102(e).

6. U.S. Patent No. 6,646,818 ("Benson; Ex. 1212) which issued on April 4, 2000 and is prior art under 35 U.S.C. § 102(b).

None of the above patent publications were applied by the Examiner during prosecution of the '155 patent.

B. Prior Art Non-Patent Documents

Petitioner relies upon the following non-patent documents:

1. Adams II et al., "Computer-to-Plate" Automating the Printing Industry", GAFT, 1996 (Ex. 1214)

2. Aldus Corporation, "OPI Open Prepress Interface Specification 1.3", 1993 (Ex. 1213)

3. Andersson et al., *PDF Printing and Publishing*, Micro Publishing Press 1997 (Ex. 1204)

4. Zilles, "Using PDF for Digital Data Exchange", TAGA *Proceedings*, Technical Association of the Graphic Arts, 1997 (Ex. 1209)

None of the above non-patent documents were applied by the Examiner during prosecution of the '155 patent.

1. Grounds of Challenge

Petitioner requests cancellation of claims 1-20, the challenged claims, as unpatentable under 35 U.S.C. §§ 102 and 103. This petition submits grounds showing that there is a reasonable likelihood that Petitioner will prevail with respect to at least one of the challenged claims and that each challenged claim is not patentable. *See* 35 U.S.C. § 314(a).

IV. LEGAL PRINCIPLES

The challenged claims are anticipated and/or obvious under 35 U.S.C. §§ 102 and 103, respectively. "To anticipate a claim, a prior art reference must disclose every limitation of the claimed invention, either explicitly or inherently." *See, e.g., In re Schreiber*, 128 F.3d 1473, 1477 (Fed. Cir. 1997).

Even if the certain claims are not anticipated under 35 U.S.C. § 102, the claims are invalid if they would have been obvious. In *KSR*, the Supreme Court addressed the issue of obviousness and held "The combination of familiar elements

according to known methods is likely to be obvious when it does no more than yield predictable results." *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 416 (2007)

Based on the prior art described in this petition, it is clear that the challenged claims are either anticipated or at least are merely a predictable combination of old elements that are used according to their established functions.

V. CLAIM CONSTRUCTION

A claim subject to *inter partes* review is given its "broadest reasonable construction in light of the specification in which it appears." 37 C.F.R. §42.100(b). The broadest reasonable construction is the broadest reasonable interpretation of the claim language. See *In Re Yamamoto*, 740 F.2d 1569, 1572 (Fed. Cir. 2004). Any claim term which lacks a definition in the specification is given the ordinary and customary meaning the term would have to a person skilled in the art. Such terms have been held to require no construction. *Biotech Biologische Naturverpackungen GmbH & Co. KG v. Biocorp, Inc.* 249 F.3d. 1341, 1349 (Fed. Cir. 2001).

Solely for purposes of this proceeding, the following discussion proposes constructions of certain claim terms and identifies support for these constructions. Any claim terms not included in the following discussion are to be given their

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