

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PRINTING INDUSTRIES OF AMERICA

Petitioner

v.

CTP INNOVATIONS, LLC

Patent Owner

U.S. Patent No. 6,738,155 to Vogt et al.

IPR Trial No. 2013-00489

**NOTICE OF DEFECTIVE CERTIFICATE OF SERVICE
OF CTP INNOVATIONS, LLC'S
PRELIMINARY RESPONSE TO PETITION**

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Petitioner, Printing Industries of America ("Petitioner") brings to the Board's attention the failure of Patent Owner, CTP Innovations, LLC ("Patent Owner") to serve its Preliminary Response to Petitioner's Petition for *Inter Partes* Review of U.S. Patent No. 6,738,155 ("the '155 Patent") in conformance with the Certificate of Service that was filed with the Preliminary Response to Petition.

On October 4, 2013, Patent Owner filed its Preliminary Response to Petitioner's Petition for *Inter Partes* Review ("Preliminary Response") of the '155 patent. The Certificate of Service that was filed with the Preliminary Response indicated that the Preliminary Response was served on October 4, 2013 in its entirety by U.S. Express Mail, postage prepaid, and electronic mail upon Petitioner's Lead Counsel and Back-up Counsel. A copy of the Certificate of Service attached to Patent Owner's Preliminary Response is attached hereto as Exhibit 1215. The Certificate of Service was electronically executed by Patent Owner's Lead Counsel W. Edward Ramage.

Petitioner's Lead Counsel and Back-up Counsel did not receive Patent Owner's Preliminary Response in accordance with the Certificate of Service. Lead Counsel received a copy of the Preliminary Response by U.S. Priority Mail on October 12, 2013. A copy of the front of the envelope containing the Preliminary

Response addressed to and received by Petitioner's Lead Counsel is attached hereto as Exhibit 1216. The metered postage on the envelope indicates that it was posted in Nashville, Tennessee on October 9, 2013 by priority mail.

Petitioner's Back-up Counsel received a copy of Patent Owner's Preliminary Response on October 11, 2013 by U.S. Priority Mail. A copy of the front of the envelope containing the Preliminary Response addressed to and received by Petitioner's Back-up Counsel is attached hereto as Exhibit 1118. The metered postage on the envelope indicates that it was posted in Nashville, Tennessee on October 9, 2013 by priority mail.

Notwithstanding the fact that Petitioner's Lead Counsel and Back-up Counsel received a copy of Patent Owner's Preliminary Response, Patent Owner did not execute service on the date nor in the manner of delivery as indicated on the Certificate of Service. The Preliminary Response was not served on October 4, 2013 via U.S. Express Mail and electronic mail, as evidenced by Exhibits 1216 and 1217.

Accordingly, Petitioner requests that the Board take notice of Patent Owner's failure to serve upon Petitioner's counsel the Preliminary Response in accordance with the Certificate of Service attached to the Preliminary Response and take whatever action is deemed appropriate against Patent Owner.

Dated: December 3, 2013

Respectfully submitted,

PRICE & ADAMS

By:/s/John M. Adams

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*Counsel for Petitioner,
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 3, 2013 the foregoing Notice of Defective Certificate of Service of CTP Innovations, LLC's Preliminary Response to Petition was served in its entirety via First Class, U.S. Mail upon the following:

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Dated: December 3, 2013

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