

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

Case IPR2013-00489
Patent 6,738,155

**RESPONSE TO NOTICE OF DEFECTIVE CERTIFICATE OF SERVICE
AND CORRECTED CERTIFICATE OF SERVICE**

Filed on behalf of CTP Innovations, LLC

By:

W. Edward Ramage (Lead Counsel)
Reg. No. 50,810
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.
Baker Donelson Center
211 Commerce Street, Suite 800
Nashville, Tennessee 37201
Tel: (615) 726-5771
Fax: (615) 744-5771
Email: eramage@bakerdonelson.com

L. Clint Crosby (Back-up Counsel)
Reg. No. 47,508
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.
Monarch Plaza, Suite 1600
3414 Peachtree Road NE
Atlanta, Georgia 30326
Tel: (678) 406-8702
Fax: (678) 406-8701
Email: ccrosby@bakerdonelson.com

Patent Owner, CTP Innovations, LLC (“Patent Owner”), hereby files its Response to Petitioner’s Notice of Defective Certificate of Service (“Petitioner’s Notice”) and Corrected Certificate of Service to its Preliminary Response to Petition.

RESPONSE TO PETITIONER’S NOTICE

Petitioner’s Notice seeks to set a standard for Patent Owner that is higher than that for Petitioner. This is evidenced by Petitioner’s own failures to comply with this Board’s service requirements. Pursuant to 37 C.F.R. §42.105, Petitioner was to serve Patent Owner with the Petition via EXPRESS MAIL or by means at least as fast and reliable as EXPRESS MAIL. Yet in the certificate of service included in the Petition, Petitioner states that it served Patent Owner via “First Class, U.S. Mail” - not EXPRESS MAIL. Likewise, 37 C.F.R. §42.6 required Petitioner to serve Petitioner’s Notice via EXPRESS MAIL or by means at least as fast and reliable as EXPRESS MAIL. In the certificate of service included in Petitioner’s Notice, Petitioner states that it served Patent Owner via “First Class, U.S. Mail”. A copy of the envelope containing Petitioner’s Notice and showing First Class postage is attached hereto as Exhibit 1218. Patent Owner’s counsel received Petitioner’s Notice on December 6, 2013. Out of professional courtesy, Patent Owner has not complained to or filed a “Notice of Defective Certificate of Service” (or “Notice of Defective Service”) with the Board.

As indicated in its original certificate of service, Patent Owner electronically filed its Preliminary Response to Petition (the “Preliminary Response”) with the Board on Friday, October 4, 2013. Patent Owner has subsequently learned that due to an inadvertent clerical error, copies of the Preliminary Response may not have been sent to lead and back-up counsel for Petitioner until October 9, 2013. In Petitioner’s Notice, Petitioner asserts that its back-up counsel received a copy of the Preliminary Response via Priority U.S. Mail on October 11, 2013 and its lead counsel received a copy of the Preliminary Response via U.S. Mail on October 12, 2013. Accordingly, both Petitioner’s lead and back-up counsel received copies of the Preliminary Response well before the deadline for Patent Owner to file its Preliminary Response. Petitioner, therefore, has not been prejudiced in any way. Indeed, Petitioner has not even alleged any prejudice or harm in Petitioner’s Notice.

To the extent that the Board takes action against Patent Owner based on the Certificate of Service issue, the Board must also take the same or more serious action against Petitioner given Petitioner’s failures. Notwithstanding, Patent Owner respectfully asserts that action against either party is unnecessary at this time.

CORRECTED CERTIFICATE OF SERVICE

The undersigned hereby submits this Corrected Certificate of Service and certifies that the Preliminary Response, in its entirety, was electronically filed on October 4, 2013, and served no later than October 9, 2013, via Priority U.S. Mail upon the following:

John M. Adams
PRICE & ADAMS, P.C.
4135 Brownsville Road
P.O. Box 98127
Pittsburgh, Pennsylvania 15227-0127
Tel: (412) 882-7170
Fax: (412) 884-6650
Email: paip.law@verizon.net

Lawrence G. Zurawsky
ZURAWSKY & ASSOCIATES
429 Forbes Avenue, Suite 600
Pittsburgh, Pennsylvania 15219
Tel: (412) 281-7766
Fax: (412) 281-7769
Email: szurawsky@aol.com

Dated: December 6, 2013

Respectfully submitted,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.

/W. Edward Ramage/

W. Edward Ramage, Reg. No. 50,810
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.
Baker Donelson Center
211 Commerce Street, Suite 800
Nashville, Tennessee 37201
Tel: (615) 726-5771
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L. Clint Crosby, Reg. No. 47,508
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.
Monarch Plaza, Suite 1600
3414 Peachtree Road NE
Atlanta, Georgia 30326
Tel: (678) 406-8702
Fax: (678) 406-8701
Email: ccrosby@bakerdonelson.com

*Counsel for Patent Owner CTP
Innovations, LLC*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on December 6, 2013, the foregoing Response to Petitioner's Notice of Defective Certificate of Service and Corrected Certificate of Service was served via EXPRESS MAIL upon the following:

John M. Adams
PRICE & ADAMS, P.C.
4135 Brownsville Road
P.O. Box 98127
Pittsburgh, Pennsylvania 15227-0127
Tel: (412) 882-7170
Fax: (412) 884-6650
Email: paip.law@verizon.net

Lawrence G. Zurawsky
ZURAWSKY & ASSOCIATES
429 Forbes Avenue, Suite 600
Pittsburgh, Pennsylvania 15219
Tel: (412) 281-7766
Fax: (412) 281-7769
Email: szurawsky@aol.com

/W. Edward Ramage/
W. Edward Ramage, Reg. No. 50,810