

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

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 4 and 5, “Pet.”)¹ requesting an *inter partes* review of claims 1-20 of U.S. Patent No. 6,738,155 (Ex. 1201, “the ’155 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 and the Preliminary Response, and the exhibits attached thereto, we determine that the Petitioner has not shown a reasonable likelihood that it would prevail with respect to at least one of the claims of the ’155 patent. Accordingly, we do not authorize an *inter partes* review to be instituted as to any of claims 1-20 of the ’155 patent.

B. *Related Proceedings*

PIA discloses that the ’155 patent is involved in 35 co-pending infringement actions listed in Appendix B of the Petition. Pet., App. B. PIA has also petitioned

¹ The Petition cover sheet and tables of contents, authorities and exhibits were filed separately from the body of the Petition, and have been collectively designated Paper 4. The Petition itself has been designated Paper 5.

for *inter partes* review of another patent at issue in the co-pending litigation, U.S. Patent No. 6,611,349. See IPR2013-00474, Papers 3, 4 (July 29, 2013).

C. The Claimed Subject Matter

The '155 patent relates to “a system and method of providing publishing and printing services via a communication network.” Ex. 1201, 1:9-10. According to the '155 patent, key 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 stage, 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 '155 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 then bound, finished, and distributed in its final form. *Id.* at 1:45-51.

The '155 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:

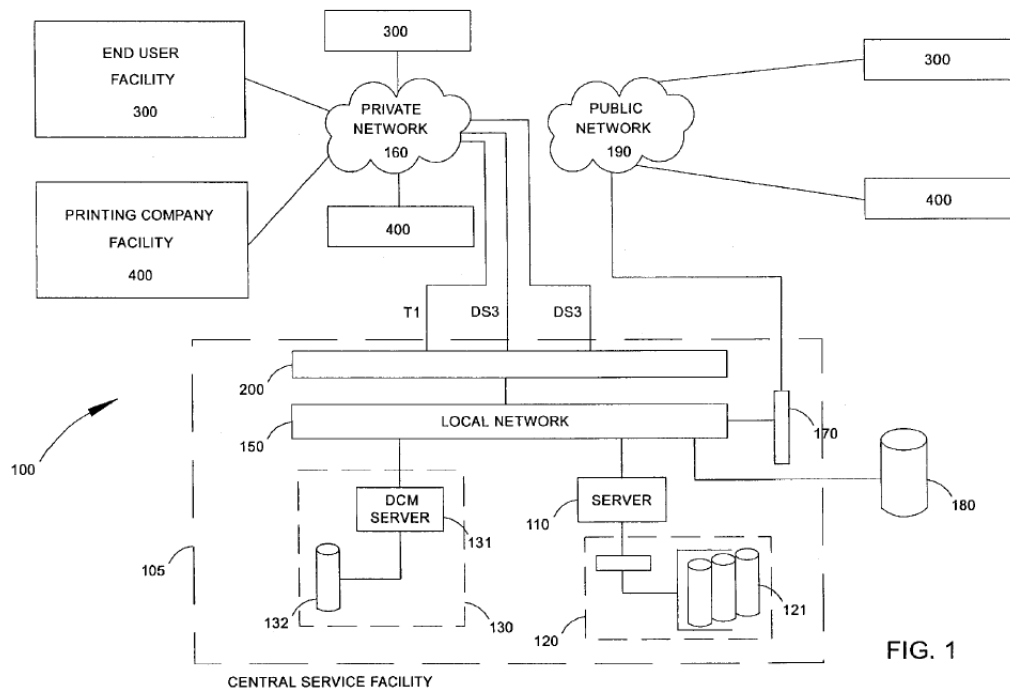


Figure 1 depicts end user facility 300, printing company facility 400, and central service facility 105 connected together via either private network 160 or public network 190. *Id.* at Fig. 1. In this embodiment, end user facility 300

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 server, a desktop computer, 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. Central service facility 105 comprises a server, “hierarchical storage management” (“HSM”) system 120, “digital content management” (“DCM”) system 130, and local area network (“LAN”) 150. *Id.* at 5:40-50, Fig 1. An end user can store files in HSM system 120 at central service facility 105 to reduce storage needs at the end user facility. *Id.* at 7:19-23, 38-40.

D. Exemplary Claims

Claims 1, 10, and 16 are independent. Claim 1 recites a printing and publishing system comprising an end user facility, a central service facility, and a printing company facility. Ex. 1201, 21:7-33. Claims 10 and 16 are drawn to methods of generating a plate-ready file configured for the creation of a printing plate. *Id.* at 22:4-14, 31-45. Claims 2-9 depend, directly or indirectly, from claim 1. *Id.* at 21:34-22:3. Claims 11-15 depend from claim 10, and claims 17-20 depend from claim 16. *Id.* at 22:15-30, 46-61.

Claims 1, 10, and 16 are reproduced below:

1. A printing and publishing system providing prepress, content management, infrastructure, and workflow services to system subscribers 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 and the generation of a portable document format (PDF) file;

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