

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EASTMAN KODAK CO., AGFA CORP., ESKO SOFTWARE BVBA, and
HEIDELBERG, USA,
Petitioner,

v.

CTP INNOVATIONS, LLC,
Patent Owner.

Case IPR2014-00788
Patent 6,738,155 B1

Before KEVIN F. TURNER,¹ BENJAMIN D. M. WOOD, and
BRIAN J. MCNAMARA, *Administrative Patent Judges*.

WOOD, *Administrative Patent Judge*.

FINAL WRITTEN DECISION ON REHEARING
35 U.S.C. § 318(a) 37 C.F.R. § 42.71

¹ Judge Turner replaces Judge Blankenship on the panel.

I. INTRODUCTION

A. Background

Eastman Kodak Co., Agfa Corp., Esko Software BVBA, and Heidelberg, USA (collectively, “Petitioner”) filed a request for rehearing (Paper 36, “Reh’g Req.”) of our Final Written Decision (Paper 35, “Final Dec.”). We requested (Paper 37) a response from CTP Innovations, LLC (“Patent Owner”), which was subsequently submitted (Paper 38, “Reh’g Req. Resp.”). After considering the Petitioner’s Rehearing Request and Patent Owner’s Response, we granted rehearing of the Final Decision with respect to the following grounds of unpatentability:

Reference[s]	Basis	Claims Challenged
Dorfman ² and Apogee ³	§ 103(a)	10–13
Dorfman, Apogee, and Andersson ⁴	§ 103(a)	14 and 15
Dorfman, Apogee, and OPI White Paper ⁵	§ 103(a)	16, 17, 19, and 20 ⁶

² Dorfman, WO 98/08176 (iss. Feb. 26, 1998) (Ex. 1006).

³ Agfa-Gevaert N.V., AGFA APOGEE: THE PDF-BASED PRODUCTION SYSTEM (1998) (Ex. 1007).

⁴ Mattias Andersson et al., PDF PRINTING AND PUBLISHING, THE NEXT REVOLUTION AFTER GUTENBERG (Micro Publishing Press 1997) (“Andersson”) (Ex. 1009).

⁵ Apple Computer, Inc., OPI WHITE PAPER (1995) (Ex. 1008).

⁶ Both Patent Owner and Petitioner discuss claim 18 in their supplemental briefs. Paper 40, 8–9; Paper 41, 4–5. However, we did not institute *inter partes* review of claim 18. See Paper 9, 24–25 (“Dec. on Institution”).

Paper 39, 4, 14. We permitted supplemental briefing, which the parties duly provided. Papers 40, 41.

Upon consideration of the original papers⁷ and evidence, as well as the parties' supplemental briefing, and for the reasons set forth below, we determine that claims 10–17, 19, and 20 are unpatentable.

II. ANALYSIS

A. *The '155 Patent*

The '155 patent describes a publishing and printing system that is distributed among three “facilities”: an *end user facility*, where content is created; a *central service facility*, where files are stored; and a *printing company facility* (or printer), where documents are printed. Independent claims 10 and 16 are at issue in this case. Claim 10 is drawn to a method that requires: (1) storing files; (2) providing the files to a remote user for designing a page layout; (3) generating a PDF from the designed page layout; (4) generating a “plate-ready file” from the PDF; and (5) *providing* the plate-ready file to a *remote* printer. Claim 10 is reproduced below:

10. A method of providing printing and publishing services to a remote client in real time using a communication network, the method comprising:

storing files on a computer server, the files containing information relating to images, text, art, and data;

providing said files to a remote client for the designing of a page layout;

generating a portable document format (PDF) file from the designed page layout;

generating a plate-ready file from said PDF file; and
providing said plate-ready file to a remote printer.

⁷ Corrected Petition (Paper 4, “Pet.”); Patent Owner Response (Paper 19, “PO Resp.”); Petitioner’s Reply (Paper 24, “Pet. Reply”).

Claim 16 is similar and is reproduced below:

16. A method of providing printing and publishing services to a remote client performing any one of page layout designing and plate press printing where said printing and publishing services are provided in real time using a wide area communication network, the method comprising:

storing high resolution files on a computer server;

generating low resolution files corresponding to said high resolution files;

providing said low resolution files to a remote client for the designing of a page layout;

generating a portable document format (PDF) file from the page layout designed by said remote client;

providing said PDF file to said remote client; and

providing a plate-ready file to a remote printer.

B. Claim Construction

In our Final Decision, we construed “plate-ready file” to mean “a file that represents a page layout that has gone through prepress processing, including RIPing, and is ready to image to a plate using either a platesetter or imagesetter.” Final Dec. 10. We construed “remote printer” to mean “an offsite printing company facility accessible (by, e.g., an end user facility or central services facility) via a private or public communication network.” *Id.* at 12. Because RIPing is the final step in creating a plate-ready file, we construed “providing said plate-ready file to a remote printer” to require generation of the plate-ready file, including RIPing, at a facility other than the printing company facility. *See id.* at 26 (“Simply put, a printer cannot be ‘remote’ with respect to itself. It follows that providing a plate-ready file to a ‘remote printer’ cannot be accomplished by the remote printer that receives

the plate-ready file.”). Neither party asks us to reconsider these constructions, nor are we aware of any reason to do so.

C. Claims 10–13—Dorfman and Apogee

Petitioner contends that claims 10–13 are unpatentable under 35 U.S.C. § 103(a) as obvious over Dorfman and Apogee. Pet. 39–48. Claims 11–13 depend from independent claim 10.

1. Dorfman

Dorfman describes a “technique for easily creating and proofing customized printed material before printing on a production printing system.” Ex. 1006 (abstract). A user can access a template in PDF format from the system’s website, modify the template by adding low-resolution copies of selected images and other variable data, and thereby create a dynamic PDF file. *Id.* at 4:3–8, 8:1–4.⁸ The PDF file may be viewed or printed to a local low-resolution printer for final proofing. *Id.* at 8:4–11. The user can make any necessary changes or corrections to the PDF file from the system website and send the file “for printing using conventional printing technology where the low resolution images would be replaced by the high resolution images by an OPI . . . process before printing.” *Id.* at 4:18–21; *see id.* at 8:23–26.

⁸ We conform to Petitioner’s usage of Dorfman’s original page numbers rather than Petitioner’s supplemental page numbers.

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