

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EASTMAN KODAK COMPANY, AGFA CORPORATION,
ESKO SOFTWARE BVBA, and HEIDELBERG, USA
Petitioners

v.

CTP INNOVATIONS, LLC
Patent Owner

Case IPR2014-00788
Patent 6,738,155

PATENT OWNER'S RESPONSE PURSUANT TO 37 C.F.R. § 42.120

Filed on behalf of CTP Innovations, LLC

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<i>Grain Processing Corp. v. Am. Maize-Pros. Co.</i> , 840 F.2d 902 (Fed. Cir. 1988)	9
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<i>In re Gordon</i> , 733 F.2d 900 (Fed. Cir. 1984)	10
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