

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

---

**PETITIONERS' REPLY BRIEF**

Pursuant to 37 C.F.R. §§ 42.23 and 42.24(c)(1), Eastman Kodak Company, Agfa Corporation, Esko Software BVBA, and Heidelberg, USA (“Petitioners”) hereby submit the following Reply in Support of their Petition for *Inter Partes* Review (“IPR”).

Patent Owner's response is plainly impertinent to the instituted grounds.

Trial has been instituted on claims 10-20 of the '155 patent in view of Jebens, Apogee, and Andersson, as well as Dorfman, Apogee, Andersson, and OPI White Paper. (*See* Paper 9 at 25.) Despite the Board's admonishment in its institution decision that "nonobviousness cannot be established by attacking the references individually when the rejection is predicated upon a combination of prior art disclosures" (*id.* at 18), Patent Owner continues to (a) argue the alleged shortcomings of each reference individually; (b) ignore the proposed combinations set forth in the Petition; and (c) reiterate the failed arguments of its preliminary response without explanation.

In an attempt to salvage its claims, Patent Owner, and its expert, improperly read limitations from the specification into claims 10-20. Moreover, the testimony of Prof. Robert L. Stevenson ("Prof. Stevenson") provides unsupported legal conclusions, professes no skill in the pertinent art of printing and pre-press systems, and mistakenly applies a presumption of validity to the challenged claims. Indeed, although Prof. Stevenson acknowledges that he reviewed the Board's Institution Order (Ex. 2014 at ¶ 11), he does not rebut its findings *anywhere*.

#### **I. THE JEBENS GROUNDS STAND UNREBUTTED**

Claims 10-13 and 15-20 are rendered obvious in view of Jebens and Apogee. Patent Owner's alleged basis for distinguishing these claims stems from an

improper reading of the claims and the prior art, as well as failing to consider the proposed combination as a whole. Claim 10 of the '155 patent recites, in pertinent part, (a) "storing files on a computer server...", (b) "providing said files to a remote client...", (c) "generating a ... PDF...", (d) "generating a plate-ready file from said PDF file," and (e) "providing said plate ready file to a remote printer." Claim 16 recites these same basic steps but indicates that the files provided to the remote client are low res files that have been generated from high res files.

Conspicuously absent from these claims is any requirement regarding where the steps of "generating a ... PDF," "generating a plate-ready file," or "providing said plate ready file to a remote printer" must occur. Yet Patent Owner attempts to distinguish its claims on the basis of these phantom limitations. In a misguided attempt to import limitations from the specification into claims 10 and 16, Patent Owner (and its expert) simply state that "based upon the specification" (Resp. at 22; Ex. 2014 at ¶ 20), these steps would occur at the central service facility. Based upon this unduly narrow claim construction, Patent Owner argues that "Jebens does *not* teach the step of generating a plate-ready file at a central service facility (*i.e.*, a facility separate from a remote client and a remote printer), and providing that plate-ready file to a remote printer." (Resp. at 22, emphasis in original.)

As an initial matter, and as noted above, there is absolutely *no* requirement in claims 10 and 16 that the step of generating a plate-ready file must occur at a

central service facility, or that the plate-ready file provided to the remote printer must come from a central service facility. Other than referencing a few lines of the specification, Patent Owner provides no analysis as to why this limitation should be read into the claims. *See e.g., Liebel-Flarsheim Co. v. Medrad, Inc.*, 358 F.3d 898, 913 (Fed. Cir. 2004). As Patent Owner has not presented any rationale whatsoever, nor could it, as to why the features of the specification should be incorporated into claims 10 and 16, this argument is baseless.

All that claims 10 and 16 require is the generation of a PDF from the page layout designed by the client, and the generation/providing of a plate-ready file to a remote printer. These steps are clearly taught by Apogee. (Petition at 30-31; Ex. 1021 at ¶¶ 88-92.) Indeed, Patent Owner agrees that these steps are taught by Apogee. (Resp. at 27.) Patent Owner's only dispute is that Apogee allegedly describes these steps as occurring at a printing company facility, not at a central service facility. However, this argument is misplaced because claims 10 and 16 do not include any requirement that the steps of generating a PDF, generating a plate-ready file, or providing the plate-ready file have to occur at a specific location.

Nonetheless, Prof. Lawler explained in his declaration that "Apogee thus describes one known process for taking a page layout designed by an end user and turning that incoming file, whether in PostScript or PDF, into a PIF or plate-ready file that can be output to a desired device." (Ex. 1021 at ¶ 92.) Similarly, Prof.

Lawler explained that “[f]or ‘direct-to’ production, Agfa developed ... the Apogee PrintDrive. Apogee PrintDrive manages the Print Image Files (PIF) output by one or more RIPs, and controls output flow to a variety of output devices including Agfa imagesetters, proofers, and platesetters.” (Ex. 1021 at ¶ 91, *citing* Ex. 1007 at 7.) Nothing in Apogee limits the implementation of the processes described therein to occur at a printing company facility, and one of ordinary skill could predictably implement Apogee at a central service facility (assuming that such was required by claims 10 and 16). Even accepting Patent Owner’s specification-limited construction, the record demonstrates such as an unavailing distinction.

Moreover, during his deposition, Prof. Lawler explained that Apogee, and the various processes described therein, can be implemented *either* at a central service facility *or* a printing company facility. Specifically, Prof. Lawler testified:

Q: So you’re saying Jebens does the swapping, presents it at the host facility, and the Apogee citation talks about that same process but at the printing facility:

A: Correct. **That could happen in either location.**

(Ex. 2017 at 31:20 – 32:13, emphasis added.) During re-direct examination, Prof. Lawler reiterated that the generation of a plate-ready file as described by Apogee can occur **either** at the printing facility or the host/central service facility, and that none of the reference are limited to preparing the plate-ready file at the central service facility or the printing company facility. (*Id.* at 101:21 – 103:3.) Thus, and

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.