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

U.S. Patent No. 6,738,155

PATENTS OWNER'S RESPONSE IN OPPOSITION TO PETITIONERS' REQUEST FOR REHEARING

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Page(s)

CASES

OTHER AUTHORITIES

On November 25, 2015, the Board issued its Final Written Decision ("Decision") finding that Petitioners failed to demonstrate that claims 10-20 of U.S. Patent Number 6,738,155 ("the '155 Patent") were obvious over the alleged prior art. Petitioners filed a Request for Rehearing ("Request for Rehearing") on December 22, 2015, asserting that the Board erred on two grounds: (1) the Board overlooked evidence that Apogee discloses the provision of a plate-ready file to a remote printer; and (2) the Board mistakenly looked to the architecture of Apogee as the primary reference, instead of the architecture of Jebens or Dorfman, respectively.

The Board has invited Patent Owner to file this response in opposition to the Request for Rehearing. Patent Owner submits that the Final Written Decision was correct and the Request for Rehearing should be denied because, as discussed below: (1) the Board properly and completely considered the arguments based on Jebens and Apogee, and Dorfman and Apogee, previously raised by the Petitioner, and the specific argument raised in the Request for Rehearing has been waived; and (2) the Board properly considered the architectures of Jebens and Dorfman as primary references in view of Apogee as a secondary reference.

I. ARGUMENT

A. Petitioners' New Argument Regarding Apogee Does Not Change the Board's Conclusion

For the first time in this proceeding, Petitioners argue that Apogee discloses the provision of a plate-ready file to a remote printer with regard to the proposed combination of Jebens and Apogee. This is not a valid basis for granting rehearing for two reasons. First, even if the argument had been properly made, it would not have changed the Board's conclusion that the subject claims were not obvious based on Jebens in view of Apogee, or based on Dorfman in view of Apogee. Second, because the argument was not previously made or addressed with regard to the combination of Jebens and Apogee, Petitioners have waived it.

Apogee's alleged disclosure of the provision of a plate-ready file to a remote printer does not change the Board's conclusion. As Patent Owner has previously pointed out, it would not be obvious to a person of ordinary skill in the art to replace or modify the job order developer and conduit function of the central facility of Jebens with the Apogee PDF RIP process. The host system of Jebens does not generate a PDF file from the document created by the agency (and, in fact; does not process the document created by the agency at all, other than to include it in a job order sent to a printer); does not disclose sending any form of a processed document back to the agency; and does not disclose providing a plate-ready file to a remote printer. *See* Stevenson Decl. (Ex. 2014), at ¶¶ 25-33. To the

DOCKET ALARM

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.