

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 HOWARD B. BLANKENSHIP, BENJAMIN D. M. WOOD, and
BRIAN J. MCNAMARA, *Administrative Patent Judges*.

WOOD, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

I. INTRODUCTION

A. Background

Eastman Kodak Co., Agfa Corp., Esko Software BVBA, and Heidelberg, USA (collectively, “Petitioner”) filed a Corrected Petition (Paper 4, “Pet.”) to institute an *inter partes* review of claims 10–20 of U.S. Patent No. 6,738,155 B1 (Ex. 1001, “the ’155 patent”). CTP Innovations, LLC (“Patent Owner”) filed a Preliminary Response (Paper 8) (“Prelim. Resp.”). We instituted an *inter partes* review of claims 10–20 based on the following alleged grounds of unpatentability:

References	Basis	Claim(s) Challenged
Jebens ¹ and Apogee ²	§ 103(a)	10–13 and 15–20
Jebens, Apogee, and Andersson ³	§ 103(a)	14
Dorfman ⁴ and Apogee	§ 103(a)	10–13
Dorfman, Apogee, and Andersson	§ 103(a)	14 and 15
Dorfman, Apogee, and OPI White Paper ⁵	§ 103(a)	16, 17, 19, and 20

Decision on Institution (“Dec. on Inst.”) 25.

¹ Jebens et al., US 6,321,231 B1 (iss. Nov. 20, 2001) (Ex. 1005).

² AGFA, Agfa Apogee, The PDF-based Production System (1998) (Ex. 1007).

³ MATTIAS ANDERSSON ET AL., PDF PRINTING AND PUBLISHING, THE NEXT REVOLUTION AFTER GUTENBERG (Micro Publishing Press 1997) (“Andersson”) (Ex. 1009).

⁴ Dorfman et al., WO 98/08176 (pub. Feb. 26, 1998) (Ex. 1006).

⁵ Apple OPI White Paper (1995) (Ex. 1008).

After the Board instituted trial, Patent Owner filed a Patent Owner Response (Paper 19, “PO Resp.”),⁶ to which Petitioner replied (Paper 24, “Pet. Reply”). Oral Hearing was held on June 30, 2015, and the Hearing Transcript (Paper 34, “Tr.”) has been entered in the record.

We have jurisdiction under 35 U.S.C. § 6(c). This Final Decision is entered pursuant to 35 U.S.C. § 318(a). We determine that Petitioner has not shown by a preponderance of the evidence that claims 10–20 are unpatentable.

B. Related Proceedings

Petitioner discloses that the ’155 patent has been asserted in 49 infringement actions. Pet. 1; Ex. 1002. Petitioner also has filed three additional petitions for *inter partes* review: IPR2014-00789, for review of claims 1–9 of the ’155 patent; IPR2014-00790, for review of claims 1–3 of U.S. Patent No. 6,611,349 (“the ’349 patent”), which shares the ’155 patent’s disclosure; and IPR2014-00791, for review of claims 4–14 of the ’349 patent. Pet. 2. The ’155 and ’349 patents were also the subject of two previous petitions for *inter partes* review, both of which were denied. *See Printing Indus. of Am. v. CTP Innovations, LLC*, Case IPR2013-00474 (PTAB Dec. 31, 2013) (Paper 16) (denying petition for *inter partes* review of the ’349 patent); *Printing Indus. of Am. v. CTP Innovations, LLC*, Case IPR2013-00489 (PTAB Dec. 30, 2013) (Paper 15) (denying petition for *inter partes* review of the ’155 patent).

⁶ Patent Owner also filed two motions to exclude evidence, which are discussed in section II.B.3 below.

C. *The '155 Patent*

The '155 patent issued May 18, 2004 from an application filed July 30, 1999. Ex. 1001, cover page. The '155 patent relates to “a system and method of providing publishing and printing services via a communications network.” *Id.* at 1:9–10. According to the '155 patent, “[k]ey steps for producing printed materials using a plate process include (1) preparing copy elements for reproduction, (2) prepress production, (3) platemaking, (4) printing, and (5) binding, finishing and distribution.” *Id.* at 1:12–15. In the first or “design” 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 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, “RIPing, trapping, proofing, imposition, filmsetting, and platemaking.” *Id.* at 1:29–32.

“RIPing” 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 “rasterize[s]” an image file—i.e., converts it to a “bitmap” or raster image. *Id.* “RIPing” 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 platemaking,] the ability to image data 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. Once the end user approves the proof, a medium, such as a computer-to-plate (CTP) file, is produced and sent to the printer. *Id.* at

1:35–39. “Imposition” involves “the set of pages on a particular plate as well as their positioning and orientation” to facilitate “the stripping, collating, and folding of the printed product.” *Id.* at 1:38–44. A printer makes a plate “using the medium created during prepress,” e.g., a CTP file. *Id.* at 1:45–48. The printer uses the plate on a printing press to reproduce the product, which is then bound, finished, and distributed. *Id.* at 1:45–51.

The ’155 patent describes and claims a publishing and printing system in which “[s]ystem 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:

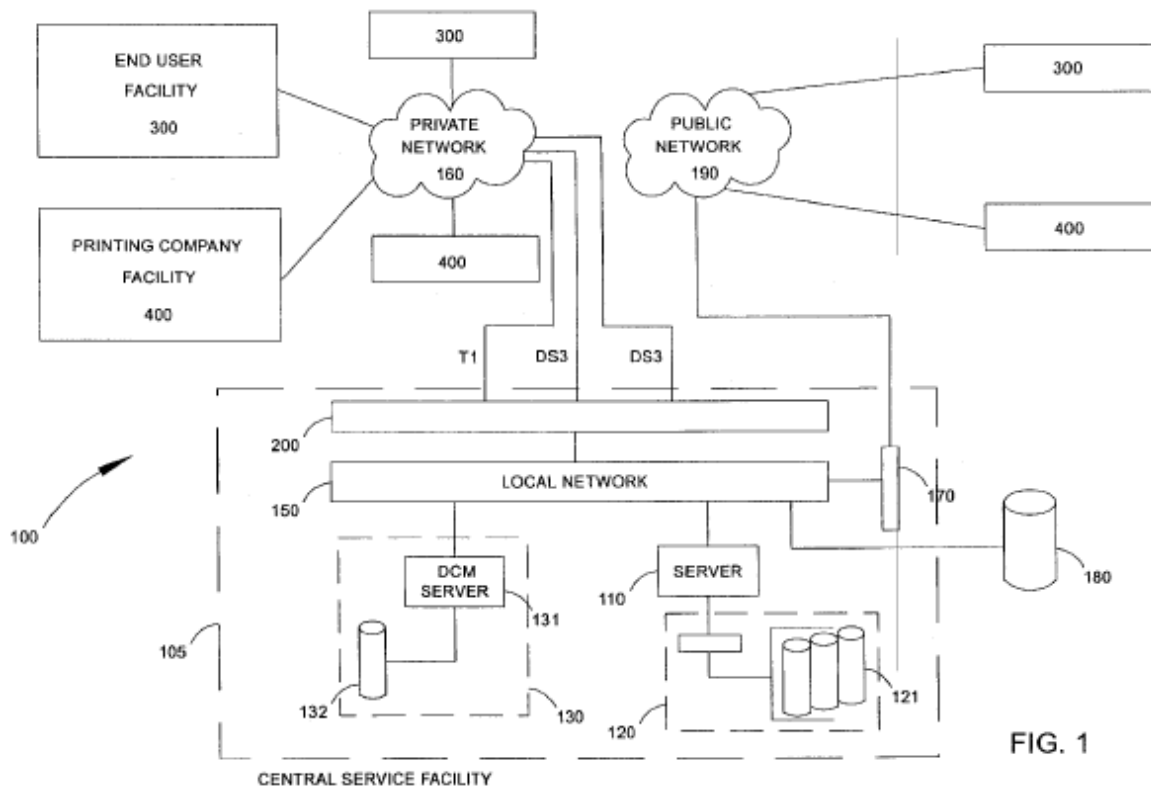


Figure 1 depicts end user facility 300, printing company facility 400, and central service facility 105 connected together via either private network

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