

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

CTP INNOVATIONS, LLC  
Patent Owner

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Case IPR2014-00789  
Patent 6,738,155

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**PATENT OWNER'S MOTION TO EXCLUDE EVIDENCE**

Filed on behalf of CTP Innovations, LLC

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## I. INTRODUCTION

CTP Innovations, LLC (“Patent Owner”), pursuant to 37 C.F.R. §§ 42.62 and 42.64, moves to exclude the following exhibits from the record in this proceeding: (1) the Declaration of Johan Suetens and attachments (Exhibit 1022), and (2) the AGFA Apogee: The PDF-based Production System brochure (“Apogee”) (Ex. 1007 and Attachment A to Exhibit 1022).

Petitioners filed the Declaration of Johan Suetens and the Apogee reference with this proceeding’s original petition. Petitioners filed the Suetens Declaration to establish that the Apogee reference was published prior to the subject patent’s earliest effective filing date. *See* Suetens Decl. (Ex. 1022), at ¶ 6. Petitioners rely upon the Apogee reference to support all of their obviousness assertions.

The Board entered its decisions to institute this proceeding on November 28, 2014. Normally, a patent owner would have had to file an objection to the aforementioned exhibits within ten (10) days of entry of the institution decision. 37 C.F.R. § 42.64(b). However, on the face of the Suetens Declaration and without the benefit of his deposition, there did not appear to be a viable objection to be made. The grounds to object to these exhibits only became known through the long-delayed and recent deposition of Mr. Suetens on March 26, 2015. Mr. Suetens’ deposition testimony reveals that he completely lacks any personal knowledge of the distribution and public accessibility of the Apogee reference

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