

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 IPR2014-00789
Patent 6,738,155

CTP INNOVATIONS, LLC'S PRELIMINARY RESPONSE TO PETITION

Filed on behalf of CTP Innovations, LLC

By: W. Edward Ramage (Lead Counsel)
Reg. No. 50,810
Samuel F. Miller (Back-up Counsel)
(pending pro hac vice admission)
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.
Baker Donelson Center
211 Commerce Street, Suite 800
Nashville, Tennessee 37201
Tel: (615) 726-5771
Fax: (615) 744-5771
Email: eramage@bakerdonelson.com
smiller@bakerdonelson.com

EXHIBIT LIST

- 2001 Petitioners press release (May 22, 2014)
- 2002 Printweek.com article (May 23, 2014)
- 2003 PIA Linked-In webpage
- 2004 PIA webpage: www.printing.org/news/11375 (Oct. 4, 2013)
- 2005 PIA webpage: www.printing.org/news/11483 (Oct. 4, 2013)
- 2006 PIA Board of Directors: www.printing.org/board (Oct. 4, 2013)
- 2007 PIA Board of Directors: www.printing.org/board (Aug. 28, 2014)
- 2008 PIA donor list: www.printing.org/page/6687 (Aug. 28, 2014)
- 2009 Kodak Nexpress Developer's Interface Guide (April 2012)
- 2010 Webster's New World Dictionary of Computer Terms, Sixth Edition (1997) (defining "real time")
- 2011 Webster's New World Dictionary of Computer Terms, Seventh Edition (1999) (defining "real time")
- 2012 IPR2013-00489 Petition
- 2013 PIA Supplier Advisory Committee: www.printing.org/page/9943 (Aug. 28, 2014)

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	APPLICABLE LEGAL STANDARDS.....	4
	A. Institution of Inter Partes Review.....	4
	B. Obviousness under § 103(a).....	5
III.	CLAIM CONSTRUCTION	7
	A. “providing...in real time using a communication network”	7
	B. “plate-ready file”	9
	C. “end user facility,” “central service facility,” and “printing company facility”	11
	D. “communication routing device”	13
	E. “communication network”	14
IV.	ARGUMENT.....	15
	A. Petitioners Are Taking A “Second Bite At The Apple.”	15
	B. Petitioners Fail to Demonstrate a Reasonable Likelihood of Prevailing.....	17
	1. The Petition Fails to Establish A Reasonable Likelihood That Claims 1-9 Of The ‘155 Patent Would Have Been Obvious Based on Jebens, Apogee, and OPI White Paper.....	18
	2. The Petition Fails to Establish A Reasonable Likelihood That Claims 1-2, 4-5 and 9 Of The ‘155 Patent Would Have Been Obvious Based on Dorfman, Apogee, OPI White Paper, and Andersson.....	22
	3. The Petition Fails to Establish A Reasonable Likelihood That Claims 3 and 6-8 Of The ‘155 Patent Would Have Been Obvious Based on Dorfman, Apogee, OPI White Paper, Andersson, and Adams II.	25

C. Petitioners Fail to Identify All Real Parties in Interest.26

V. CONCLUSION.....30

TABLE OF AUTHORITIES

	Page(s)
CASES	
<i>CCS Fitness, Inc. v. Brunswick Corp.</i> , 288 F.3d 1359 (Fed. Cir. 2002)	5
<i>Graham v. John Deere Co.</i> , 383 U.S. 1 (1966).....	5
<i>In re Kahn</i> , 441 F.3d 977 (Fed. Cir. 2006)	6
<i>Inline Connection Corp. v. Earthlink, Inc.</i> , 684 F. Supp. 2d 496 (D. Del. 2010).....	6
<i>KSR Int’l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007).....	5, 6
<i>Ortho-McNeil Pharm., Inc. v. Mylan Labs., Inc.</i> , 520 F.3d 1358 (Fed. Cir. 2008)	6
<i>Oxford Gene Tech., Ltd. v. Mergen Ltd.</i> , 345 F. Supp. 2d 431 (D. Del. 2004).....	6
<i>Perfect Web Technologies, Inc. v. InfoUSA, Inc.</i> , 587 F.3d 1324 (Fed. Cir. 2009)	6
<i>Unigene Labs., Inc. v. Apotex, Inc.</i> , 655 F.3d 1352 (Fed. Cir. 2011)	6
STATUTES	
35 U.S.C. § 103	5
35 U.S.C. § 313	1
35 U.S.C. § 314	5, 17
OTHER AUTHORITIES	
37 C.F.R. § 42.100	5

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.