UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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EASTMAN KODAK CO., AGFA CORP., ESKO SOFTWARE BVBA, and
HEIDELBERG, USA,
Petitioner,

v.

CTP INNOVATIONS, LLC,
Patent Owner.

_____

Case IPR2014-00789
Patent 6,738,155 B1

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

WOOD, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

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 1–9 (the "challenged claims") 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 have jurisdiction under 35 U.S.C. § 314.

Institution of an *inter partes* review is authorized by statute when "the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." 35 U.S.C. § 314(a). We determine that Petitioner has shown a reasonable likelihood that it would prevail with respect to at least one of the claims of the '155 patent. Accordingly, we grant the Petition for *inter partes* review of the '155 patent.

B.   *Related Proceedings*

Petitioner discloses that the '155 patent has been asserted in 49 infringement actions, most of which are still pending. Pet. 1; Ex. 1002. Petitioner also has filed three additional petitions for *inter partes* review: IPR2014-00788, for review of claims 10–20 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. *Id*. at 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).

C.   The '155 Patent

The '155 patent issued on 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 (also called "copy") 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 platesetting." *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 platesetter,] 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. After alterations are made, new proofs are sent to the end user; 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." *Id.* at 1:38–40. According to the '155 patent, imposition "is particularly important in the creation of booklets or catalogs, where pages are positioned using register marks to assist in the stripping, collating, and folding of the printed product." *Id.* at 1:41–44. A printer makes a plate "using the medium created during prepress," e.g., if a CTP file is used, the printer converts the CTP file into a printing plate. *Id.* at 1:45–48. The printer uses the plate on a printing press to reproduce the product; the product is bound, finished, and distributed to create the product in its final form. *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:
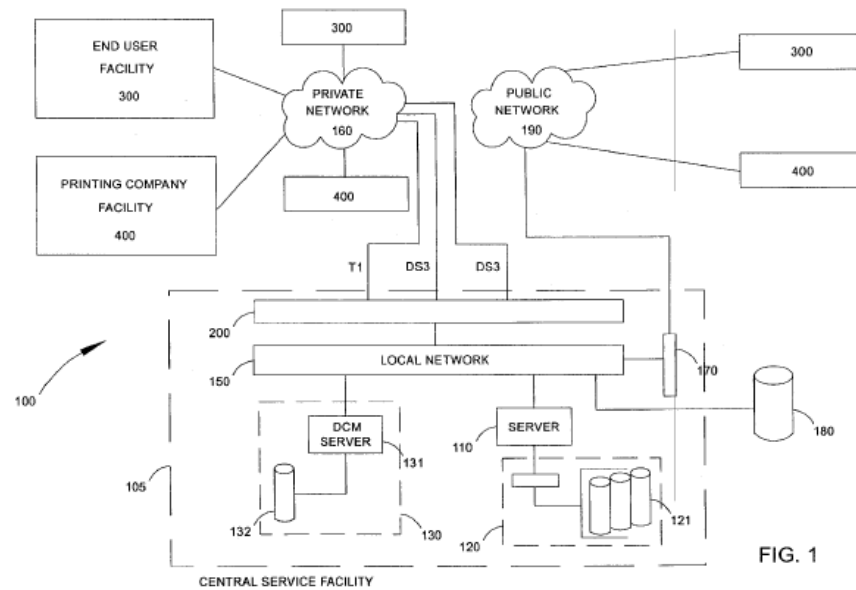
FIG. 1

Figure 1 depicts end user facility 300, printing company facility 400, and central service facility 105 connected together via either private network 160 or public network 190. *Id.* at Fig. 1. In this embodiment, end user facility 300 comprises a router, desktop computer for page-building operations, and a color proofer and black and white printer for high-resolution proofing. *Id.* at 7:38–40, Figs. 1, 2, 5. Printing company facility 400 comprises a router, a server, a desktop computer, a laser printer, a color plotter, and a platesetter, and performs production management, digital plate-making, desktop imposition, and press services. *Id.* at 8:31–33, 9:38–43, Figs. 1, 4, 5. Central service facility 105 comprises server 110, "hierarchical storage management" (HSM) system 120, a "digital content management" system 130, local area network (LAN) 150 and communication routing device 200. *Id.* at 5:34–50. "Data may be exchanged between central service facility 105 and either private network 160 or public network 190 in any suitable format, such as in accordance with the Internet Protocol (IP), the Transmission Control Protocol (TCP), or other known protocols." *Id.* at 5:21–25. An end user can store files in HSM

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