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 IPR2014-00790

U.S. Patent No. 6,611,349

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

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On November 25, 2015, the Board issued its Final Written Decision ("Decision") finding that Petitioners failed to demonstrate that claims 1-3 of U.S. Patent Number 6,611,349 ("the '349 Patent") were obvious over the alleged prior art. Petitioners filed a Request for Rehearing ("Request for Rehearing") on December 28, 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 (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' Argument Regarding Apogee Does Not Change the Board's Conclusion

Petitioners argue that Apogee discloses the provision of a plate-ready file to a remote printer. This is not a valid basis for granting rehearing because it would not have changed the Board's conclusion that the subject claims were not obvious based on Jebens in view of Apogee.

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 extent that Apogee discloses the generation of a plate-ready file in the form of a PIF through the Apogee PDF RIP process, a POSITA would consider this process to be taking place at the jobber or supplier, *i.e.,* at a printing company facility. *See* Stevenson Decl. (Ex. 2014), at ¶ 30; Lawler Depo. Tr. (Ex. 2017), at 31:12–32:4.

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