

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT TRIAL & APPEAL BOARD**

In re Patent of: Vogt et al.  
U.S. Patent No.: 6,611,349  
Issue Date: August 26, 2003  
Appl. No.: 09/365,365  
Filing Date: July 30, 1999  
Title: System and Method of Generating a Printing  
Plate File in Real Time Using a Communication  
Network

**DECLARATION OF PROFESSOR BRIAN P. LAWER**

(1.) I am Professor Brian P. Lawler. This declaration is submitted in support of the *inter partes* review of U.S. Patent No. 6,611,349 (“the ‘349 patent”) filed in the names of Eastman Kodak Company (“Kodak”), Agfa Corporation (“Agfa”), Esko Software BVBA (“Esko”), and Heidelberg (collectively, “Petitioners”).

**I. INTRODUCTION**

**A. Qualifications**

(2.) My professional career has spanned close to 50 years. During these years, I have continually gained extensive experience in design, analysis, research, and teaching in general fields of printing and publishing technologies.

(3.) I am currently a tenured Associate Professor in the Graphic Communication Department at California Polytechnic State University in San Luis Obispo, California. I was previously the Chairman and a member of the

Instructional Advisory Committee on Computing at California Polytechnic State University, which is the committee responsible for making policy regarding computer services used by the faculty of the University. I am also a faculty advisor to the *Shakespeare Press Museum*, a working collection of historic printing machinery, and to *University Graphic Systems*, the management seminar for the student-run printing enterprise.

(4.) I was awarded a Masters of Science (M.Sc.) degree in industrial and technical studies from California Polytechnic State University in 2005.. I received a Bachelors of Science (B.Sc.) degree in graphic communication from California Polytechnic State University in 1975. I also hold a California Secondary Teaching Credential.

(5.) For close to 50 years, I have studied, designed, and worked in the general fields of printing and publishing technologies with a focus on graphic arts technologies, prepress, and photography. For my work in the graphic arts industry, I was named Educator of the Year in 2010 by the Electronic Document Systems Foundation, a graphic arts industry scholarship foundation. I was also honored by the International Graphic arts Education Association in 2006 for my work on developing a taxonomy for the printing industry. I have also received two Awards of Excellence for graphic design from *Communication Arts* magazine. I am a

member of the board of directors of the Technical Association for the Graphic Arts, an international organization of scientists in the graphic arts industry.

(6.) Prior to my current position, I was a Lecturer and an Assistant Professor at California Polytechnic State University and, from 1993-2003, I researched, wrote, and illustrated editorial content for Apple Computer, Inc. on color management and proofing technologies. In 2003, I developed a suite of test documents for Hewlett Packard Company for testing variable-data projects for their Indigo printing press. In 2001, I wrote and illustrated booklets and electronic content for Adobe Systems Incorporated related to the Adobe Trapping Technologies. In 2000, I developed documentation for Hewlett-Packard Company on color management of their wide-format ink-jet printers. In 2001, I developed the online help system for the Nikon SuperCoolScan film scanner. Also between 2000 and 2003 I prepared documentation for Nikon to promote their digital cameras to professional photographers. In 2002, I wrote a white paper on the OS X operating system for Apple Computer, Inc. From 1995-1998 I was a trainer for Eastman Kodak Company's PhotoCD technology. PhotoCD was a product for scanning film to disk and I traveled across the country and abroad to explain this technology to professional photo lab owners. From 1992-2005, I was a partner in the Imaging Prepress and Multimedia Forum and Digital Imaging Seminars, a seminar series sponsored by Apple Computer, Eastman Kodak, and SuperMac

Technologies. My partners and I similarly traveled the country promoting different products from our sponsors—primarily Apple Quadra computers and Kodak scanners. From 1973-1992, I was the Founder, Vice President, and general manager of Tintype Graphic Arts in San Luis Obispo, which was a graphic design, photography, typography, and prepress business.

(7.) I have designed and implemented numerous digitized workflow printing systems including a script-based system for automated business card printing using cathode-ray-tube typesetting machines and a similar system for automating the production of professional résumés. I also wrote a meta-language for creating typesetting code for book composition. In 1992, working with another consultant, I converted a large garment printing company from analog printing processes to a full digital system using Macintosh computers, Agfa imagesetters, inline processing machines, and a precision pin-register system for making screen-printing stencils for garment printing. As a consultant, I have made numerous recommendations for commercial offset printing companies for the implementation of digital prepress systems, and methods for managing color in printing production.

(8.) I have published a book through Adobe Press, entitled the “Print Publishing Guide,” which is a reference book for those who prepare artwork for printing. I have also published an electronic book, called “Beep!,” which is now in its fifth edition and explains how to use AppleScript. I am the author of “The

Complete Guide to Trapping,” a book on the subject of color trapping for file preparation in printing (trapping is the intentional overlap of colors to prevent visible register error on a printing press). That book, now out of print, sold nearly 10,000 copies. I have also published technical papers in the field of printing and publishing technologies.

(9.) I make this declaration based on personal knowledge and I am competent to testify about the matters set forth herein.

(10.) A copy of my lasted *curriculum vitae* (CV) is attached to this declaration as Appendix A.

## **B. Basis of My Opinion and Materials Considered**

(11.) I have reviewed the ‘349 patent and its file history. I have reviewed the prior art and other documents and materials cited herein. My opinions are also based in part upon my education, training, research, knowledge, and experience. For ease of reference, the full list of information that I have considered is included in Appendix B.

## **C. Understanding of Legal Standards**

### **1. Obviousness**

(12.) A patent claim is invalid if the differences between the patented subject matter and the prior art are such that the subject matter as a whole would

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