

RECORD OF ORAL HEARING
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EASTMAN KODAK CO., AGFA CORP.,
ESKO SOFTWARE BVBA, and HEIDELBERG, USA,

Petitioner,

v.

CTP INNOVATIONS, LLC,

Patent Owner.

Cases IPR2014-00788 and -00789
Patent 6,738,155

Cases IPR2014-00790 and -00791
Patent 6,611,349

Technology Center 2600

Oral Hearing Held on Tuesday, June 30, 2015

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

The above-entitled matter came on for hearing on Tuesday, June 30,
2015, at 1:00 p.m., in Hearing Room D, taken at the U.S. Patent and
Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Cases IPR2014-00788 and -00789 (Patent 6,738,155)

Cases IPR2014-00790 and -00791 (Patent 6,611,349)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF THE PATENT OWNER:

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1 P R O C E E D I N G S

2 (1:00 p.m.)

3 JUDGE McNAMARA: Please be seated. Good
4 afternoon, everyone. This is the consolidated hearing in
5 IPR2014-00788 and 789. Those two involve U.S. Patent
6 6,738,155. And cases IPR2014-00790 and 791. And those
7 involve Patent 6,611,349.

8 Let me ask counsel to please begin by introducing
9 themselves. We will start with the Patent Owner, please.

10 MR. RAMAGE: Edward Ramage with Baker
11 Donelson. I represent the Patent Owner.

12 MR. McKEOWN: Scott McKeown and Chris
13 Ricciuti for Petitioners, Kodak, AGFA, ESKO and Heidelberg.

14 JUDGE McNAMARA: Thank you very much.
15 Welcome to the Patent Trial and Appeal Board.

16 Today each side will have 90 minutes of total
17 argument time. And we will begin with the Petitioner because
18 he has the burden to present his case, so he will present his
19 case with respect to the challenged claims on the basis on
20 which we instituted trial. After that the Patent Owner will
21 argue its opposition to the Petitioner's case.

22 The Patent Owner also has, I think, presented some
23 motions to exclude. And since the burden of persuasion is on
24 the Patent Owner there, as to its motions, he will argue those
25 at that time.

Cases IPR2014-00788 and -00789 (Patent 6,738,155)

Cases IPR2014-00790 and -00791 (Patent 6,611,349)

1 The Petitioner may then use any time it reserved to
2 rebut the Patent Owner's opposition and oppose the motions to
3 exclude. And we will conclude with the Patent Owner's
4 rebuttal to the opposition to the motions to exclude.

5 One other thing as a preliminary matter, I note that
6 neither side has filed any demonstratives in this case, so none
7 will be permitted at this hearing.

8 If a party does display a document or a part of a
9 document that is of record, the party must identify where in
10 the pleadings, the pleading and the page number, that
11 displayed document is cited, otherwise you will be asked to
12 remove any documents displayed.

13 Is everybody ready to proceed? Okay.

14 We will begin with the Petitioner. And would you
15 like me to alert you as to any time?

16 MR. McKEOWN: I don't think that's necessary,
17 Your Honor, but thank you.

18 Good afternoon, Your Honors. As you mentioned,
19 this is a consolidated hearing across four different
20 proceedings, two of which are directed to each patent. I'm
21 unlikely to take the full 90 minutes but I will reserve whatever
22 I don't use in this brief introduction as rebuttal so I will
23 probably go about 15 or 20 minutes here.

24 I know the Board has read the briefs, and judging
25 from the institution order understands the issues well so I will

1 get right to the important issues. Both the '349 and '155
2 patents are directed to pre-press work flow. And as the Board
3 is aware, what that is, is everything that happens up until
4 press, which is up until printing.

5 So it is color correction. It is proofing. It is all of
6 the things that you would do and position OPI to a document
7 in order to get it ready to be printed.

8 The '155 and the '349 patent, what they present as
9 the invention is the sort of automating of what are essentially
10 all well-known pre-press processes, whether it is typesetting,
11 et cetera. So what we are talking about here is an assembly of
12 known processes that are interconnected via network.

13 Specifically claims 10 through 20 of the '155 are
14 directed towards accessing images at a server, that aspect of a
15 pre-press process. There is some corresponding apparatus
16 claims that present similar features but in a pre-press
17 architecture.

18 '349 similarly has method and apparatus claims
19 where the method claims are generally talking about image
20 manipulation, whereas apparatus claims 1 through 3 get to the
21 architecture.

22 So we have two main grounds in both of these
23 patents, references common to both of these patents, and that's
24 the Jebens plus the Apogee reference, and the Dorfman plus
25 Apogee, and there are a couple other references that are mixed

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