Trials@uspto.gov
Tel: 571–272–7822

Paper 47
Entered: November 25, 2015

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.

Case IPR2014-00791
Patent 6,611,349 B1

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

WOOD, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

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 4–14 of U.S. Patent No. 6,611,349 B1 (Ex. 1001, "the '349 patent"). CTP Innovations, LLC ("Patent Owner") filed a Preliminary Response (Paper 8) ("Prelim. Resp."). We instituted an *inter partes* review of claims 10–14 based on the following alleged grounds of unpatentability:

Reference[s]	Basis	Claims Challenged
Jebens,[1] and Apogee[2]	§ 103(a)	10–14
Dorfman,[3] Apogee, and OPI White Paper[4]	§ 103(a)	10–14

Decision on Institution ("Dec. on Inst.") 25.

After the Board instituted trial, Patent Owner filed a Patent Owner Response (Paper 24, PO Resp."),[5] to which Petitioner replied (Paper 27, "Pet. Reply"). Oral Hearing was held on June 30, 2015, and the Hearing Transcript (Paper 39, "Tr.") has been entered in the record.

We have jurisdiction under 35 U.S.C. § 6(c). This Final Decision is entered pursuant to 35 U.S.C. § 318(a). We determine that Petitioner has not

[1] Jebens et al., US 6,321,231 (iss. Nov. 20, 2001) (Ex. 1006).

[2] AGFA, Agfa Apogee, The PDF–based Production System (Ex. 1008).

[3] Dorfman et al., WO 98/08176 (pub. Feb. 26, 1998) (Ex. 1007).

[4] Apple OPI White Paper (Ex. 1009).

[5] Patent Owner also filed two Motions To Exclude Evidence, which are discussed in section II.B.3 below.

shown by a preponderance of the evidence that claims 10–14 are unpatentable.

B. Related Proceedings

Petitioner discloses that the '349 patent has been asserted in 49 infringement actions. Pet. 1; Ex. 1002. Petitioner also has filed three additional petitions for *inter partes* review: IPR2014-00790, for review of claims 1–3 of the '349 patent; IPR2014-00788, for review of claims 10–20 of U.S. Patent 6,738,155 ("the '155 patent"), which shares the '349 patent's disclosure; and IPR2014-00789, for review of claims 1–9 of the '155 patent. Pet. 2. The '349 and '155 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 '349 Patent

The '349 patent issued August 26, 2003 from an application filed July 30, 1999. Ex. 1001, cover page. The '349 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 '349 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 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. 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" to facilitate "the stripping, collating, and folding of the printed product." *Id*. at 1:38–44. A printer makes a plate "using the medium created during prepress," e.g., a CTP file. *Id*. at 1:45–48. The printer uses the plate on a printing press to reproduce the product, which is then bound, finished, and distributed. *Id*. at 1:45–51.

The '349 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:

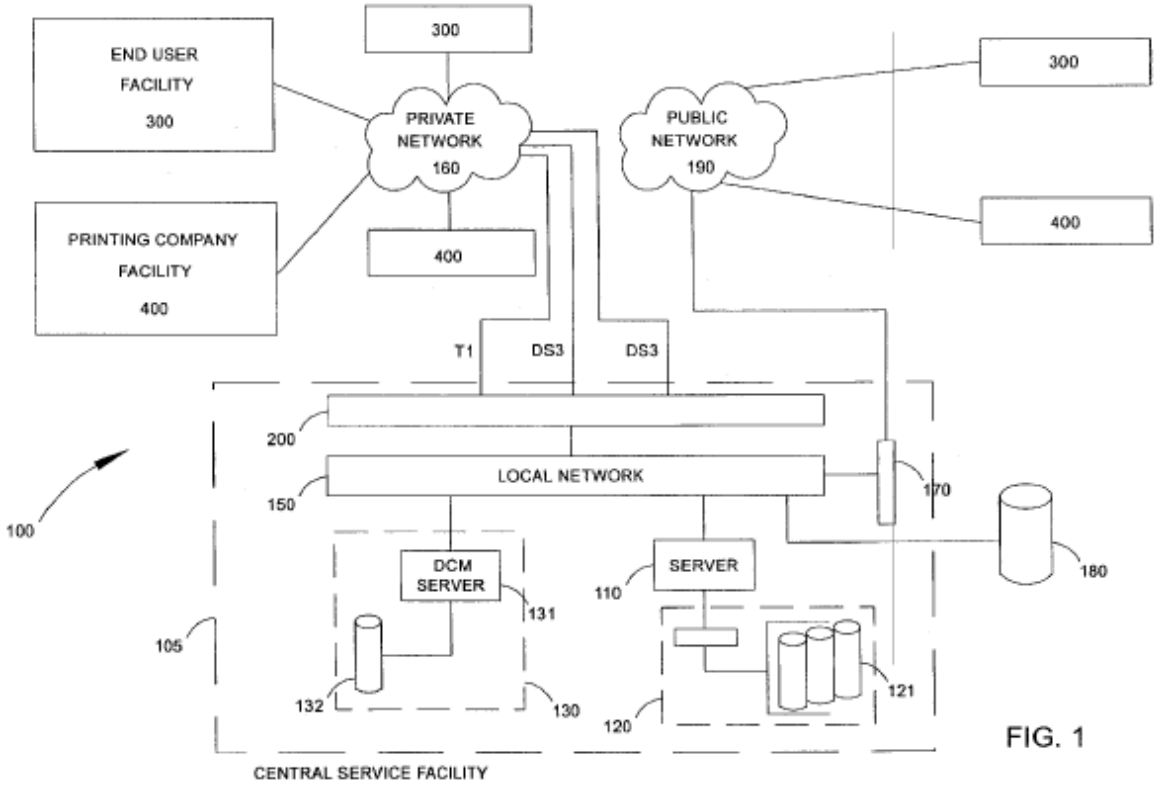

FIG. 1

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, a 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, "digital content

DOCKET ALARM

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.