

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMMAND WEB OFFSET COMPANY, INC., WORZALLA
PUBLISHING COMPANY, SANDY ALEXANDER, INC.,
PUBLICATION PRINTERS CORP., SPECIALTY PROMOTIONS, INC.,
and TREND OFFSET PRINTING SERVICES INC.,
Petitioners,

v.

CTP INNOVATIONS, LLC,
Patent Owner.

Case IPR2016-00008
Patent 6,611,349 B1

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

McNAMARA, *Administrative Patent Judge*.

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

BACKGROUND

Command Web Offset Company, Inc., Worzalla Publishing Company, Sandy Alexander, Inc., Publication Printers Corp., Specialty Promotions, Inc., d/b/a Specialty Print Communications, and Trend Offset Printing Services Inc. (collectively, “Petitioner”) filed a petition, Paper 1 (“Pet.”), to institute an *inter partes* review of claims 4–9 (the “challenged claims”) of U.S. Patent No. 6,611,349 B1 (“the ’349 patent”). 35 U.S.C. § 311. CTP Innovations, LLC (“Patent Owner”) timely filed a Preliminary Response, Paper 12 (“Prelim. Resp.”), contending that the petition should be denied as to all challenged claims. We have jurisdiction under 37 C.F.R. § 42.4(a) and 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted unless the information presented in the Petition “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.” Having considered the arguments and the associated evidence presented in the Petition and the Preliminary Response, for the reasons described below, we decline to institute *inter partes* review.

REAL PARTIES IN INTEREST

Petitioner identifies the individual petitioner entities as the only real parties-in-interest. Pet. 1.

PENDING LITIGATION

The Petition states that “the ’349 patent is asserted in dozens of litigations, which have been identified in Ex. 1002” and that these lawsuits are pending as part of a multi-district litigation in the United States District Court for the District of Maryland. *Id.* at 1–2.

The '349 patent was also the subject of the following proceedings before the Patent Trial and Appeal Board:

Printing Industries of America v. CTP Innovations, LLC, (“PIA”)¹;
Eastman Kodak Co., Agfa Corp., Esko Software BVBA, and Heidelberg, USA v. CTP Innovations, LLC (“Kodak I”)²; and
Eastman Kodak Co., Agfa Corp., Esko Software BVBA, and Heidelberg, USA v. CTP Innovations, LLC (“Kodak II”)³.

THE '349 PATENT (EXHIBIT 1001)

The '349 patent relates to “a system and method of providing publishing and printing services via a communication network.” Ex. 1001, 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 (the “design” stage), (2) prepress production, (3) platemaking, (4) printing, and (5) binding, finishing and distribution.” *Id.* at 1:12–15. In the first step, 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

¹ See, *Printing Industries of America v. CTP Innovations, LLC*, Case IPR2013-00474, slip op. (PTAB Dec. 31, 2013) (denying institution of *inter partes* review of claim 1–14). Ex. 1004.

² See, *Eastman Kodak Co., Agfa Corp., Esko Software BVBA, and Heidelberg, USA v. CTP Innovations, LLC*, Case IPR2014-00791, slip op. (PTAB Nov. 28, 2014)(instituting of *inter partes* review of claims 10–14). Ex. 1005.

³ See, *Eastman Kodak Co., Agfa Corp., Esko Software BVBA, and Heidelberg, USA v. CTP Innovations, LLC*, Case IPR2014-00790 (Kodak II)³, slip op. (PTAB Nov. 28, 2014)(instituting *inter partes* review of claims 1–3). Ex. 1006.

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, proofing, imposition, filmsetting, and platesetting.” *Id.* at 1:29–32.

“RIPing” is based on the acronym “RIP,” which stands for raster images processor. *Id.* at 7:57–59. A RIP is a hardware or software component that “rasterizes” 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 [the file] 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. “Imposition” involves arranging multiple pages into a single flat that can be used to create a printing plate. Ex. 1001, 1:38–40. According to the ’349 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 based on the imposed flat and 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 ’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:

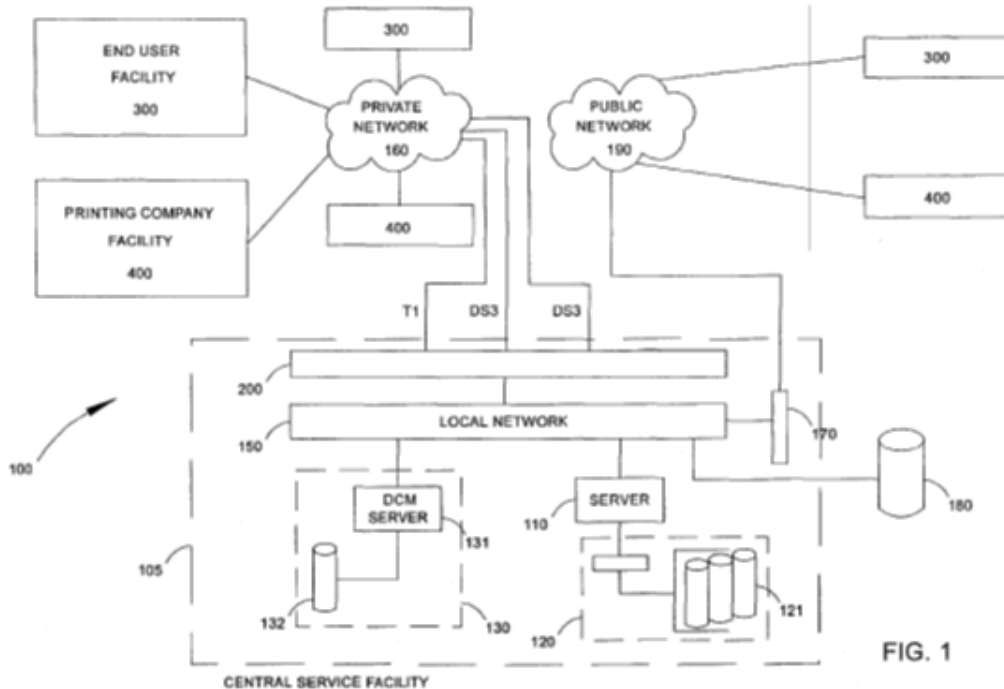


Figure 1 depicts end user facility 300, printing company facility 400, and central service facility 105 connected together via either private network 160 or public network 190. Ex. 1001, Fig. 1. In this embodiment, end user facility 300 comprises a router, desktop computer for page-building operations, 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 hub, a server, 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 a server, “hierarchical storage management” (HSM) system 120, “digital content management” system

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