
**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CTP INNOVATIONS, LLC,

Plaintiff,

v.

QUAD/GRAPHICS, INC.

Defendant.

Civil Action No. _____

(JURY TRIAL DEMANDED)

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff CTP Innovations, LLC (“*CTP*”) hereby alleges and complains as follows:

PARTIES

1. Plaintiff CTP is a Delaware limited liability company.
2. CTP is the owner of all right, title, and interest, in and to U.S. Patent Nos. 6,611,349 (“the ‘*349 Patent*’”) entitled “System and method of generating a printing plate file in real time using a communication network” and No. 6,738,155 (“the ‘*155 Patent*’”) entitled “System and method of providing publishing and printing serviced via a communication network,” copies of which are attached hereto as **Exhibit A** and **B** hereto.
3. CTP’s rights, titles and interests in the ‘349 and ‘155 Patents were established by assignments, copies of which are attached hereto as **Exhibit C**.
4. Upon information and belief, Defendant Quad/Graphics, Inc. (“*Quad*” or “*Defendant*”) is a Wisconsin corporation with a principal place of business at N61 W23044 Harrys Way, Sussex, WI 53089.

5. Upon information and belief, Defendant operates facilities at 3001 Atkinson Drive Lufkin, Texas 75901, Angelina County in the Eastern District of Texas, and 6700 Denton Drive, Dallas, Texas 75235.

6. Upon information and belief, Defendant manufactures, imports, sells and/or offers for sale printing and publishing services that implement systems and/or methods that infringe the '349 and '155 Patents.

JURISDICTION AND VENUE

7. This is a claim for patent infringement brought by CTP that arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. § 271.

8. This Court has exclusive subject matter jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1338, and applicable principles of supplemental jurisdiction.

9. Defendant is subject to personal jurisdiction in the state of Texas (this "*State*") and this judicial district consistent with the principles of due process.

10. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400 because Defendant has done business, has infringed, and continues to infringe the '349 and '155 Patents within this judicial district, and this action arises from transactions of that business in this forum, including but not limited to: (i) the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas, including in this district.

11. Upon information and belief, Defendant transacted business, contracted to supply goods or services, and caused injury to Plaintiff within Texas and this judicial district, and has

otherwise purposefully availed itself of the privileges and benefits of the laws of Texas and is therefore subject to the jurisdiction of this Court.

12. Upon information and belief, as set forth above Defendant has multiple facilities in Texas, including in the Eastern District of Texas.

13. Upon information and belief, Defendant practices the system and methods claimed in the '349 and '155 Patents in this judicial district and offers its infringing services in this judicial district.

14. Upon information and belief, Defendant's use of a system and method of generating a plate-ready file configured for the creation of a printing plate, said plate-ready file being associated with page layouts and being provided in real time from a remote location using a communication network and selling and offering services that include this method (the "*Infringing Services*") infringes upon the '349 and '155 Patents.

15. Defendant has not given the infringing services a specific and publicly-available name. Accordingly, Plaintiff cannot provide the name used by Defendant for such services without the benefit of discovery.

16. Upon information and belief, Defendant offered infringing services and/or products in the stream of commerce with the expectation that they would be utilized and sold within this judicial district.

17. Defendant has offered and continues to offer its services and products for sale in this State, has transacted business and continues to transact business in this State, has committed and/or induced acts of patent infringement in this State, and/or has placed infringing products

into the stream of commerce through established distribution channels, with the expectation that such services and products will be purchased by residents of this State.

18. Upon information and belief, Defendant is subject to this Court's general and specific personal jurisdiction because it has minimum contacts within this State and the judicial district, including via its websites, pursuant to due process and/or the Texas Long Arm Statute.

19. Upon information and belief, Defendant regularly conducts business within this State and judicial district and CTP's causes of action arise directly from Defendant's business contacts and other activities in this State and the judicial district.

EASTERN DISTRICT OF TEXAS ACTIONS AND THE MDL

20. Plaintiff CTP Innovations, LLC filed a number of related suits in this judicial District: *CTP Innovations, LLC v. Integracolor*, Case No. 2:2013-cv-00484; *CTP Innovations, LLC v. Performance Companies, LP*, Case No. 2:2013-cv-00485; *CTP Innovations, LLC v. Best Press, Inc.*, Case No. 2:2013-cv-00486; *CTP Innovations, LLC v. Ovation Graphics, LLC et al*, Case No. 2:2013-cv-00487; *CTP Innovations, LLC v. Nieman Printing*, Case No. 2:2013-cv-00488; *CTP Innovations, LLC v. TST/Impreso, Inc.*, Case No. 2:2013-cv-00489; *CTP Innovations, LLC v. Imagine! Print Solutions, Inc.*, Case No. 2:2013-cv-00490; *CTP Innovations, LLC v. Blanks Printing & Imaging, Inc.*, Case No. 2:2013-cv-00491; *CTP Innovations, LLC v. PrintPlace.com*, Case No. 2:2013-cv-00492; *CTP Innovations, LLC v. Etheridge Printing*, Case No. 2:2013-cv-00493; *CTP Innovations, LLC v. Outlook Group Corp.*, Case No. 2:2013-cv-00494; *CTP Innovations, LLC v. O'Neil Data Systems, Inc.*, Case No. 2:2013-cv-00495; *CTP Innovations, LLC v. Cockrell Enovation, Inc. et al*, Case No. 2:2013-cv-00496; *CTP Innovations, LLC v. XpressDocs GP, LLC*, Case No. 2:2013-cv-00516 ("**E.D. Texas Actions**").

21. The E.D. Texas Actions proceeded through claim construction.

22. On September 25, 2014, the Court issued a tentative claim construction Order.

23. Subsequently, the E.D. Texas Actions were settled.

24. Concurrently with, and since the filing of the E.D. Texas Actions, CTP has filed a number of other patent cases in other jurisdictions. Many of them have been resolved and dismissed.

25. The Judicial Panel on Multidistrict Litigation consolidated the remaining cases before the District of Maryland in *In re: CTP Innovations, LLC Patent Litigation*, Case No. MDL 14-MD-2581 (the "*Maryland MDL*").

26. On February 29, 2016, CTP filed a Complaint against Quad, *CTP Innovations, Inc. v. Quad/Graphics, Inc.*, Case No. 2:16-cv-00175 ("*E.D. Texas I*"), alleging claims for infringement of the '349 and '155 Patents and seeking damages stemming from that infringement. This case was not part of the Maryland MDL.

27. On November 30, 2016, the Judicial Panel on Multidistrict Litigation found an issue regarding the chain of title of the assignments of the '349 and '155 Patents and thereby dismissed the Maryland MDL on grounds that it lacked subject matter jurisdiction.

28. While CTP disagrees with the finding reached in the Maryland MDL, it has reserved its right to appeal that finding, and does not believe that the Maryland MDL is binding authority on this District. In an abundance of caution in view of the Maryland MDL finding, CTP has taken the corrective action to address any perceived issues regarding the chain of title of the assignments of the '349 and '155 Patents. *See Ex. C.*

29. Specifically, on December 5, 2016, CTP voluntarily dismissed Case No. 2:16-cv-00175 without prejudice in accordance with Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure. Shortly thereafter, CTP filed this complaint bringing the same claims and causes of action as in Case No. 2:16-cv-00175.

30. Quad has suffered no legal prejudice from the dismissal and refiling of E.D. Texas I because a) it had not answered the complaint in that case rendering voluntary dismissal without prejudice appropriate, and b) the legal work performed in that case, by both parties, can be readily adopted with minimal changes, if any, in the present action.

GENERAL SUMMARY OF THE TECHNOLOGY AT ISSUE

31. The inventions in the '349 and '155 Patents relate generally to the field of publishing and printing.

32. More specifically, the inventions relate to systems and methods of providing publishing and printing services via a communication network involving computer to plate technology.

33. Computer to plate technology involves transferring an image to a printing plate without the middle step of creating a film of the image that is then imprinted on the plate. Once the image is transferred to the plate, the plate is used in a printing press to transfer the image to different types of media, for example, but not by way of limitation, newspaper, card stock, or standard paper. By directly transferring the image to the plate, the printing company eliminates the need for film and related developer chemicals, improves image quality, and may produce plates more quickly. The claimed methods and systems provide a solution for communicating

and managing printing and publishing services without the need to physically transfer copies of design files and proofs through workflows that result in the generation of a plate ready file.

BACKGROUND OF THE INVENTIONS IN THE '349 AND '155 PATENTS

34. Key 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.

35. In the printing production process, an “end user” prepares copy elements for reproduction. In this “design” stage of the printing process, the end user provides images and data using slides or computer files to create one or more “pages.” Pages can be designed using computer programs such as QuarkXpress, Adobe InDesign, Adobe Illustrator, Photoshop, or other printing or publishing software packages. Prior to the inventions claimed in the '155 and '349 Patents, slides or computer disks containing pages to be printed were sent (via mail or express carrier) to be prepared for creation of a plate.

36. In the prepress production stage, the end user input (or “*copy*”) is transformed into a medium that is reproducible for printing. Typically, prepress involves typesetting, illustration, page building and design, image capture, image color correction, file conversion, RIPing, trapping, proofing, imposition, filmsetting, and platesetting. “Proofing” involves producing a proof or sample of what the printed product will look like. Prior to the inventions claimed in the '155 and '349 Patents, the proof was sent by mail or express carrier to the end user for review and approval. After alterations are made, new proofs are sent to the end user. Once approval of the proof is given by the end user, a medium, such as a computer to plate (CTP) file, is produced and sent to the printer. “Imposition” involves the set of pages on a particular plate as well as their

positioning and orientation. 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.

37. In the platemaking stage, a “printer” manufactures a printing plate using the medium created during prepress. Where a CTP file is used, the printer converts the CTP file into a printing plate. In the printing stage, the printer uses the printing plate to create the printed product. In the binding, finishing and distribution stage, the printed product is prepared in its final form.

38. Each step in the printing production process described briefly above can be accomplished using a variety of different known systems and techniques. Nevertheless, such conventional systems have many delays, particularly in the transporting of pages and proofs to and from the end user and prepress provider. Due to delays and the fragmented nature of conventional printing production systems, errors often occur. Further, typical printing production systems are limited in their ability to re-purpose data, manage content of pages, and piece together individual processes or tasks to establish an efficient production system or “workflow”. Indeed, no conventional system prior to the inventions claimed in the ’349 and ’155 Patents combines prepress, content management, infrastructure (server, storage & distribution) and workflow services.

39. Prior to the inventions claimed in the ’349 and ’155 Patents, conventional printing and publishing systems generally included Macintosh computers or workstations which communicated with each other using the AppleTalk protocol. AppleTalk protocol could not, however, be communicated over switched networks such as the Internet and private networks

where nodes in the network have IP (Internet Protocol) addresses. As such, conventional systems could not merely be coupled to a communication network for remotely controlling design, prepress and print processes.

40. Prior to the inventions claimed in the '349 and '155 Patents, there was a need for a system which combined design, prepress, content management, infrastructure (server, storage & distribution) and workflow. For end users in particular, there was a need for a system and a method to gain control of the design, prepress, and print processes. To save time and costs, there was a need to eliminate manual shipping of proofs back and forth to a prepress provider. Further, there was a need for prepress capability at a local facility without the time and costs of shipping proofs back and forth to a prepress provider. Even further, there was a need for a system and method to provide plate-ready files over a communications network for delivery to a CTP device. There was also a need to decrease the amount of time necessary to generate printing plates after processing of the pages (*i.e.*, the cycle time), and to provide access to the functionality of high-end server, storage, and networking equipment to the printer facility without the associated capital investments.

INTER PARTES REVIEW

41. On July 29, 2013, Printing Industries of America ("**PIA**") filed a petition to institute an *inter partes* review proceeding with the United States Patent and Trademark Office's Patent Trial and Appeal Board ("**PTAB**"). That case was captioned *Printing Industries of America v. CTP Innovations, LLC*, Case No. IPR2013-00474.

42. In IPR2013-00474, the petitioner challenged the validity of each and every claim in the '349 patent.

43. On August 2, 2013, PIA filed a petition to institute a second *inter partes* review proceeding with the PTAB. This case was captioned *Printing Industries of America v. CTP Innovations, LLC*, Case No. IPR2013-00489.

44. In IPR2013-00489, the petitioner challenged the validity of each and every claim in the '155 patent.

45. On December 30, 2013, the PTAB found that the petition in IPR2013-00489 did not demonstrate that there was a reasonable likelihood that the petitioner would prevail with respect to invalidating at least one of the claims in the '155 Patent.

46. On December 31, 2013, the PTAB found that the petition in IPR2013-00474 did not demonstrate that there was a reasonable likelihood that the petitioner would prevail with respect to invalidating at least one of the claims in the '349 Patent.

47. Although it had the opportunity to file a motion for rehearing in both IPR2013-00474 and IPR2013-00489, PIA declined to file any motion for rehearing.

48. Instead, PIA requested the return and refund of its Post-Institution Fees.

49. The determinations by the PTAB in IPR2013-00474 and IPR2013-00489 are not appealable.

50. On May 20, 2014, Eastman Kodak Company, Agfa Corporation, Esko Software BVBA and Heidelberg, USA filed *inter partes* review petitions IPR2014-00788 and IPR2014-00789 seeking review of all the claims of the '155 Patent.

51. On May 20, 2014, Eastman Kodak Company, Agfa Corporation, Esko Software BVBA and Heidelberg, USA filed *inter partes* review petitions IPR2014-00790 and IPR2014-00791 seeking review of all the claims of the '349 Patent.

52. On November 28, 2014, the PTAB took up the petitions and instituted review of claims 1-3 and 10-14 of the '349 Patent. Claims 4-9 of the '349 Patent were not part of the instituted review.

53. On November 25, 2015, the PTAB found claims 10-20 of the '155 Patent “have not been shown to be unpatentable.”

54. On November 25, 2015, the PTAB found claims 1 – 9 of the '155 Patent “are held unpatentable.”

55. On November 25, 2015, the PTAB found claims 1 – 3 of the '349 Patent “have not been shown to be unpatentable.”

56. On November 25, 2015, the PTAB found claims 10 – 14 of the '349 Patent “have not been shown to be unpatentable.”

57. On October 2, 2015, Command Web Offset Company, Inc.; Worzalla Publishing Company; Sandy Alexander, Inc.; Publication Printers Corp.; Specialty Promotions, Inc.; and Trend Offset Printing Services, Inc. filed *inter partes* review petition IPR2016-00008 seeking review of claims 4 – 9 of the '349 Patent.

58. Plaintiff filed its preliminary response to the Petition IPR2016-00008 on January 13, 2016.

59. On March 26, 2016, the PTAB denied the request made in Petition IPR2016-00008 to institute *inter partes* review of claims 4 – 9 of the '349 Patent because the PTAB was “not persuaded that Petitioner [had] demonstrated it is reasonably likely to succe[ed] in any of the challenges to the claims presented in the Petition.” See March 26, 2016 Decision Denying Institution of *Inter Partes* Review, Case IPR2016-00008, attached as **Exhibit D**.

60. Thus, as of this filing date, the PTAB has thrice declined to institute *inter partes* review proceedings in response to petitions for *inter partes* review seeking invalidity of claims 4 – 9 of the '349 Patent, as well as denied a motion for rehearing and again declined to institute *inter partes* review of claims 4 – 9 of the '349 Patent.

61. The PTAB's repeated denials of petitions to institute *inter partes* review of claims 4 – 9 of the '349 Patent should be given great weight in viewing the strength and validity of those claims.

INFRINGEMENT OF THE '349 AND '155 PATENTS IS "UBIQUITOUS"

62. Upon information and belief, PIA is the largest trade association representing the printing and graphic communications industry in the United States.

63. Michael Makin, president and CEO of PIA (petitioner in IPR2013-00474) testified before the Senate Committee on the Judiciary, that the inventions in the '349 and '155

Patents relate[] to how a digital file, like a PDF file, is handled and manipulated in a print production operation up until the time it is used to image a printing plate. This method of digital workflow and plate imaging was new in the 1990s when the patent was issued but has become ubiquitous in the industry now.

Statement of Michael F. Makin, MBA, President & CEO of Printing Industries of America, Before the Senate Committee on the Judiciary, titled "Protecting Small Business and Promoting Innovation by Limiting Patent Troll Abuse," dated December 17, 2013 (the "**PIA Statement**"), at 4-5 (emphasis in original), a copy of which is attached as **Exhibit E**.

64. In so making this statement, it is clear that Makin and PIA were able to determine from the face of the '349 and '155 Patents that infringement of the '349 and '155 Patents was "ubiquitous in the industry [then and] now."

65. Upon information and belief, Defendant is and has been a member of PIA, particularly on December 17, 2013, when PIA's CEO, Mr. Makin testified before Congress. PIA issued a number of press releases regarding Mr. Makin's testimony, and where, during his testimony, he directly referenced a cease and desist letter sent by CTP's counsel to an alleged infringer of the '349 and '155 Patents. *See Ex. E.*

66. Upon information and belief, Defendant is and has been a member of the Great Lakes Graphics Association ("*GLGA*"), an affiliate of PIA which serves the Wisconsin area, the location of Quad's headquarters, particularly in August 2013 when GLGA's member newsletter discussed CTP, the '349 and '155 Patents, and PIA's petition for an *inter partes* review proceeding with the PTAB, Case No. IPR2013-00474.

FIRST CLAIM FOR RELIEF

INFRINGEMENT OF U.S. PATENT NO. 6,611,349

67. CTP incorporates the preceding paragraphs as though fully set forth herein.

68. CTP owns, by assignment, the '349 Patent entitled "System and Method of Generating a Printing Plate File in Real Time Using a Communication Network." *See Ex. C.*

69. Upon information and belief, Defendant, in violation of 35 U.S.C. § 271, has infringed, literally or through the doctrine of equivalents, and continues to infringe at least claims 1-3 and 10-14 of the '349 Patent through Defendant's using a system and method of generating a plate-ready file configured for the creation of a printing plate, said plate-ready file being associated with page layouts and being provided in real time from a remote location using a communication network and selling and offering services that include this method (the "*Infringing Services*").

70. The Infringing Services were identified in CTP's preliminary infringement contentions in E.D. Texas I, attached hereto as **Exhibit F**.

71. CTP reserves all rights to amend its preliminary infringement contentions in accordance with the timetables, schedules, and orders in the present case.

72. Defendant has not given the Infringing Services a specific and publicly-available name. Accordingly, Plaintiff cannot provide the name used by Defendant for such services without the benefit of discovery.

73. Defendant has sufficient experience and knowledge of computer to plate technology generally, and of its systems and methods specifically, to determine which of its systems and methods involve the generation of plate-ready files.

74. Defendant has sufficient experience and knowledge of computer to plate technology generally, and of its systems and methods specifically, to determine which of its systems and methods do not involve the generation of plate-ready files.

75. Defendant had actual notice of the '349 Patent since at least as early as the date of service of the Complaint filed in Case No. 2:16-cv-00175.

76. Defendant has had constructive and actual notice of the '349 Patent due to the significant publicity in the printing industry regarding the '349 Patent and lawsuits involving allegations of infringement of the '349 Patent.

77. Upon information and belief, Defendant is and has been a member of PIA, particularly on December 17, 2013, when PIA's CEO, Mr. Makin testified before Congress. PIA issued a number of press releases regarding Mr. Makin's testimony, and where, during his

testimony, he directly referenced a cease and desist letter sent by CTP's counsel to an alleged infringer of the '349 and '155 Patents. *See Ex. E.*

78. Upon information and belief, Defendant is and has been a member of the Great Lakes Graphics Association ("**GLGA**"), an affiliate of PIA which serves the Wisconsin area, the location of Quad's headquarters, particularly in August 2013 when GLGA's member newsletter discussed CTP, the '349 and '155 Patents, and PIA's petition for an *inter partes* review proceeding with the PTAB, Case No. IPR2013-00474.

79. Despite Defendant's knowledge of the '349 Patent and that its actions constitute infringement of the '349 Patent, Defendant has continued and, on information and belief, will continue to infringe the '349 Patent unless enjoined by this Court.

80. On information and belief, Defendant's infringement of the '349 Patent is, has been, and continues to be willful and deliberate in whole or in part because Defendant was aware of the '349 Patent from at least the service of this Complaint, and previously from the substantial publicity in the printing industry relating to the '349 Patents.

81. As a direct and proximate result of Defendant's infringement of the '349 Patent, CTP has been, and continues to be, damaged in an amount yet to be determined.

82. Unless Defendant's ongoing infringement is enjoined, CTP will suffer irreparable injury for which there is no adequate remedy at law.

83. This is an exceptional case such that CTP should be entitled to its reasonable attorney fees and expenses incurred in prosecuting this action and defending any counterclaims brought by Defendant.

SECOND CLAIM FOR RELIEF

INFRINGEMENT OF U.S. PATENT NO. 6,738,155

84. CTP incorporates the preceding paragraphs as though fully set forth herein.

85. CTP owns, by assignment, the '155 Patent entitled "System and Method of Providing Publishing and Printing Services Via a Communications Network." *See Ex. C.*

86. Defendant, in violation of 35 U.S.C. § 271, has infringed, literally or through the doctrine of equivalents, and continues to infringe at least claim 10 of the '155 Patent through Defendant's making, using, selling, and/or offering for sale in the United States, and specifically in this district, at least printing and publishing services via a communication network that includes, without limitation, the Infringing Services.

87. The Infringing Services were identified in CTP's preliminary infringement contentions in E.D. Texas I. *See Ex. F.*

88. CTP reserves all rights to amend its preliminary infringement contentions in accordance with the timetables, schedules, and orders in the case.

89. Defendant has not given the Infringing Services a specific and publicly-available name. Accordingly, Plaintiff cannot provide the name used by Defendant for such services without the benefit of discovery.

90. Defendant has sufficient experience and knowledge of computer to plate technology generally and of its systems and methods specifically, to determine which of its systems and methods involve the generation of plate-ready files.

91. Defendant had actual notice of the '155 Patent since at least as early as the date of service of the complaint filed in E.D. Texas I.

92. On information and belief, Defendant has been aware of the other cases filed in its industry related to its technology, and has had actual knowledge that it infringes the '155 Patent.

93. Defendant has had constructive and actual notice of the '155 Patent due to the significant publicity in the printing industry regarding the '155 Patent and lawsuits involving allegations of infringement of the '155 Patent.

94. Upon information and belief, Defendant was a member of PIA on December 17, 2013, when PIA's CEO, Mr. Makin testified before Congress. PIA issued a number of press releases regarding Mr. Makin's testimony, and where, during his testimony, he directly referenced a cease and desist letter sent by CTP's counsel to an alleged infringer of the '155 Patent. *See Ex. E.*

95. Upon information and belief, Defendant is and has been a member of the Great Lakes Graphics Association ("*GLGA*"), an affiliate of PIA which serves the Wisconsin area, the location of Quad's headquarters, particularly in August 2013 when GLGA's member newsletter discussed CTP, the '349 and '155 Patents, and PIA's petition for an *inter partes* review proceeding with the PTAB, Case No. IPR2013-00474.

96. Despite Defendant's knowledge of the '155 Patent, this lawsuit, and that its actions constitute infringement of the '155 Patent, Defendant has continued and, on information and belief, Defendant will continue to infringe the '155 Patent unless enjoined by this Court.

97. Upon information and belief, Defendant's infringement of the '155 Patent is, has been, and continues to be willful and deliberate in whole or in part because Defendant was aware of the '155 Patent from at least the time of the service of the complaint in E.D. Texas I,

substantial publicity in the printing industry relating to the '155 Patent, Defendant's membership in PIA and/or GLGA, and/or Mr. Makin's testimony and related press releases. *See, e.g. Ex. E.*

98. As a direct and proximate result of Defendant's infringement of the '155 Patent, CTP has been, and continues to be, damaged in an amount yet to be determined.

99. Unless Defendant's ongoing infringement is enjoined, CTP will suffer irreparable injury for which there is no adequate remedy at law.

100. This is an exceptional case such that CTP should be entitled to its reasonable attorney fees and expenses incurred in prosecuting this action and defending any counterclaims brought by Defendant.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that, at least after a trial, this Court enter judgment against Defendant as follows:

- A. An entry of final judgment in favor of Plaintiff and against Defendant;
- B. An award of damages adequate to compensate Plaintiff for the infringement that has occurred, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284, together with prejudgment interest from the date the infringement began;
- C. An injunction permanently prohibiting Defendant and all persons in active concert or participation with Defendant from further acts of infringement of '349 and '155 Patents;
- D. Treble damages as provided for under 35 U.S.C § 284 in view of the knowing, willful, and intentional nature of Defendant's acts;

- E. Awarding Plaintiff its costs and expenses of this litigation, including its reasonable attorneys' fees and disbursements, pursuant to 35 U.S.C. § 285; and
- F. Such other further relief that Plaintiff is entitled to under the law, and any other and further relief that this Court or a jury may deem just and proper.

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DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury on all claims and issues so triable.

Dated: December 5, 2016

By: /s/ Joseph G. Pia
Joseph G. Pia
State Bar No. 24093854
joe.pia@pa-law.com
Robert E. Aycock*
raycock@pa-law.com
Chrystal Mancuso-Smith*
cmancuso@pa-law.com
Pia Anderson Moss Hoyt
136 E. South Temple, 19th Floor
Salt Lake City, Utah 84111
Phone: (801) 350-9000
Fax: (801) 350-9010
** Admitted in this District*

S. Calvin Capshaw
State Bar No. 03783900
ccapshaw@capshawlaw.com
Elizabeth L. DeRieux
State Bar No. 05770585
ederieux@capshawlaw.com
Jeff Rambin
State Bar No. 00791478
jrambin@capshawlaw.com
CAPSHAW DERIEUX, L.L.P.
114 East Commerce Avenue
Gladewater, Texas 75647
Telephone: (903) 236-9800
Facsimile: (903) 236-8787

Attorneys for Plaintiff