

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: CTP INNOVATIONS, LLC,
PATENT LITIGATION**

MDL No. 2581

TRANSFER ORDER

Before the Panel: Defendants in two actions listed on the attached Schedule A move under Panel Rule 7.1 to vacate the Panel’s order conditionally transferring their respective actions to MDL No. 2581. Patentholder CTP Innovations, LLC (CTP) opposes the motions.

After considering the argument of counsel, we find these actions involve common questions of fact with the actions previously transferred to MDL No. 2581, and that transfer will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Moreover, transfer is warranted for reasons set out in our order directing centralization. In that order, we held that the District of Maryland was an appropriate Section 1407 forum for actions sharing factual questions arising from alleged infringement of CTP’s U.S. Patent Nos. 6,611,349 (‘349 Patent) and 6,738,155 (‘155 Patent), which are respectively titled “System and Method of Generating a Printing Plate file in Real Time Using a Communication Network” and “System and Method of Providing Publishing and Printing Services Via A Communications Network” and relate generally to the field of publishing and printing. *See In re: CTP Innovations, LLC, Pat. Litig.*, 65 F. Supp. 3d 1410 (J.P.M.L. 2014). These actions involve the alleged infringement of the ‘349 Patent, and they clearly fall within the MDL’s ambit.

Defendant Journal Graphics asserts that transfer of its action will be inefficient, given that some of the actions in the MDL are stayed pending *inter partes* review of certain claims. We do not find this argument to be persuasive. Like numerous recently-filed tag-along actions that have been transferred to MDL No. 2581 without opposition, these two actions contain claims for infringement of Claim 4 and potentially Claims 5-9 of the ‘349 Patent. While eight actions that were initially transferred to the MDL were stayed pending the *inter partes* review process, the claims asserted in the newly-transferred actions are not subject to that process. Transfer will ensure the efficient resolution of these similar actions involving the same claims of the same patent, as well as reduce the likelihood of conflicting pretrial rulings or inconsistent interpretations of the ‘349 Patent’s claims.

Defendant Cenveo requests that we delay transfer until both its motion to dismiss is ruled upon and a motion to dismiss in the MDL is decided. If both motions are decided in CTP’s favor, then Cenveo will support transfer. We do not find this proposed approach to be efficient or convenient to any party other than Cenveo. Indeed, it would unnecessarily increase the risk of duplicative discovery and inconsistent rulings, while requiring multiple judges to rule on the same patent asserted in similar

-2-

actions. Instead, we find it preferable to transfer *Cenveo* to the MDL proceedings now, so its motion to dismiss can be heard alongside several other similar motions.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the District of Maryland and, with the consent of that court, assigned to the Honorable Marvin J. Garbis for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



Sarah S. Vance
Chair

Marjorie O. Rendell
Lewis A. Kaplan
R. David Proctor

Charles R. Breyer
Ellen Segal Huvelle
Catherine D. Perry

**IN RE: CTP INNOVATIONS, LLC,
PATENT LITIGATION**

MDL No. 2581

SCHEDULE A

District of Oregon

CTP INNOVATIONS, LLC v. JOURNAL GRAPHICS, INC., C.A. No. 3:15-01095

Eastern District of Pennsylvania

CTP INNOVATIONS, LLC v. CENVEO CORPORATION, C.A. No. 2:15-03314