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Headline Summary

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PIA Files Patent Petitions

Printing Industries of America has filed petitions with the US Patent and Technology Office (USPTO) to invalidate patents owned by CTP Innovations.

The patents address plating technologies, such as generating a plate ready file from a PDF, and then providing the plate-ready file to a networked printer. Over 30 lawsuits have been brought against printers, including some local companies.

CTP Innovations has up to three months to respond to the petitions.

The USPTO has up to three months to rule on the petitions after CTP's response.

If the petitions are granted and reviews initiated, USPTO will issue its final determination within 12 months.

WatchDog

Guarding the Business of Print

August 2013

Who Is A Supervisor?

The U.S. Supreme Court recently ruled 5-4 that, for purposes of harassment liability, an employee is a supervisor only if he or she has the power to take tangible employment actions against the victim.

Employers benefit from the ruling because it adopts a narrower definition of "supervisor."

The stakes were high in this case because an employer can be strictly liable for harassment by a supervisor, but if the harasser is a coworker, there is liability only if the employer knew about the harassment and failed to take corrective action.

PIA Lobbies to Stop Patent Trolls

Printing Industries of America (PIA) President and CEO, Michael Makin, was in Washington last week with Vice President of Government Affairs, Lisbeth Lyons, meeting with key House and Senate leaders on the patent trolling issue. After meeting with House Judiciary Chairman Bob Goodlatte (VA-6) and Senate Judiciary Chairman Patrick Leahy (VT), Lisbeth and Michael met with key House and Senate leadership staff pitching PIA's position.

In addition to direct, in-person lobbying, PIA joined the newly formed coalition of technology companies and downstream users in a cross-section of industry, aiming to advance legislation that would prevent frivolous patent trolling.

The coalition recently sent a letter to Capitol Hill encouraging legislative action to address the recent abuses of the legal system by patent-assertion entities, or "patent trolls." Instead of focusing on innovation and job creation, many businesses, including printing companies, are devoting significant resources to costly litigation.

A bipartisan bill, H.R. 2639, The Patent Litigation and Innovation Act of 2013, was recently introduced by Representatives Blake Farenthold (TX-27) and Hakeem Jeffries (NY-8) to protect downstream users from such costly patent litigation. This legislation is one of several narrowly focused bills that have been and will continue to be introduced by policy makers in the House and Senate. Judiciary Committee Chairmen have both stated they intend to take the best ideas from each bill to include in comprehensive patent abuse legislation that will likely be introduced this fall.

PIA is actively providing input throughout the bill drafting process in order to stop current patent trolling that has hit the industry hard in recent months.

Source: PIA Government Affairs Update

PIC Joins Energy Coalition

PIC has joined the Californians for Affordable and Reliable Energy (CARE) Coalition, and we urge you to join this effort as an individual company as well (<http://careaboutenergy.org/join>). The Coalition's mission is to advocate for a coherent statewide energy plan that prioritizes affordability, reliability and adequate supply.

California's regulators and legislators need to hear from companies and associations across the state that the energy issue is not only vitally important to our livelihood, but a major concern to business leaders and community organizations.

Energy rates are rapidly rising in California. Our state has passed a series of aggressive environmental regulations to reduce GHG emissions, promote renewable energy production, and upgrade transmission and distribution systems. Although good intentioned, these rules come with a cost to the manufacturers and residents of California. Electricity rates for manufacturers alone are 50 percent higher than the rest of the country already.

The rapid and significant rate increases coming down the pipeline are going to have a detrimental impact on our state's economy and our overall competitiveness. We must take action to bring attention to this problem and advocate for a more balanced and responsible energy plan moving forward.

New Sales Tax Exemption

Governor Brown signs 8-year sales tax exemption on manufacturing equipment to provide an eight-year 4.19 percent sales tax exemption on the purchase of manufacturing equipment.

Beginning on July 1, 2014, qualifying businesses can exclude the first \$200 million of eligible purchases per year from the state portion of the sales and use tax. (cont.)

New Sales Tax Exemption (continued)

Eligible purchases include:

- Machinery and equipment, including component parts.
- Devices used or required to operate, control, regulate, or maintain the machinery.
- Pollution control items.
- Special purpose buildings and foundations that are an integral part of the process or that constitute a research or storage facility used during the process (excludes warehousing).
- An exemption certificate must be provided to the retailer.

The exemption will sunset on July 1, 2022.

New OSHA Training Requirement

OSHA recently revised the Hazard Communication Standard to conform to the United Nations' Globally Harmonized System of Classification and Labeling of Chemicals.

The first requirement in implementing the revised standard is employee training (instruction) on the new label and safety data sheet (SDS) formats. The training must be completed by December 1, 2013.

You can find a step-by-step guide to this training requirement at <http://bit.ly/PIC-HCT> or a link on your association's website.

The table below summarizes the phase-in dates—and employer requirements—under the revised Hazard Communication Standard:

Effective Completion Date	Requirement(s)	Who
December 1, 2013	Train employees on the new label elements and safety data sheet (SDS) format.	Employers
June 1, 2015	Compliance with all modified provisions of this final rule.	Chemical manufacturers, importers, distributors and employers
December 1, 2015	The Distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label	Chemical manufacturers, importers, distributors and employers
June 1, 2016	Update alternative workplace labeling and hazard communication program as necessary, and provide additional employee training for newly identified physical or health hazards.	Employers
*Transition Period to the effective completion dates noted above	May comply with either the revised standard, or the current standard, or both	Chemical manufacturers, importers, distributors, and employers

OSHA recognizes that the hazard communication programs will go through a period where labels and SDSs under both standards will be present in the workplace. This is acceptable, and employers don't have to maintain two sets of labels and SDSs for compliance purposes.