

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SONY COMPUTER ENTERTAINMENT AMERICA LLC  
Petitioner

v.

APLIX IP HOLDINGS CORPORATION  
Patent Owner

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Case No. IPR2015-00229  
Patent 7,667,692

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**SUPPLEMENTAL DECLARATION OF DR. GREGORY F. WELCH**

I, Gregory F. Welch, hereby declare the following:

1. I have been asked to respond to certain issues raised by Patent Owner (“PO”) and their expert, Dr. Karon MacLean, in Patent Owner Aplix IP Holdings Corporation’s Response to the Petition dated August 6, 2015 (“Paper No. 18”). All of my opinions expressed in my original declaration dated November 7, 2014 (**Ex. 1008**) remain the same. I have reviewed the following additional materials in connection with preparing this supplemental declaration:

- Paper No. 15, Decision Institution of *Inter Partes* Review dated May 29, 2015;
- Paper No. 18, Patent Owner Aplix IP Holdings Corporation’s Response to the Petition dated August 6, 2015;
- **Ex. 2003**, Declaration of Dr. Karon MacLean dated August 6, 2015;
- **Ex. 1043**, Ben Shneiderman. *Designing the User Interface: Strategies for Effective Human-Computer Interaction*. Addison-Wesley Longman Publishing Co., Inc., Boston, MA, USA, 3rd edition, 1997;
- **Ex. 1044**, Peter Tarasewich, “Wireless Devices for Mobile Commerce: User Interface Design and Usability”, *Mobile Commerce: Technology, Theory, and Applications*, Idea Group Publishing (2002);
- **Ex. 1046**, Corin R. Anderson, Pedro Domingos, Daniel S. Weld, *Web Site Personalizers for Mobile Devices*, IJCAI Workshop on Intelligent Techniques for Web Personalization (ITWP) (2001);
- **Ex. 1047**, Parisa Eslambolchilar and Roderick Murray-Smith. Tilt-based automatic zooming and scaling in mobile devices – a state-space implementation. In S. Brewster and M. Dunlop, editors, *Mobile Human-Computer Interaction - MobileHCI 2004*, volume 3160 of Lecture Notes in Computer Science, pages 120–131. Springer Berlin Heidelberg, 2004;
- **Ex. 1048**, Jun Rekimoto. “Tilting operations for small screen interfaces.” In Proceedings of the 9th annual ACM symposium on User interface software and technology, UIST ’96, pages 167–168, New York, NY, USA, October 7–10 1996. ACM;
- **Ex. 1049**, Ken Hinckley, Jeff Pierce, Mike Sinclair, and Eric Horvitz. “Sensing techniques for mobile interaction.” In Proceedings of the

13th Annual ACM Symposium on User Interface Software and Technology, UIST '00, pages 91–100, New York, NY, USA, 2000. ACM; and

- **Ex. 1050**, Joel Bartlett. “Rock ’n’ scroll is here to stay.” *Computer Graphics and Applications*, IEEE, 20(3):40–45, May 2000.

## I. OPINION

### A. The ‘692 Patent Does Not Require the Application to “Draw” the Delineated Active Areas

2. With regard to Claim 3 of the ‘692 Patent, Dr. MacLean opines that the claim limitation “selectively configurable sensing surface that provides more than one delineated active area based on the selected application” requires the application “to specify the spatial demarcations of the delineations according to the applications specific needs.” **Ex. 2003** at ¶57. Dr. MacLean further opines “disclosure of ‘692’s Claim 1 clearly requires these delineations to be determined by the application and its specific requirements, not by the hardware or operating system.”<sup>1</sup> *Id.* at ¶60. Dr. MacLean also suggests that the claim term “providing” means “drawing/defining” the delineated active areas. *Id.* at ¶ 71 (“I list two examples from the ‘692 specification where ‘692 sets its standard from both of providing (i.e. drawing/defining) rather than just selecting of system-defined delineations . . . .”). For reasons described below, I respectfully disagree with these opinions.

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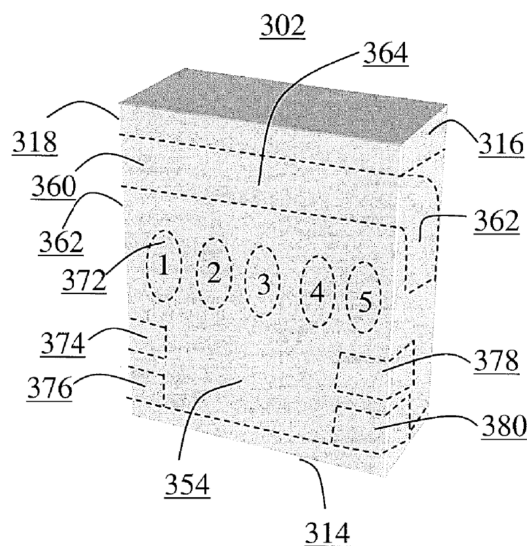
<sup>1</sup> Note that Dr. MacLean references claim 1 in ¶60, but I assume this is a typographical error and should be claim 3.

3. I have been informed that in proceedings before the USPTO the claims of an unexpired patent are to be given their broadest reasonable interpretation in view of the specification from the perspective of one skilled in the art. The broadest reasonable interpretation does not mean the broadest possible interpretation. Rather, the meaning given to a claim term must be consistent with the ordinary and customary meaning of the term (unless the term has been given a special definition in the specification), and must be consistent with the use of the claim term in the specification and drawings. Further, the broadest reasonable interpretation of the claims must be consistent with the interpretation that those skilled in the art would reach. I have been informed that the '692 Patent has not expired. It is also my understanding that no claim terms have been expressly construed by the Board to date.

4. Dr. MacLean's opinion is inconsistent with the ordinary and customary meaning of the claim term "a selectively configurable sensing surface that provides more than one delineated active area based on the selected application." Dr. MacLean opines "I see a distinction between an application's '*selecting*' from a set of basic delineations provided by the hardware or operating system and '*providing*' delineations with spatial borders that are potentially unique to that application as required by the '692 patent." **Ex. 2003** at ¶57 (emphasis in original). However, claim 3 does not recite that the application "provides" the delineated active areas.

Rather, the plain language of the claim recites that the “selectively configurable sensing surface” – not the application – “provides the more than one delineated active areas.”

5. I see nothing in the ‘692 Patent specification that would have led a person having ordinary skill in the art to conclude that the spatial boundaries of the delineated active areas must be drawn or defined by the application in order to be “based on the selected application.” Figure 3d of the ‘692 Patent depicts a configuration of multiple delineated active areas arranged on a pressure sensor pad:



**Ex. 1001** at Fig. 3d; *see also, id.* at 9:24-27 (“As shown in FIG. 3d, the pressure sensor pad 354 may be configured in software to represent one or more delineated active areas corresponding to different programmable functions depending on the application.”). The ‘692 Patent also describes two applications, a text application

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