

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

SONY COMPUTER ENTERTAINMENT AMERICA LLC  
Petitioner

v.

APLIX IP HOLDINGS CORPORATION  
Patent Owner

---

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

---

**PATENT OWNER APLIX IP HOLDINGS CORPORATION'S  
MOTION FOR OBSERVATION ON DECEMBER 17, 2015  
DEPOSITION OF GREGORY F. WELCH**

Pursuant to 77 Fed. Reg. 48756, 48768 (Aug. 14, 2012), Patent Owner Aplix IP Holdings Corporation submits the following observations on the December 17, 2015 deposition of Gregory Welch (exhibit 2022).

1. In Exhibit 2022 ('245/'692 Welch 12-17-15 deposition), on page 6, line 10 through page 10, line 25, Dr. Welch testified about his supplemental declaration's response to various points raised by Dr. Karon MacLean, an expert whose testimony Aplix has submitted, including Dr. Welch's understanding that Dr. MacLean's opinion was that application-level software "must redefine spatial boundaries of the delineated active areas" (page 6, line 24, through page 7, line 4) (quoting '245 Welch supplemental declaration, ¶ 7) and that in her view there is a "requirement that the spatial boundaries of the delineated active areas themselves must change from application to application" (page 10, line 4-14) (quoting '245 Welch supplemental declaration, ¶ 8). (The supplemental paragraph numbers 7 and 8 are substantively the same in the '692 Welch supplemental declaration as in the '245 Welch supplemental declaration.) This testimony is relevant to the testimony of Dr. MacLean that in her view the delineated active areas had to be "changeable" (exhibit 2003, ¶¶ 66, 72), not that they necessarily had to change (exhibit 1040, '245/'692 MacLean deposition, page 67, line 23 to page 68, line 4). The testimony is relevant because it shows that Dr. Welch's critique of Dr. MacLean's opinion is based on a misunderstanding of that opinion.

2. In Exhibit 2022 ('245/'692 Welch 12-17-15 deposition), on page 11, line 1, through page 15, line 11, Dr. Welch testified that he could not identify anything in the '245/'692 specification explicitly saying that the active areas are defined by system-level (as opposed to application-level) software. This testimony is relevant to Dr. MacLean's opinion that, for example, Liebenow does not meet the '692 patent's claim 3 phrase "based on the selected application" because Liebenow "does not disclose 'providing' delineations as delineations are not defined by or based on the application" at ¶ 66 of exhibit 2003 ('692 MacLean declaration). The testimony is relevant because it supports Dr. MacLean's opinion.

3. In Exhibit 2022 ('245/'692 Welch 12-17-15 deposition), on page 15, line 13, through page 17, line 5, Dr. Welch testified about the '245/'692 specification's inclusion of at least one example showing application-level configuration, as opposed to system-level configuration, of active areas. This testimony is relevant to Dr. MacLean's opinion mentioned above (in paragraph 2). The testimony is relevant for the same reason—because it supports Dr. MacLean's opinion.

4. In Exhibit 2022 ('245/'692 Welch 12-17-15 deposition), on page 25, line 13, through page 28, line 18, Dr. Welch testified that three sections of the Liebenow specification discuss embodiments of Liebenow's invention, but the "Background of the Invention" section, which includes a reference to PDAs, does

not. This testimony is relevant to Dr. Welch's testimony suggesting that Liebenow's device could be a PDA in exhibit 1041 ('692 Welch supplemental declaration), ¶ 13. The testimony is relevant because it shows that the example on which Dr. Welch relies is not taken from the description of Liebenow's invention.

Dated: December 23, 2015.

By:       /Sybil L. Dunlop/      

Robert J. Gilbertson (pro hac vice)  
Sybil L. Dunlop (pro hac vice)  
X. Kevin Zhao (pro hac vice)  
GREENE ESPEL PLLP  
222 South Ninth Street, Suite 2200  
Minneapolis, MN 55402  
Telephone: (612) 373-0830  
Facsimile: (612) 373-0929  
E-mail: BGilbertson@GreeneEspel.com  
SDunlop@GreeneEspel.com  
KZhao@GreeneEspel.com

Michael Mauriel, USPTO Reg. No. 44,226  
Sherman W. Kahn (pro hac vice)  
MAURIEL KAPOUYTIAN WOODS LLP  
15 West 26th Street, Floor 7  
New York, NY 10010  
Telephone: (212) 529-5131  
Facsimile: (212) 529-5132  
E-mail: mmauriel@mkwllp.com  
skahn@mkwllp.com

*Attorneys for Patent Owner  
Aplix IP Holdings Corporation*

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.