

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. IPR2015-00230  
Patent No. 7,463,245

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**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 2034).

1. In Exhibit 2034 ('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 exhibit 1042, '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 exhibit 1042, '245 Welch supplemental declaration, ¶ 8). This testimony is relevant to the testimony of Dr. MacLean that in her view the delineated active areas had to be "changeable" (exhibit 2003, ¶¶ 85 (heading), 96, 102, 215), 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 2034 ('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 the '245 patent's claim 1 phrase "'of [the] selected application' indicates that the mapping is specified at the level of the application, not (for example) at the device or operating system level" at ¶ 57 (as well as ¶¶ 66-71 and 89-91) of exhibit 2003 ('245 MacLean declaration). The testimony is relevant because it supports Dr. MacLean's opinion.

3. In Exhibit 2034 ('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 2034 ('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 1042 ('245 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.

5. In Exhibit 2034 ('245/'692 Welch 12-17-15 deposition), on page 29, line 6, through page 36, line 12, Dr. Welch testified that he could not agree that there is much more of a need to display images of keys on a display that the user can see in a situation where the device has an emulated (soft) keyboard on the back of the device, as opposed to a situation where the device has a hard-key keyboard that the user can see and feel (page 32, lines 15-23) and that it would be too much of a generalization to say that it's harder for a user to find soft or emulated keys on the back of a device than it is to find hard keys that the user can see and feel (page 36, lines 7-12). This testimony is relevant to Dr. Welch's testimony (responding to Mr. Lim's opinions about Liebenow) in exhibit 1042 ('245 Welch supplemental declaration), ¶ 21. The testimony is relevant because it shows that Dr. Welch's criticism is grounded on an unrealistic understanding of how users use hand-held devices.

Dated: December 23, 2015.

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