

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. IPR2015-00396
Patent No. 7,218,313

**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 2051).

1. In Exhibit 2051 ('313 Welch 12-17-15 deposition), on page 6, line 22 through page 8, line 24, Dr. Welch testified about his supplemental declaration's discussion of the Rekimoto reference, including his understanding that with respect to the 00396 and 00476 IPRs relating to the '313 patent, the Board was presented with the Rekimoto reference but opted not to include it in the instituted proceeding. This testimony is relevant to Dr. Welch's testimony arguing points about Rekimoto in exhibit 1042 (00396 Welch supplemental declaration), ¶ 14. The testimony is relevant because it shows that the example on which Dr. Welch relies is not prior art upon which this proceeding was instituted.

2. In Exhibit 2051 ('313 Welch 12-17-15 deposition), on page 9, line 16, through page 15, line 2, Dr. Welch testified that he could not identify anything in the Ishihara reference explicitly teaching "multi-touch" capability. This testimony is relevant to Dr. MacLean's opinion that Ishihara does not teach multi-touch capability, at ¶¶ 73-83 of exhibit 2007 (MacLean declaration). The testimony is relevant because it supports Dr. MacLean's opinion.

3. In Exhibit 2051 ('313 Welch 12-17-15 deposition), on page 16, line 20, through page 17, line 25, Dr. Welch testified that he found no disclosure in the

Itaya patent (exhibit 1028) implementing multi-touch on the scale of a hand-held device, but rather that the document was not specific about size or scale. This testimony is relevant to Dr. Welch's testimony about Itaya in exhibit 1042 (00396 Welch supplemental declaration), ¶ 10. The testimony is relevant because it shows the limited significance of Dr. Welch's testimony about Itaya.

4. In Exhibit 2051 ('313 Welch 12-17-15 deposition), on page 18, line 19, through page 19, line 12, Dr. Welch testified that exhibit 1051, which he had cited in disagreeing with Mr. Lim's testimony regarding a processor, shows that the processor "integrate[d] all of the common logic and I/O functionality associated with a PC/AT computing system." This testimony is relevant to Mr. Lim's testimony regarding small handsets supporting limited external peripherals in exhibit 2009 (00396 Lim declaration), ¶ 174. The testimony is relevant because it supports Mr. Lim's opinion.

5. In Exhibit 2051 ('313 Welch 12-17-15 deposition), on page 20, line 11, through page 21, line 14, Dr. Welch testified about a patent issued to Aebli, et al. (exhibit 1024), but could not point to anything in that patent showing an input controller inside a mobile phone. This testimony is relevant to Dr. Welch's testimony (responding to Mr. Lim's opinions) in exhibit 2042 (00396 Welch supplemental declaration), ¶ 21. The testimony is relevant because it shows the limited significance of Dr. Welch's testimony about Aebli.

6. In Exhibit 2051 ('313 Welch 12-17-15 deposition), on page 23, line 10, through page 25, line 20, Dr. Welch testified about two passages in Willner showing that one object of Willner's invention was to reduce or minimize the need to simultaneously depress keys. This testimony is relevant to Mr. Lim's testimony that Pallakoff and Willner have opposite teachings about depressing multiple keys or "chording," at ¶¶ 130-132 of exhibit 2009 (00396 Lim declaration). The testimony is relevant because it supports Mr. Lim's opinion.

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*

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