

Petition for *Inter Partes* Review of U.S. Patent 8,773,356

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMIT AGARWAL
Petitioner

v.

IMMERSION CORP.
Patent Owner
U.S. Patent 8,773,356
Filing Date: January 31, 2012
Issue Date: July 8, 2014
Title: Method and Apparatus for Providing Tactile Sensations

Case IPR2016-00807

Petition for *Inter Partes* Review of U.S. Patent 8,773,356

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

1. Disclosures, certifications, and other regulatory requirements

Real party-in-interest: Amit Agarwal (“Petitioner”).

Related matters: *Immersion Corp. v. Apple et al*, No.1-16-cv-00077 (D. Del.) and Investigation No. 337-TA-990 (USITC).

Service: ama7386@gmail.com (email), 14420 Edinburgh Moor Dr., Wimauma, FL 33598 (address), 310-351-6596 (phone). Petitioner served this petition and supporting evidence by EXPRESS MAIL ® on the patent owner Immersion Corp. (“Immersion”) at the correspondence address of record for U.S. Patent 8,773,356 (“’356”) (Petitioner Ex. 1001): Carl Sanders, Kilpatrick Townsend, 1001 West Fourth Street, Winston-Salem, NC 27101.

Standing: Petitioner certifies that the ’356 patent is available for *inter partes* review and that Petitioner is neither barred nor estopped from filing this petition.

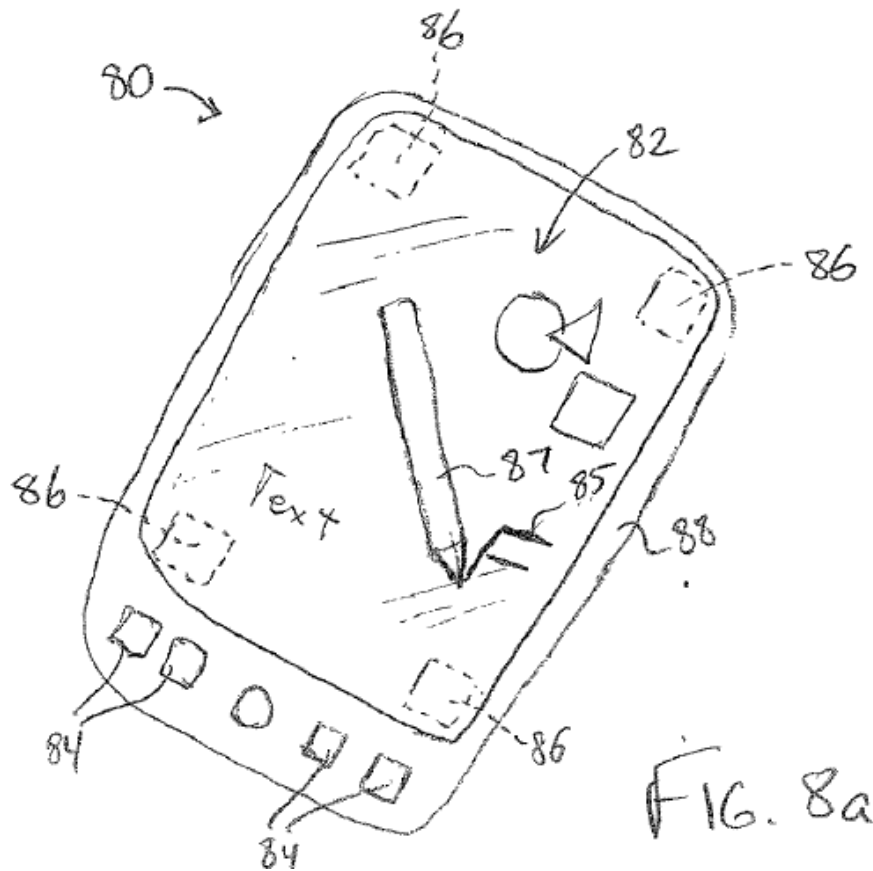
Identification of challenge and request for relief: Claims 1-3, 9-13, 19-23, 25, and 26 of the ’356 patent, with a priority date of Nov. 1, 2001, are anticipated under pre-AIA 35 U.S.C. § 102(e) by U.S. Patent Application No. 09/487,737 filed on Jan. 19, 2000 (“Rosenberg”) (Petitioner Ex. 1002). Claims 5, 7, 15, and 17 are obvious under pre-AIA 35 U.S.C. § 103(a) in light of U.S. Patent Application No. 09/487,737 (“Rosenberg”) and IBM’s User’s Manual for the Simon PDA product (“Simon”) published in 1994 (Petitioner Ex. 1005). No claim interpretation is needed. Petitioner requests the Board to institute trial on this challenge.

2. Rosenberg anticipates Claim 1-3, 9-13, 19-23, 25, and 26 of the '356 patent.

2.1 Rosenberg anticipates Claim 1 of the '356 patent.

For Claim 1, the intrinsic record lacks (i) clear and unambiguous disclaimers or disavowals of claim scope or (ii) special definition for any claim term. The plain meaning of each claim term *is* its broadest reasonable interpretation to an ordinarily skilled artisan who has read the entire intrinsic record.

2.1.1 “A method, comprising: outputting a display signal configured to display a graphical object on a touch-sensitive input device”



The circle, triangle, square, and letter ‘F’ are not permanently etched in Rosenberg Fig. 8a. Petitioner Ex. 1002 p.6. Each shape is a transient display—the outcome of outputting a display signal configured to display a graphical object resembling that shape on “[s]creen 82,” a touch-sensitive input device, “preferably a ‘touch screen’ that includes sensors.” *Id.* at p. 15 ¶ 72.

2.1.2 “receiving a sensor signal from the touch-sensitive input device, the sensor signal indicating an object contacting the touch-sensitive input device”

Referencing Fig. 8a, Rosenberg discloses usage of “a transparent sensor film . . . overlaid on the screen 80, where the film can detect pressure from an object contacting the film.” *Id.* The display of ‘F’ is the outcome of receiving sensor signals from the touch-sensitive input device, here the transparent sensor film on the touch screen which can detect pressure, indicating an object contacting the touch-sensitive input device, here a stylus contacting the touchscreen at various locations which, joined together, form the shape ‘F’.

2.1.3 “determining an interaction between the object contacting the touch-sensitive input device and the graphical object; and”

In the context of the touchpad-in-a-laptop embodiment, Rosenberg teaches outputting a vibration to “signify a graphical object which the cursor is currently positioned over.” Petitioner Ex. 1002 at p. 13 ¶ 56. For example, “[a] pulse or bump force can be output when the cursor is moved over . . . an icon.” *Id.*

Determining when a user’s finger contacting the touchpad moves a cursor over an

icon suffices as the disclosure of determining an interaction between the object (stylus/finger) contacting the touch-sensitive input device (touchpad) and the graphical object (icon).

Immersion might argue that Rosenberg’s disclosed interaction is between the cursor and the graphical object and not between an object contacting the touch-sensitive input device and the graphical object. But the cursor is merely a proxy or agent for the object contacting the touch-sensitive input device. Thus, any disclosure of an interaction between a cursor and a graphical object *is* the disclosure of an interaction between the cursor’s principal, *i.e.*, the object contacting the touch-sensitive input device and the graphical object.

Immersion might also object to Petitioner’s citation of Rosenberg’s touchscreen embodiment for some claim elements and touchpad embodiment for others, citing *Net MoneyIN, Inc. v. Verisign, Inc.*, 545 F.3d 1359, 1371 (Fed. Cir. 2008) (A prior art reference cannot anticipate “unless [it] discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim.”). But Rosenberg states that “features described . . . for the touchpad are *equally applicable* to the touch screen embodiment 80.” Petitioner Ex. 1002 at p. 15 ¶ 75. “A reference may . . . anticipate if the reference teaches that the disclosed components or functionalities may be combined and one of skill in the art would be able to

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