

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AMIT AGARWAL,  
Petitioner,

v.

IMMERSION CORPORATION,  
Patent Owner.

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Case IPR2016-00807  
Patent 8,773,356 B2

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Before MICHAEL R. ZECHER, BEVERLY M. BUNTING, and  
MINN CHUNG, *Administrative Patent Judges*.

CHUNG, *Administrative Patent Judge*.

DECISION

Denying Institution of *Inter Partes* Review  
35 U.S.C. § 314(a) and 37 C.F.R. § 42.108

## I. INTRODUCTION

Amit Agarwal (“Petitioner”) filed a Petition (“Pet.”) requesting an *inter partes* review of claims 1–3, 5, 7, 9–13, 15, 17, 19–23, 25, and 26 of U.S. Patent No. 8,773,356 B2 (Ex. 1001, “the ’356 patent”). Immersion Corporation (“Patent Owner”) filed a Corrected Preliminary Response (Paper 15, “Prelim. Resp.”) accompanied by a Corrected Declaration of Nathan J. Delson, Ph.D. (Ex. 2009, “Delson Decl.”). We have jurisdiction under 35 U.S.C. § 314.

The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted unless the information presented in the Petition “shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” Upon consideration of the Petition and the Corrected Preliminary Response, we conclude that the information presented in the Petition does not establish a reasonable likelihood that Petitioner would prevail in showing the unpatentability of any of the challenged claims on the grounds set forth in the Petition. Accordingly, we deny Petitioner’s request to institute an *inter partes* review of claims 1–3, 5, 7, 9–13, 15, 17, 19–23, 25, and 26.

## II. BACKGROUND

### A. *Real Party In Interest*

Amit Agarwal, a *pro se* petitioner, identifies himself as the real-party-in-interest. Pet. 1.

### B. Related Proceedings

The parties identify the following proceedings in which infringement of the '356 patent has been alleged: (1) *Immersion Corp. v. Apple*, No. 1-16-cv-00077 (D. Del.); and (2) *In the Matter of: Certain Mobile Electronic Devices Incorporating Haptics (Including Smartphones and Smartwatches) and Components Thereof*, ITC Investigation No. 337-TA-990 (USITC). Pet. 1; Paper 4, 2.

## III. THE '356 PATENT

### A. Described Invention

The '356 patent describes a system and method for providing tactile sensations to input devices, including non-mechanical input devices, such as soft-keys displayed on a screen. *See* Ex. 1001, Abstract; col. 3, ll. 10–15. Figure 5 of the '356 patent is reproduced below.

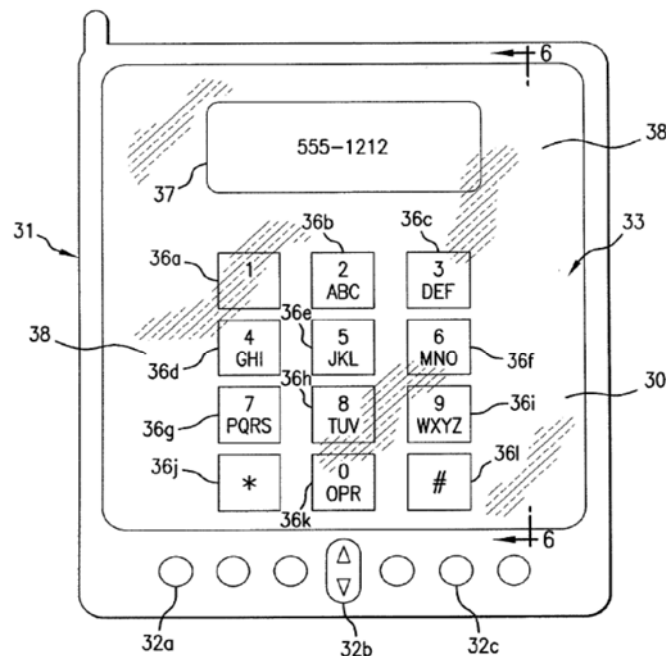


FIG. 5

Figure 5 depicts Personal Digital Assistant (PDA) 31 having pressure-sensitive touchpad 30 as an input device. *Id.* at col. 11, ll. 11–13. As shown in Figure 5, display 33 of PDA 31 displays software-generated buttons or keys, e.g., soft-keys 36a–36i, which provide a graphical user interface for the PDA. *Id.* at col. 11, ll. 40–43. As a graphical object, each soft-key occupies a distinct location on the display. *Id.* at col. 11, ll. 44–45. In the embodiment depicted in Figure 5, the PDA can function as a mobile telephone, and the soft-keys are arranged as a telephone keypad to provide the same functionality as the mechanical keys on a conventional telephone keypad. *Id.* at col. 11, ll. 45–48. PDA 31 also includes actuator 64 (not shown in Figure 5) that generates and transmits tactile sensations to display 33 and touchpad 30. *Id.* at col. 11, ll. 22–39; Fig. 6.

When a soft-key is selected by touching touchpad 30 at an appropriate location on display 33, a controller determines the touched location on the display and identifies the soft-key corresponding to the touched location. Based on this information, the controller causes the actuator to provide a corresponding tactile sensation. *Id.* at col. 11, ll. 53–63. In addition, the pressure applied to a particular soft-key is detected by the controller or a separate pressure detector such that the detected pressure can be used to distinguish different inputs for soft-keys that represent multiple inputs—e.g., 2, A, B, or C for soft-key 36b. *Id.* at col. 12, ll. 6–12; Fig. 5. For such keys, each specific input corresponds to a distinct amount of pressure applied to a particular soft-key. *Id.* at col. 12, ll. 6–8.

Figure 8 of the '356 patent is reproduced below.

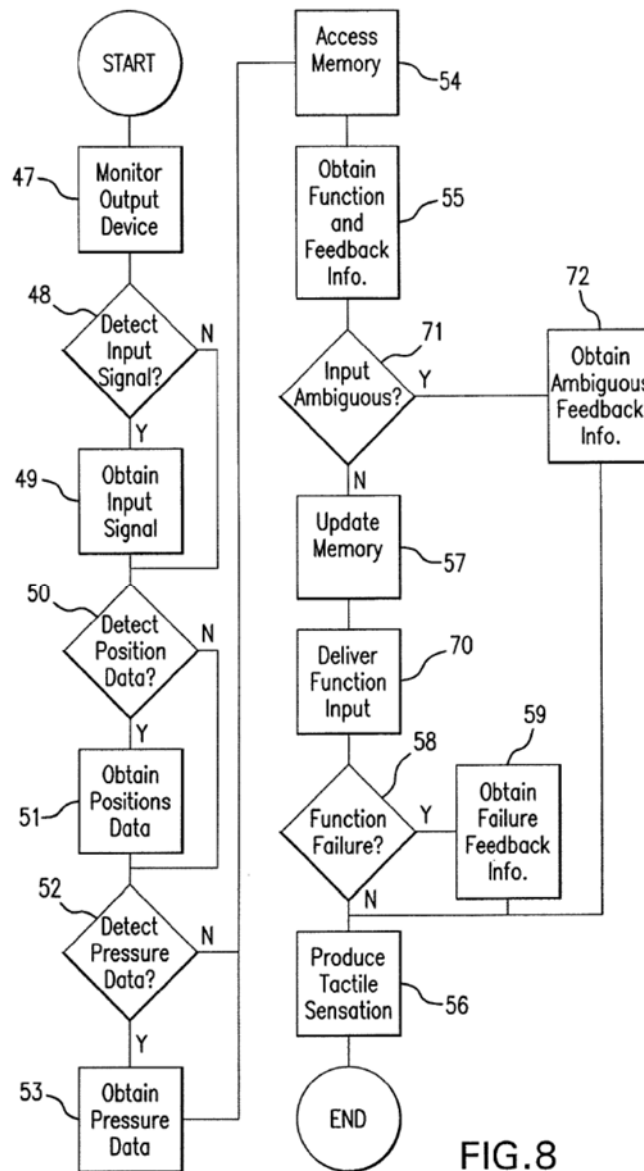


FIG. 8

Figure 8 shows a flowchart illustrating a process of detecting an input signal, the input position or location data, and the pressure data; determining the desired function corresponding to the input device and the detected data; and producing a tactile sensation corresponding to the determined function. *Id.* at col. 13, l. 52–col. 14, l. 14. In steps 54 and 55 of Figure 8, the controller, having obtained the input data from the input device, accesses a memory

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