

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VALVE CORPORATION,
Petitioner,

v.

IRONBURG INVENTIONS LTD.,
Patent Owner.

Cases:

IPR2016-00948 (Patent 8,641,525 B2)

IPR2016-00949 (Patent 9,089,770 B2)

**OBJECTIONS TO
PATENT OWNER'S DEMONSTRATIVE EXHIBIT**

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EXHIBIT LIST

Exhibit No.	Description
1001	U.S. Patent 8,641,525 to Burgess et al. (“ ’525 patent”)
1002	U.S. Patent 5,989,123 to Tosaki et al. (“Tosaki”)
1003	U.S. Patent App. Pub. 2010/0073283 to Enright (“Enright”)
1004	U.S. Patent App. Pub. 2001/0025778 to Ono
1005	“Rapid Fire Mod for Wireless Xbox 360 Controller, Step by Step Tutorial with Pictures,” posts 341-346 by Jimakos Sn, published 08 July 2008 at http://forums.xbox-scene.com/index.php?/topic/643928-rapid-fire-mod-for-wireless-xbox-360-controller/page-23 .
1006	U.S. Patent 4,032,728 to Oelsch (“Oelsch”)
1007	UK Search and Examination Report for Patent App. No. GB1011078.1, 16 May 2011, at 2.
1008	Expert Declaration of David Rempel, M.D., in Support of Valve Corporation’s Petition for Inter-Partes Review of U.S. Patent 8,641,525.
1009	Curriculum Vitae of David Rempel, M.D. (also denominated as Ex. 1 to Ex. 1012).
1010	Photo of the Wireless Xbox 360 Controller, published on 13 May 2005 at http://www.ign.com/articles/2005/05/13/xbox-360-wireless-controller-tour .
1011	U.S. Patent 9,089,770 to Burgess et al. (“ ’770 patent”)
1012	Expert Declaration of David Rempel, M.D., in Support of Valve Corporation’s Petition for Inter-Partes Review of U.S. Patent 9,089,770.
1013	Declaration of Joshua C. Harrison.
1014 <i>(not filed)</i>	Diagram used in deposition of Dr. Glen Stevick, 09 March 2017.
1015 <i>(not filed)</i>	Shape 1, used in deposition of Dr. Glen Stevick, 09 March 2017.
1016 <i>(not filed)</i>	Shape 2, used in deposition of Dr. Glen Stevick, 09 March 2017.

EXHIBIT LIST (CONTINUED)

Exhibit No.	Description
1017 <i>(not filed)</i>	Shape 3, used in deposition of Dr. Glen Stevick, 09 March 2017.
1018 <i>(not filed)</i>	Institution Decision in IPR2016-0949 <i>(filed as Paper 10, but not filed as an exhibit)</i> .
1019 <i>(not filed)</i>	Annotated Fig. 1 of U.S. Patent 7, 859,514 to Park.
1020 <i>(not filed)</i>	Annotated Fig. 23 of U.S. Patent 5,989,123 to Tosaki et al.
1021	Expert Declaration of David Rempel, M.D., Regarding the PO Responses in cases IPR2016-00948 and IPR2016-00949. (“Rempel Reply Decl.”)
1022	Transcript of Deposition of Dr. Glen Stevick on 09 March 2017. (“Stevick Depo., Vol. I”)
1023	Transcript of Deposition of Dr. Glen Stevick on 15 March 2017. (“Stevick Depo., Vol. II”)
1024	Excerpt from USPTO Manual of Classification, January 2011, Class 463 Amusement Devices: Games. www.uspto.gov/web/patents/classification/uspc463/sched463.pdf
1025	Prosecution history of Patent App. No. GB1011078.1, from the Online Patent Information and Document Inspection Service (Ipsum) of the U.K. Intellectual Property Office. www.ipo.gov.uk/p-ipsu/Case/PublicationNumber/GB2481633
1026	“Study on Inventive Step,” 06 July 2015, World Intellectual Property Organization (WIPO), 22nd Session of the Standing Committee on the Law of Patents, Geneva. www.wipo.int/edocs/mdocs/scp/en/scp_22/scp_22_3.pdf
1027	Abstracts (and corresponding search reports) of three published patent documents officially examined by Mr. Brendan Donohoe of the U.K. Intellectual Property Office.
1028	Abstracts (and corresponding search reports) of three published patent documents officially examined by Mr. Brendan Donohoe of the U.K. Intellectual Property Office. <i>(duplicate of Exhibit 1027 served on 13 April 2017)</i>
1029	Petitioner’s demonstrative exhibit for hearing.
1030	Petitioner’s demonstrative exhibit for hearing (first revised).

I. INTRODUCTION

The Petitioner served objections to the Patent Owner’s demonstrative exhibit on 29 May 2017. The parties attempted to resolve these objections without involving the Board, through email and telephone communications during the period 29-30 May 2017. Although some of the objections were resolved through such communications, several objections remain unaddressed. The Petitioner requests that the Board consider the remaining objections set forth herein, and require the removal of improper content in the Patent Owner’s demonstrative exhibit prior to the hearing.

II. LEGAL STANDARDS

“Unlike trials conducted in district courts, a trial before the Board is conducted on paper. By the time the proceeding reaches final oral hearing, nothing new can be presented, no new evidence, no new arguments. *Patent Trial Practice Guide*, 77 Fed. Reg. 48756, 48768 (Aug. 14, 2012). “At that stage, the trial is already completed, and the final oral hearing is not an opportunity to add anything to a party’s case. Whatever a party desires to present, for whatever reason, should have already been presented in the party’s petition, response, opposition, motion, reply, declarations, observations on cross-examination, or other exhibits presented at an appropriate time during the trial. It is from that perspective that we read the prohibition in the Board’s Patent Trial Practice Guide against presenting new

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