

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

IMMERSION CORPORATION
Patent Owner

U.S. Patent No. 8,659,571

Filing Date: February 21, 2013

Issue Date: February 25, 2014

Title: Interactivity Model for Shared Feedback on Mobile Devices

Case IPR2016-01372

REPLY DECLARATION OF PATRICK BAUDISCH

Mail Stop Patent Board
Patent Trial and Appeal Board
P.O. Box 1450
Alexandria, VA 22313-1450

EXHIBIT LIST

Exhibit No.	Description
1001	U.S. Patent No. 8,659,571.
1002	Declaration of expert Dr. Patrick Baudisch (“Baudisch Decl.”).
1003	File history of U.S. Patent No. 8,659,571.
1004	U.S. Patent No. 5,734,373 to Rosenberg et al. (“Rosenberg ’373”).
1005	U.S. Patent Application No. 2010/0156818 to Burrough et al. (“Burrough”).
1006	U.S. Patent No. 6,429,846 to Rosenberg et al. (“Rosenberg ’846”).
1007	File history of U.S. Patent App. No. 13/472,698 (the “’698 application”).
1008	Excerpts from Barron’s Dictionary of Mathematics Terms, 3 rd ed. (2009).
1009	Excerpts from The American Heritage Dictionary of the English Language, 5 th ed. (2011).
1010	Patent Owner Immersion’s disclosure of preliminary claim constructions (Jun. 3, 2016).
1011	Patent Owner Immersion’s claim chart regarding alleged infringement of the ’571 patent by certain Apple iPhone products (Exhibit 5 to Immersion’s supplemental response to Apple’s interrogatory no. 19 in the ITC investigation).
1012	Patent Owner Immersion’s second claim chart regarding alleged technical domestic industry for the ’571 patent (Exhibit 51 to Immersion’s ITC Complaint) .
1013	Affidavit of Mr. Robert Williams in Support of Motion for Pro Hac Vice Admission

1014	Reply Declaration of Dr. Patrick Baudisch (“Baudisch Reply Decl.”)
1015	Visell Deposition Tr.

I. INTRODUCTION

1. I have been retained by counsel for Apple Inc. as an expert witness in the above-captioned proceeding. I have been asked to provide my opinion about the patentability of claims 1-4, 6, 23-26 and 28 of U.S. Patent No. 8,659,571 (the “571 patent”).

2. I have been retained at my normal hourly rate of 600 per hour. No part of my compensation is dependent upon the outcome of the petition for *Inter Partes Review* or the specifics of my testimony.

A. Background and Qualifications

3. My background and qualifications were submitted in Exhibit 1002, including my resume, which was attached as Appendix A thereto.

B. Information Considered

4. My opinions are based on my years of education, research, and experience, as well as my study of relevant materials. In forming my opinions, I have considered the materials identified in this declaration, as well as Paper 7, Decision Granting Institution of *Inter Partes Review* (“ID”), and Immersion Corporation’s Patent Owner Response (“POR”), including exhibits submitted with same, in particular Exhibit 2009, Declaration of Yon Visell, Ph.D. in Support of Immersion Corporation’s Patent Owner Response.

5. I may rely upon these materials and/or additional materials to respond to arguments raised by Patent Owner Immersion (“PO” or “Immersion”). I may

also consider additional documents and information in forming any necessary opinions, including documents that may have not yet been provided to me.

6. My analysis of the materials produced in this proceeding is ongoing and I will continue to review any new material as it is provided. This declaration represents only those opinions I have formed to date. I reserve the right to revise, supplement, or amend my opinions stated herein based on new information and on my continuing analysis of the materials already provided.

II. LEGAL STANDARDS

7. The legal standards I apply are set forth in Exhibit 1002 and incorporated by reference herein.

III. BURROUGH DISCLOSES THE LIMITATION “GENERATING A DYNAMIC INTERACTION PARAMETER USING A FIRST GESTURE SIGNAL AND SECOND GESTURE SIGNAL”

A. Burrough’s signals S are “gesture signals.”

8. PO’s primary argument is that the signals S generated during the course of Burrough’s zoom gesture are not “gesture signals” under the Board’s construction of that term, because these signals allegedly do not convey meaning or user intent. POR at 5-12. However, in my opinion, PO’s argument is premised on a misinterpretation of the Board’s construction. PO’s interpretation is contrary to the plain language of the construction, the Board’s analysis in arriving at its construction, and the ’571 patent specification.

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