

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

Inter Partes Review No.: (Unassigned)

DECLARATION OF DR. PATRICK BAUDISCH

TABLE OF CONTENTS

I.	INTRODUCTION	1
A.	Background and Qualifications	1
B.	Information Considered.....	2
II.	LEGAL STANDARDS	3
A.	Legal Standards for Prior Art	3
B.	Legal Standards for Anticipation	4
C.	Legal Standards for Obviousness.....	5
III.	OVERVIEW OF THE '571 PATENT	9
A.	Technology Background	9
B.	Summary of the '571 Patent.....	9
C.	The '571 Patent Prosecution History	10
D.	Person of Ordinary Skill in the Art	11
E.	Apple Products Accused of Infringing the '571 Patent	11
F.	Domestic Industry Products Alleged To Practice The '571 Patent	12
G.	Claim Construction	12
H.	The '571 Patent Claims	16
IV.	THE PRIOR ART.....	19
A.	U.S. Patent Application No. 2010/0156818 to Burrough et al. ("Burrough")	19
B.	U.S. Patent No. 5,734,373 to Rosenberg ("Rosenberg '373").....	46
C.	Rosenberg '373 in Combination with U.S. Patent No. 6,429,846 to Rosenberg et al. ("Rosenberg '846").	76
V.	CONCLUSION.....	80

EXHIBIT LIST

Exhibit No.	Description
1001	U.S. Patent No. 8,659,571.
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).

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 1-7, 12-18 and 23-29 and 5-15 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 this proceeding or the specifics of my testimony.

A. Background and Qualifications

3. My resume is attached as Appendix A. As described in my resume, in 1994, I earned a Diplom degree, which is the equivalent of a Master’s degree, from Darmstadt University of Technology in Germany. In 2001, I earned a Ph.D. from Darmstadt University of Technology.

4. I have been a tenured professor in Computer Science and chair of the Human Computer Interaction Lab at the Hasso Plattner Institute at Potsdam University in Germany since 2008. My research at Potsdam University has focused on mobile devices and touch input, and currently focuses on fabrication and haptics.

5. I also have been a Research Scientist at Xerox PARC and Microsoft for a combined total of nine years.

6. I have been publishing in human-computer interaction since 1996 and in the specific sub-area of mobile devices and techniques since 2001. I have been publishing on touch input since 2003. Most of my approximately 100 technical publications deal with mobile devices, touch input, or both. I also have authored several CHI (Computer-Human Interaction) and UIST (User Interface Software and Technology) papers related to haptics.

7. I was the Program Chair of the ACM Mobile HCI 2012 conference, which deals with Human Computer Interaction on mobile devices. I also served as Technical Co-Chair of the ACM CHI 2013 conference, which deals with Computer Human Interaction. I also served as Chair of the Subcommittee on Techniques and Devices at the ACM CHI 2009, 2011, and 2012 conferences.

8. I was inducted into the ACM CHI Academy in 2013 and have been an ACM distinguished scientist since 2014.

B. Information Considered

9. 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 and in the Petition.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.