

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)

**PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,659,571
UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. §§ 42.1-100, ET SEQ.**

TABLE OF CONTENTS

| | | |
|------|---|----|
| I. | COMPLIANCE WITH FORMAL REQUIREMENTS | 1 |
| A. | Mandatory Notices Under 37 C.F.R. §§ 42.8(b)(1)-(4) | 1 |
| 1. | Real Party-In-Interest..... | 1 |
| 2. | Related Matters | 1 |
| 3. | Lead and Backup Counsel | 2 |
| 4. | Service Information..... | 2 |
| B. | Proof of Service on the Patent Owner..... | 2 |
| C. | Power of Attorney | 2 |
| D. | Standing..... | 3 |
| E. | Fees..... | 3 |
| II. | STATEMENT OF PRECISE RELIEF REQUESTED | 3 |
| III. | FULL STATEMENT OF REASONS FOR REQUESTED RELIEF | 4 |
| A. | Technology Background | 4 |
| B. | Summary of the '571 Patent..... | 4 |
| C. | The '571 Patent Prosecution History | 5 |
| D. | Person of Ordinary Skill in the Art | 6 |
| E. | Apple Products Accused of Infringing the '571 Patent | 6 |
| F. | Domestic Industry Products Alleged to Practice the '571 Patent | 7 |
| G. | Claim Construction | 7 |
| 1. | “gesture signal” | 8 |
| 2. | “dynamic interaction parameter” | 9 |
| 3. | “vector signal”..... | 9 |
| 4. | “on screen signal” | 10 |
| 5. | “generating a dynamic interaction parameter using... a physical model”..... | 10 |
| 6. | “generating a dynamic interaction parameter using... an animation” | 10 |
| 7. | “module” | 11 |

Table of Contents
(continued)

| | Page |
|--|------|
| H. Ground 1: Claims 1-7, 12-18, and 23-29 are Obvious Under 35 U.S.C. § 103(a) (pre-AIA) in Light of Burrough..... | 12 |
| I. Ground 2: Claims 1, 2, 4-6, 12, 13, 15-18, 23, 24, and 26-29 are Obvious Under 35 U.S.C. § 103(a) (pre-AIA) in Light of Rosenberg '373..... | 32 |
| J. Ground 3: Claims 3, 14 and 25 are Obvious Under 35 U.S.C. § 103(a) (pre-AIA) in Light of Rosenberg '373 and Rosenberg '846..... | 53 |
| IV. THE GROUNDS OF INVALIDITY ARE NOT REDUNDANT | 56 |
| V. CONCLUSION..... | 57 |

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) . |

Apple Inc. (“Apple” or “Petitioner”) hereby petitions for *inter partes* review of U.S. Patent No. 8,659,571 (the “’571 patent”). Ex. 1001. The ’571 patent generally relates to providing “dynamic” haptic feedback in response to signals representing user gestures on a user interface device, such as a touchscreen or joystick. The claims of the ’571 patent challenged in this Petition are invalid in view of Apple’s patent, U.S. Patent Application No. 2010/0156818 to Burrough et al. (“Burrough”). Most of the challenged claims also are invalid in view Patent Owner Immersion’s (“Patent Owner” or “Immersion”) earlier patents, U.S. Patent No. 5,734,373 to Rosenberg et al. (“Rosenberg ’373”), which issued over a decade before the ’571 patent was filed. The remaining claims directed to on-screen gesture signals are invalid in view of Rosenberg ’373 in combination with another of Immersion’s patents from the same lead inventor, U.S. Patent No. 6,429,846 to Rosenberg et al. (“Rosenberg ’846”).

I. COMPLIANCE WITH FORMAL REQUIREMENTS

A. Mandatory Notices Under 37 C.F.R. §§ 42.8(b)(1)-(4)

1. Real Party-In-Interest

Apple is the real party-in-interest.

2. Related Matters

The ’571 patent is subject to the following actions: 1) *Certain Mobile Electronic Devices Incorporating Haptics (Including Smartphones and Smartwatches) and Components Thereof*, U.S. International Trade Commission

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.