

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

IMMERSION CORPORATION,
Patent Owner.

Case IPR2016-01381
Patent No. 8,773,356

**NOTICE OF APPEAL
TO THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT
BY PATENT OWNER IMMERSION CORPORATION**

10457264

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, 10B20
600 Dulany Street
Alexandria, VA 22314-5793

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner Immersion Corporation (“Immersion” or “Patent Owner”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decisions in IPR2016-01381 entered on January 10, 2018 (the “Final Written Decision”) (Paper 36), and from all underlying orders, decisions, rulings and opinions, including without limitation the Decision to Institute *Inter Partes* Review in IPR2016-01381 entered on January 11, 2017 (Paper 7).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Immersion further indicates that the issues on appeal include, but are not limited to, the Board’s determination of unpatentability of claims 1-3, 5, 7, 9-13, 15, 17, 19-23, 25, and 26 of U.S. Patent No. 8,773,356 (the “356 Patent”); the Board’s claim construction determinations; the Board’s application and use of the broadest reasonable interpretation standard; the constitutionality of *inter partes* review proceedings by allowing for private property rights to be extinguished through an adversarial process in the Patent and Trademark Office, a non-Article III forum, without a jury (see *Oil States Energy Services LLC v. Greene’s Energy Group, LLC* 639 F.App’x 639 (Fed. Cir. 2016),

cert. granted (June 12, 2017) (No. 16-712)); and all findings or determinations supporting or related to those issues, as well as any other issues decided adversely to Immersion in any orders, decisions, rulings and opinions.

Pursuant to 37 C.F.R. § 90.2(a)(1) and (a)(2), and as reflected in the attached Certificate of Service, this Notice of Appeal is being electronically filed with the Patent Trial and Appeal Board through the PRPS System and the United States Court of Appeals for the Federal Circuit through the CM/ECF System along with the requisite filing fee. A copy is also being served on the Office of the General Counsel at the U.S. Patent and Trademark Office.

Date: March 14, 2018

Respectfully submitted,

/s/ Michael R. Fleming
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Immersion Corporation

CERTIFICATE OF SERVICE

The undersigned certifies in accordance with 37 C.F.R. § 42.6(e) that on March 14, 2018, a copy of the foregoing **NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT** was served via email, as agreed to by the Parties, on the Petitioners at:

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| James M. Heintz, Reg. No. 41,828 DLA Piper LLP (US) 11911 Freedom Drive, Suite 300 Reston, VA 20190 703-773-4148 (phone) 703-773-5200 (fax) Apple-Immersion-IPRs@dlapiper.com | Brian Erickson, Reg. No. 48,895 DLA Piper LLP 401 Congress Avenue, Ste. 2500 Austin, TX 78701 512-457-7059 (phone) 512-457-7001 brian.erickson@dlapiper.com |
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I also certify that in addition to being filed electronically with the Board through its PRPS System, the original of the foregoing Notice of Appeal is being served, pursuant to 37 C.F.R. § 104.2, by hand on March 14, 2018 to the United States Patent and Trademark Office at the following address: Office of the General Counsel, 10B20, Madison Building East, 600 Dulany Street, Alexandria, Virginia.

I further certify that a copy of the foregoing Notice of Appeal was filed via CM/ECF on March 14, 2018, with the United States Court of Appeals for the Federal Circuit.

Dated: March 14, 2018

By: /s/ Babak Redjaian