

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. 8,773,356

Filing Date: January 31, 2012

Issue Date: July 8, 2014

Title: Method and Apparatus for Providing Tactile Sensations

Case IPR2016-01381

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. 8,773,356 (“ 356 patent ”)
1002	Declaration of Patrick Baudisch
1003	Immersion’s Preliminary Proposed Constructions
1004	File History of U.S. Patent No. 8,773,356
1005	U.S. Provisional App. No. 60/335,493 (“ First Provisional ”)
1006	U.S. Provisional App. No. 60/399,883 (“ Second Provisional ”)
1007	Certified copy of U.S. Patent Application No. 09/487,737, as filed on January 19, 2000 and as published by the World Intellectual Property Organization on July 26, 2001 (“ Rosenberg 737 ”)
1008	WO01/54109, as published by the World Intellectual Property Organization on July 26, 2001 (“ WO 01/54109 ”)
1009	U.S. Pat No. 6,429,846 (“ Rosenberg 846 ”)
1010	File History of U.S. Patent No. 7,808,488 (the “ 488 patent ”), filed as U.S. Pat. App. No. 11/693,117 (the “ 117 application ”)
1011	U.S. Pat. App. Pub. No. US2008/0068350 (“ Rosenberg 350 ”)
1012	U.S. Pat. App. No. 09/253,132 to Rosenberg (issued as 6,243,078), which is incorporated by reference by Rosenberg 737 (“ Rosenberg 132 ”)
1013	U.S. Pat. App. No. 09/103,281 to Rosenberg (issued as 6,088,019), which is incorporated by reference by Rosenberg 737 (“ Rosenberg 281 ”)
1014	Newton 2.0 User Interface Guidelines, Apple Press, ISBN 0-201-48838-8, First Printing, May 1996 (“ Newton 2.0 ”)
1015	U.S. Provisional App. No. 60/160,401 to Braun et al., which is incorporated by reference by Rosenberg 737 (“ Braun 401 ”)
1016	U.S. Pat. App. No. 09/585,741 to Shahoian (“ Shahoian 741 ”)
1017	U.S. Pat. No. 5,977,867
1018	U.S. Pat. No. 6,088,019

1019	MPEP 8th ed. 2001, Appendix T Patent Cooperation Treaty
1020	MPEP 7 th ed. 1998, Appendix T Patent Cooperation Treaty
1021	MPEP 8 th ed. Revised 2004, Appendix T Patent Cooperation Treaty
1022	IPR2016-00807, Paper No. 15, Immersion Corporation's Corrected Patent Owner Preliminary Response
1023	IPR2016-00807, Exhibit 2009, Corrected Declaration of Nathan J. Delson, Ph.D.
1024	Affidavit of Mr. Robert Williams in Support of Motion for Pro Hac Vice Admission; Exhibit to Rob Williams Pro Hac application
1025	Reply Declaration of Patrick Baudisch
1026	U.S. Pat. No. 7,592,999 to Rosenberg et. al.
1027	U.S. Pat. No. 6,002,184 to Delson et. al.
1028	Delson Deposition Tr.
1029	IEEE Dictionary - Definition for "Lookup Table"

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 1-3, 5, 7, 9-13, 15, 17, 19-23, 25-26 of U.S. Patent No. 8.773,356 (the “356 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*, and Immersion Corporation’s Patent Owner Response, including exhibits submitted with same, in particular Exhibit 2005, Declaration of Nathan J. Delson, 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 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. CLAIM CONSTRUCTION

A. The Claimed Lookup Table Need not “Contain Associations Between Interactions and Haptic Effect Data”

8. A LUT itself has an ordinary meaning. Ex. 1029 at 603 (IEEE).

Moreover, a POSITA would understand that the phrase “in a lookup table” here modifies only “haptic effect data” because that is the only “data” recited in the broader claim limitation at issue. In contrast, the claim recites that “the interaction” is something that is determined between the claimed contact and the graphical object. Thus, a POSTIA would understand that the recitation of “the interaction” itself in the claim, as opposed to “interaction data,” particularly when

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