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

IMMERSION CORPORATION'S CORRECTED MOTION FOR OBSERVATIONS ON CROSS EXAMINATION

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Pursuant to the Scheduling Order, Paper 8, the Parties' Joint Stipulation to Modify Due Date 4, Paper 19, the Board's Order, Paper 27, and the Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012), Patent Owner Immersion Corporation ("Immersion") respectfully brings this corrected motion for observations on cross-examination of Apple's expert witness, Dr. Patrick Baudisch. Immersion submits the following observations on Dr. Baudisch's testimony:

Observation # 1

In Exhibit 2013, at page 54 lines 3-13, Dr. Baudisch testified: "**Q:** So it would be possible for two Rosenberg computers, Computer 10, to be coupled to one another? **A:** It certainly hasn't come up in the analysis or debate of -- or exchange of disclosures so far -- sorry -- declarations so far, but it doesn't seem to exclude that possibility." This is relevant to Petitioner's argument at pages 16-17 of its Reply (and Dr. Baudisch's corresponding opinion at paragraph 20 of Ex. 1025) that "a POSITA would understand that no look-up table was used in the system of Ex. 200[7] because the system was directly communicating the information from one user to another, which is a different system than that disclosed in Rosenberg 737 where a stored haptic effect is output." This cross examination testimony is relevant because it shows that direct communication of

information from one user to another was present in Rosenberg 737 through networked computing.

Observation # 2

In Exhibit 2013, at page 52 line 13 through page 53 line 3, Dr. Baudisch testified that Rosenberg 737's "host application programs that can be used with its system" can include a "video or computer game." In Exhibit 2013, at page 54 lines 15-21, Dr. Baudisch testified that he was "aware of network computer gaming before January 9, 2000," which is the priority date of Rosenberg 737. This is relevant to Petitioner's argument at pages 16-17 of its Reply (and Dr. Baudisch's corresponding opinion at paragraph 20 of Ex. 1025) that "a POSITA would understand that no look-up table was used in the system of Ex. 200[7] because the system was directly communicating the information from one user to another, which is a different system than that disclosed in Rosenberg 737 where a stored haptic effect is output." This cross examination testimony is relevant because it shows that direct communication of information from one user to another was present in Rosenberg 737 through networked computer gaming.

Observation # 3

In Exhibit 2013, at page 12 lines 9-23, when asked whether he was aware of any examples in formal (or non-slang) English where a noun can function as an adjective, Dr. Baudisch testified: "Nothing comes to mind right now." This

testimony is relevant to Petitioner's interpretation of the claim language "based at least in part on the interaction and haptic effect data in a lookup table" at pages 2-8 of its Reply (and Dr. Baudisch's corresponding opinion at paragraphs 8-11 of Ex. 1025), and its argument on page 2 that "haptic effect data" was "the only 'data' recited in the broader claim limitation at issue." This cross-examination testimony is relevant because it demonstrates that Dr. Baudisch, in forming his interpretation of the claim language, was not aware of the possibility that the "interaction" could be an adjective modifying the word "data" in the claim language "based at least in part on the interaction and haptic effect data in a lookup table," such that the claim requires both "interaction data" and "haptic effect data" in a lookup table.

Observation # 4

In Exhibit 2013, at page 16 line 10 to page 17 line 6, when asked what "comprising" means in the context of claim 1, Dr. Baudisch testified: "Having spent some time with patents, all the word 'comprising' tells me is what follows are claim limitations. And each one of those has to be fulfilled." This is relevant to Petitioner's argument at page 4 of its Reply brief (and Dr. Baudisch's corresponding opinion at paragraph 9 of Ex. 1025) that "[t]he broadest reasonable interpretation of the 'based at least in part' claim language encompasses any causal relationship or dependency between the recited factors and the generation of the actuator signal, particularly when viewed in light of the open-ended 'comprising'

nature of the claims themselves." This cross examination testimony is relevant because it confirms that the fact that the claim recites "comprising" does not bear on the scope of other claim language reciting what the generation of the actuator signal is "based at least in part on."

Observation # 5

In Exhibit 2013, at page 19 lines 2-5, Dr. Baudisch testified that "if part of the specification practices the claim, I would refer to it as an embodiment." In Exhibit 2013, at page 23 lines 20-22 through page 23 line 3, Dr. Baudisch testified: "**Q:** So how do you know that dwell to select is an embodiment? **A:** I guess because the specification says so. I quote, 'in the embodiment shown,' comma." This is relevant to Petitioner's argument at pages 6-7 of its Reply (and Dr. Baudisch's corresponding opinion at paragraph 10 of Ex. 1025) that "many disclosed embodiments would improperly be excluded by PO's proposed construction." This cross examination testimony is relevant because it demonstrates that Dr. Baudisch assumed that all discussions in the specification that use the word "embodiment" must be included within the scope of claim 1, without performing an analysis of whether a particular disclosure is or is not an embodiment of a particular claim.

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