

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

IMMERSION CORPORATION,  
Patent Owner.

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Case IPR2016-01372 (Patent 8,659,571 B2)  
Case IPR2016-01381 (Patent 8,773,356 B2)

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Record of Oral Hearing  
Held: October 5, 2017

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Before MICHAEL R. ZECHER, BRYAN F. MOORE, NEIL T. POWELL,  
and MINN CHUNG, *Administrative Patent Judges*.

Case IPR2016-01372 (Patent 8,659,571 B2)  
Case IPR2016-01381 (Patent 8,773,356 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Thursday, October 5, 2017, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

P R O C E E D I N G S

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2 JUDGE POWELL: Good afternoon. We are here today for oral  
3 argument in IPR2016-01372 and IPR2016-01381. IPR2016-01372 involves  
4 U.S. patent number 8,659,571 B2. IPR-01381 involves U.S. patent number  
5 8,773,356 B2.

6 The institution decision for the 1372 case was issued by Judges  
7 Zecher, Moore and Chung. The institution decision for the 1381 case was  
8 issued by Judges Zecher, Powell and Chung. In order to conduct the oral  
9 argument for the cases efficiently, all four judges join us today. But we note  
10 that we plan to have the final decision for each case issued by the same panel  
11 that issued the institution decision. So the final decision for the 1372 case  
12 will be issued by Judges Zecher, Moore and Chung, and the 1381 case will  
13 be Judges Zecher, Powell and Chung.

14 In the hearing room with us today I have Judges Zecher and  
15 Moore. And Judge Chung joins us remotely from California.

16 With that, can petitioner -- can counsel state their names for the  
17 record, starting with petitioner.

18 MR. ERICKSON: Good afternoon, Your Honor. Brian Erickson  
19 with the law firm of DLA Piper representing petitioner. I'm backup counsel  
20 in the 01381 IPR. With me today are Jim Heintz, also from DLA, who is  
21 lead counsel in both IPRs, and Rob Williams, who is backup counsel in the  
22 01372 IPR. Also with us today is Kim Moore from Apple, petitioner.

23 JUDGE POWELL: Thank you. And patent owner.

Case IPR2016-01372 (Patent 8,659,571 B2)

Case IPR2016-01381 (Patent 8,773,356 B2)

1 MR. FLEMING: Yes, Your Honor. I'm Mike Fleming with the  
2 law firm of Irell & Manella. And we represent the patent owner, Immersion  
3 Corporation. With me is Richard Birnholz, with Irell & Manella, and also  
4 Babak Redjaian, also with Irell & Manella. And also I have Kathryn Marsh,  
5 in-house counsel with Immersion Corporation.

6 JUDGE POWELL: Very good. Thank you. So before we start  
7 with the arguments, I wanted to note that we received the parties' filings  
8 objecting that certain papers and demonstratives contained improper new  
9 arguments and/or evidence. As we prepare the final decisions for these  
10 cases, we will carefully consider those objections and vigilantly evaluate the  
11 contentions for improper new arguments. For today, though, each party may  
12 refer to anything that's in its briefing papers and anything in the  
13 demonstratives. As I said, we'll sort it out in the process of issuing finals.

14 Now, as far as presenting and hearing the arguments, we've got  
15 two options. One option is we could have the petitioner present on both  
16 cases its case in chief followed by the patent owner presenting its case on  
17 both cases and then the petitioner rebutting on both cases kind of  
18 collectively.

19 The second option is that we could do the 1372 case first, both  
20 sides, and then subsequently do the 1381 case, both sides. Hopefully that's  
21 clear.

22 And with that, does petitioner have a preference between those  
23 two?

1 MR. ERICKSON: Your Honor, we had prepared under the  
2 assumption we would be going with the first option, but we're certainly  
3 happy to go with whatever the Board prefers.

4 JUDGE POWELL: Does patent owner have a preference?

5 MR. FLEMING: We do, Your Honor. We would prefer to have  
6 each one separately because they are separate and different issues for each  
7 patent.

8 JUDGE POWELL: Okay. If you are sure that's okay with  
9 petitioner, we'll go that way with it.

10 With that, then, the petitioner will start, and petitioner has  
11 30 minutes -- we are going to give you 30 minutes of argument time for the  
12 1372 case. And you may reserve as much as you would like for rebuttal.

13 MR. WILLIAMS: Your Honors, Rob Williams with DLA Piper  
14 on behalf of petitioner. I have hard copies of the demonstratives for the  
15 1372 case if Your Honors would like. And may we approach?

16 JUDGE POWELL: Sure. Would you like to reserve time for  
17 rebuttal?

18 MR. WILLIAMS: Yes, Your Honor. I believe I'll go roughly  
19 15 minutes, give or take, on opening and reserve the remainder for rebuttal.

20 JUDGE POWELL: Okay.

21 MR. WILLIAMS: Good afternoon. As I mentioned, Rob  
22 Williams with DLA Piper representing petitioner, Apple, in IPR2016-01372.  
23 This IPR relates to the '571 patent. If we go to slide 2, please, the title of  
24 slide 2 lists the claims instituted in this IPR. The body of the slide lists or

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