

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 IPR2016-01777  
Patent 8,749,507 B2

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

CHUNG, *Administrative Patent Judge.*

DECISION

Denying Institution of *Inter Partes* Review  
35 U.S.C. § 314(a) and 37 C.F.R. § 42.108

## I. BACKGROUND

### A. Introduction

Apple Inc. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting an *inter partes* review of claims 1–5, 9–12, and 14–17 of U.S. Patent No. 8,749,507 B2 (Ex. 1001, “the ’507 patent”). Immersion Corporation (“Patent Owner”) filed a Preliminary Response (Paper 6, “Prelim. Resp.”).

The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted unless the information presented in the Petition “shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” Upon consideration of the Petition and the Preliminary Response, we conclude that the information presented in the Petition does not establish a reasonable likelihood that Petitioner would prevail in showing the unpatentability of any of the challenged claims on the grounds set forth in the Petition. Accordingly, we deny Petitioner’s request to institute an *inter partes* review of claims 1–5, 9–12, and 14–17.

### B. Related Proceedings

Petitioner asserts that the ’507 patent is the subject of the following proceedings: (1) *Immersion Corp. v. Apple Inc.*, No. 1:16-cv-00325 (D. Del.); and (2) *Certain Mobile and Portable Electronic Devices Incorporating Haptics (Including Smartphones and Laptops) and Components Thereof*, ITC Investigation No. 337-TA-1004 (USITC). Pet. 1. Patent Owner does not dispute Petitioner’s contention, but additionally identifies *Immersion Corp. v. Apple Inc.*, No. 1-16-cv-00077 (D. Del.) as a

“related case.” Paper 4, 2. Patent Owner, however, does not indicate whether the ’507 patent is asserted in that case.

## II. THE ’507 PATENT

### A. Described Invention

The ’507 patent describes a system and method for adaptively interpreting a user’s intent based on parameters supplied by a touch-sensitive input device. Ex. 1001, Abstract. Figure 1 of the ’507 patent is reproduced below.

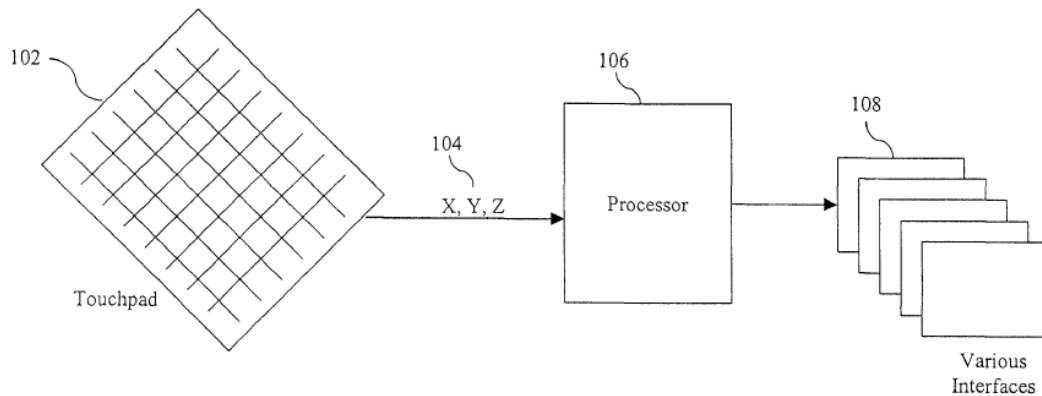


FIG. 1

Figure 1 depicts an exemplary system for implementing embodiments of the ’507 patent. *Id.* at col. 2, ll. 23–25, 37–39. As shown in Figure 1, touchpad 102 senses the positions of a touch on the surface of the touchpad, and provides an output signal comprising position data (X and Y parameters) and pressure data (Z parameter) to processor 106. *Id.* at col. 2, ll. 41–45, col. 3, ll. 51–52. According to the ’507 patent, in order to address the difficulties faced in attempting to determine the intent of a user based on the X, Y, and Z parameters, the disclosed invention provides systems and methods for

adaptive interpretation of the intent of a user of a touch-sensitive input device. *Id.* at col. 4, ll. 56–58, 64–66.

Figure 3 of the '507 patent is reproduced below.

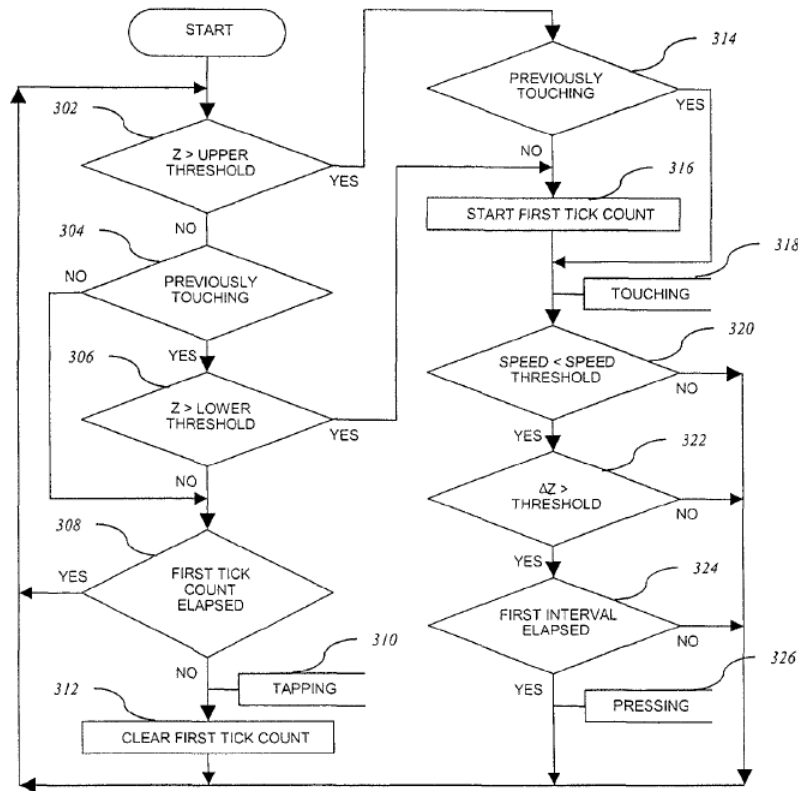


FIG. 3

Figure 3 depicts a flowchart illustrating a process for detecting a finger press by a user on a touchpad. *Id.* at col. 2, ll. 28–30, col. 7, ll. 7–9. At step 302 shown in Figure 3, the processor determine whether the output signal received from the touchpad indicates that the pressure of a user touch exceeds an upper threshold. *Id.* at col. 8, ll. 21–22. If so, the processor checks at step 314 if the user was touching the touchpad previously. *Id.* at col. 8, ll. 22–24. If the user was not previously touching the touchpad, the processor starts the first tick counter and decides the user is now touching

the touchpad. *Id.* at col. 8, ll. 25–27. Once the processor concludes that the user is touching the touchpad, the processor compares the speed of the finger movement on the touchpad to a speed threshold value. *Id.* at col. 8, ll. 31–33; *see also id.* at col. 7, l. 65–col. 8, l. 4 (describing a method of determining the speed of the finger movement and stating that until the speed falls below a speed threshold the processor will not recognize a press). If the speed is less than the speed threshold, the change in pressure (from the previously received value) is compared to a change threshold. *Id.* at col. 8, ll. 41–42. If the change in pressure is determined to be greater than the change threshold at step 322, the processor determines whether a first interval (in the first tick counter) has elapsed at step 324. *Id.* at col. 8, ll. 44–47. If so, the processor concludes that the user is pressing. *Id.* at col. 8, ll. 47–48.

In other words, in order to determine that a user is pressing, the following three conditions must be met: (1) the pressure exceeds the pressure threshold; (2) the change in pressure is greater than the change threshold; and (3) the first interval has elapsed. In the process described in Figure 3, the first two conditions must be maintained for the duration of the first interval, i.e., the user must continue to touch for the duration of the first interval, before a press is recognized.

### *B. Illustrative Claim*

Of the challenged claims, claims 1, 9, and 14 are independent. Claim 1 is illustrative of the challenged claims and is reproduced below with the key disputed limitation emphasized in *italics*.

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