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U.S. PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner,

v.

IMMERSION CORPORATION,
Patent Owner.

Case IPR 2017-00896
Patent No. 8,659,571

Case IPR 2017-00897
Patent No. 8,773,356

BEFORE: NEIL T. POWELL, Administrative Patent Judge
MICHAEL R. ZECHER, Administrative Patent Judge
BYRAN F. MOORE, Administrative Patent Judge
MINN CHUNG, Administrative Patent Judge

TRANSCRIPT OF PROCEEDINGS

THURSDAY, APRIL 6, 2017

10:31 A.M.

REPORTED BY: ANNA M. HORTON, CSR No. 6950, RPR

1 APPEARANCES (All Telephonic)

2

3 NEIL T. POWELL, Administrative Patent Judge

4 MICHAEL R. ZECHER, Administrative Patent Judge

5 BYRAN F. MOORE, Administrative Patent Judge

6 MINN CHUNG, Administrative Patent Judge

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1 THURSDAY, APRIL 6, 2017

2 10:31 A.M. (PST)

3 ---oOo---

4

5 JUDGE POWELL: Let's get started.

6 First thing I want to address is that the
7 e-mails sent to the Board, I need to remind everybody
8 that the purpose of e-mails received by the Board or
9 sent by the parties is to provide a brief overview of
10 what sort of things are at issue and outline when a call
11 might be available. And unfortunately, the opening
12 e-mail in this chain was way too long with way too many
13 details, and we can't have that going forward. It just
14 clogs everybody up, and it won't work.

15 So as I say, in the future, when contacting
16 us, just give us a brief explanation of the main -- the
17 subject that we need to discuss and maybe some very
18 little background information and when people are
19 available to call.

20 Is that understood, Patent Owner?

21 MR. FLEMING: Yes, Your Honor. I was just
22 trying to do what you're suggesting. I didn't realize
23 it was too much.

24 JUDGE POWELL: Okay. Fair enough.

25 Petitioner understands that as well, I assume?

1 MR. HEINTZ: We do, Your Honor.

2 JUDGE POWELL: All right. With that, the
3 subject is whether proper service was effected I
4 believe, and details, I'm going to let the Patent Owner
5 start with the details of what its concerns are here.

6 MR. FLEMING: Thank you, Your Honor.

7 For IPR-00896, I'm going to call that the
8 896 IPR; and IPR-00897 I'm going to call that the
9 897 IPR.

10 We're requesting the Board's authorization to
11 file a motion to deny the petition a February 12, 2017,
12 filing date for failure to effect service to the Patent
13 Owner.

14 Also, we're requesting to file a motion for
15 dismissal of the petition for failing to file the
16 petition within one year after the petition was served
17 with the complaint pursuant to 37 CFR 42.101.

18 And we're also requesting the Board's
19 authorization for additional discovery to compel the
20 Petitioner to provide us a declaration for each IPR from
21 the DLA personnel attesting to the fact regarding
22 packaging and mailing of the packages containing the
23 petition.

24 JUDGE POWELL: May I interrupt for a second?

25 MR. FLEMING: Yes, please.

1 JUDGE POWELL: I'm curious. What date is the
2 one-year bar date here?

3 MR. FLEMING: The one-year bar date is
4 February 12th, 2017.

5 JUDGE POWELL: That falls on a Sunday;
6 correct?

7 MR. FLEMING: That's right.

8 JUDGE POWELL: Okay. So that would
9 effectively make it February 13th.

10 MR. FLEMING: No, Your Honor. The one-year
11 bar date is February 12th, 2017.

12 JUDGE POWELL: Okay. Proceed with what you
13 were saying earlier.

14 MR. FLEMING: 35 USC 315 (b) states that --
15 bars institution of a petition filed more than one year
16 after the date Petitioner is served, and Petitioner was
17 served with the complaint in District Court of Delaware
18 on February 12th, 2016, for each of these patents at
19 issue here.

20 Also, the other applicable legal standard
21 controlling here is 37 CFR 42.106 sets forth
22 requirements that must be met before a petition can be
23 accorded a filing date. In particular the section 106
24 (a)(2) states that a petition to institute inter partes
25 review will not be accorded a filing date until the

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