

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner

v.

IMMERSION CORPORATION,

Patent Owner

Case IPR2017-00897

Patent No. 8,773,356

Declaration of Alice Lineberry

I, Alice Lineberry, do hereby declare:

1. I am a paralegal in the Austin, Texas office of DLA Piper LLP (US), counsel for Petitioner Apple Inc. in this proceeding. If called as a witness, I could and would testify competently to the information set forth in this declaration.

2. In my capacity as a paralegal for DLA Piper, I have filed many IPR and CBM petitions on behalf of attorneys at DLA Piper, including lead counsel on this Petition, James M. Heintz. Mr. Heintz and I have also worked together on litigation in the past. I assisted Mr. Heintz with the preparation and filing of the Petition for this matter.

3. When it became apparent that all of the documents in this proceeding might not be ready for filing until Sunday, February 12, 2017, which I understood to be a bar date, Mr. Heintz and I discussed on Friday, February 10, 2017 the method by which copies of the Petition, the exhibits and the power of attorney (collectively, the “Service Documents”) would be served. I reminded Mr. Heintz that the lobby of our building at 401 Congress Avenue in Austin, Texas had a UPS drop box, and we agreed that this drop box would be used for service of hard copies of the Service Documents. Mr. Heintz requested that I check the address of record for the patent at issue in this proceeding on the USPTO’s PAIR system and send the hard copies of the Service Documents to that address. I did so, and Exhibit 1120 is a true and accurate copy of a page from the USPTO’s PAIR system

which was taken on a later date but which accurately depicts the address “Kilpatrick Townshend and Stockton, LLP, 1001 W. Fourth Street, Winston Salem NC 27101-2410” as shown on the PAIR system on February 12, 2017. Mr. Heintz also requested that I serve the Service Documents by email on the counsel of record for the previous IPR involving this patent, IPR2016-01381. After that discussion, Mr. Heintz provided me with the language for the certificate of service to reflect our discussion. Prior to filing the Petition, I copied and pasted that language into the Petition and updated the address for the Patent Owner.

4. In view of that discussion, prior to filing the Petition, I set up a DLA FTP transfer utility that facilitates the transfer of large files.

5. Prior to filing the Petition, I also had printed out hard copies of all of the Service Documents, except for the Petition and Declaration, and obtained a cardboard box measuring approximately 13”x10”x5” into which the hard copies of the Service Documents would fit in preparation for deposit into the UPS drop box discussed above. I did this to ensure that I would be able to deposit the hard copies of the Service Documents into the UPS drop box as soon as possible after the filing of the Petition. I measured this cardboard box myself using a ruler. This was my usual practice when shipping documents in cardboard boxes that are not provided by UPS.

6. I filed the Petition, the accompanying exhibits and the power of attorney for this proceeding at the direction of Mr. Heintz on February 12, 2017. Exhibit 1116 is a true and accurate copy of an email received from the PTAB's End-to-End system evidencing the filing of those documents on that date. Exhibit 1117 is and true and accurate copy of a "Fees Payment Receipt" evidencing receipt of payment for the Petition in this proceeding that I downloaded from the USPTO's End-to-End website on February 12, 2017.

7. After I completed the filing of the Petition and the accompanying documents, I uploaded electronic copies of all of the Service Documents to that FTP transfer facility, and I sent Mr. Michael Fleming and Mr. Babak Redjaian a first email with a copy of the Petition and an explanation that a second email with instructions and credentials for downloading electronic copies of the remaining documents via the DLA FTP transfer utility would follow in a second email. Exhibit 1122 is a true and accurate copy of the first email, and Exhibit 1123 is a true and accurate copy of the second email with the instructions and credentials for downloading the electronic copies of the remaining documents. Both emails were sent on February 12, 2017. Exhibit 1124 is a true and accurate copy of an electronic record showing that someone, using Mr. Fleming's credentials that I sent in Exhibit 1123, accessed a zip file of documents for this IPR on the morning of February 13, 2017.

8. Once the two emails were sent to Mr. Fleming and Mr. Redjaian, I prepared and printed a UPS shipping label via the UPS website. I included the dimensions of the cardboard box I had previously measured on the label, and addressed the label to the correspondence address of record from the PAIR system “Kilpatrick Townshend and Stockton, LLP, 1001 W. Fourth Street, Winston Salem NC 27101-2410” that I had previously determined. Exhibit 1118 is a true and accurate copy of the receipt for that label.

9. I attached the label to the cardboard box and deposited the cardboard box to the UPS drop box located in the lobby of the building of our Austin office at 401 Congress Avenue in Austin, Texas. Once I deposited the cardboard box into this UPS drop box, I was not able to retrieve it. All of this happened before midnight eastern time on February 12, 2017. Exhibit 1121 is a true and accurate copy of UPS tracking information I obtained from the UPS website showing that the label was printed out at 11:09 pm eastern time (which was 10:09 pm central time) on February 12, 2017, the box was picked up the next day on February 13, 2017 and delivered on the morning of February 14, 2017.

10. I understand from Mr. Heintz that a question has been raised about whether the cardboard box with the service copies could have been placed into the UPS drop box discussed above. At Mr. Heintz’s request, on March 14, 2017, I took photographs showing the UPS drop box discussed above and illustrating how

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