

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

**Before The Honorable Charles E. Bullock
Chief Administrative Law Judge**

In the Matter of

**CERTAIN MOBILE ELECTRONIC
DEVICES INCORPORATING HAPTICS
(INCLUDING SMARTPHONES AND
SMARTWATCHES) AND COMPONENTS
THEREOF**

Investigation No. 337-TA-990

RESPONDENTS' JOINT NOTICE OF PRIOR ART

Pursuant to the Procedural Schedule set forth in Order No. 6 and Ground Rule No. 5, Respondents Apple Inc. and AT&T Mobility LLC (collectively, "Respondents"), by the undersigned attorneys, respectfully submit this Notice of Prior Art.

Respondents may rely on the prior art set forth in Exhibit A, hereto, either singly or in any combination, to establish the invalidity or unenforceability of the asserted claims of U.S. Patent Nos. 8,619,051, 8,659,571, and 8,773,356 (together, "the Patents-in-Suit"), or to demonstrate the relevant state of the art or level of skill in the art. All art identified for U.S. Patent No. 8,773,356 also is art to U.S. Patent Nos. 8,619,051 and 8,659,571, and all art for U.S. Patent No. 8,619,051 also is art to U.S. Patent No. 8,659,571. Additionally, Respondents may rely upon prior art (1) referenced in the Patents-in-Suit, their prosecution histories, or the references cited in this Notice, (2) identified or produced by Complainant, Respondents, or third parties, (3) included on any parties' hearing exhibit lists, (4) contained within any patent prosecution history that relates to the Patents-in-Suit, including parent applications, child applications and foreign counterparts to the

Patents-in-Suit, or cited in any expert report served during this Investigation, or (5) identified during the remainder of discovery. With respect to the foregoing prior art references, Respondents also reserve the right to rely on any prior invention and commercial embodiments that a reasonable opportunity for discovery shows are prior art under 35 U.S.C. § 102 as anticipatory prior art, as rendering any asserted missing element obvious, or as evidence of the ordinary level of skill in the art. Respondents further reserve the right to rely on technical dictionaries and treatises as rendering any asserted missing element inherent, obvious, or as evidence of the ordinary level of skill in the art.

Respondents reserve the right to supplement or amend this Notice to address any new or modified infringement contentions asserted by Complainant, to rebut any contentions regarding the prior art or Respondents' invalidity or unenforceability positions, or to the extent that additional prior art is identified during the course of this Investigation. Respondents further reserve all rights to supplement or amend this notice as discovery proceeds, including third-party discovery and discovery arising from Complainant's supplementation of its responses to discovery requests, including completing production of all relevant, responsive, non-privileged documents in its possession custody or control identifying prior art and prior art leads.

Date: May 25, 2016

Respectfully submitted,

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| Prior Art Systems (and related software and documentation) |
|---|
| Toshiba Thrive |
| TouchSense |
| TouchSense SDK |
| TouchSense API |
| TouchSense Vibe system |
| Treo 180 |
| Treo 680 |
| VibeTonz API |

Certain articles and other documents showing the public use, sale, offer for sale, public knowledge, and public availability of the VibeTonz prior art, including the VibeTonz API and the VibeTonz Studio SDK, and including related documentation, bearing Bates numbers 990-RESP-ITC0030351-990-RESP-ITC0031096.

C. '356 Patent

| Prior Art Patents and Patent Applications | | | |
|--|--|--------------------|-------------|
| Patent No. | Title | Patentee(s) | Date |
| U.S. Patent No. 4,566,001 | Touch Strip for Display Terminal | Moore, et al. | 01/21/1986 |
| U.S. Patent No. 4,649,499 | Touchscreen Two-Dimensional Emulation of Three-Dimensional Objects | Sutton, et al. | 03/10/1987 |
| U.S. Patent No. 4,821,030 | Touchscreen Feedback System | Batson, et al. | 04/11/1989 |
| U.S. Patent No. 5,038,089 | Synchronized Computational Architecture for Generalized Bilateral Control of Robot Arms | Szakaly | 08/06/1991 |
| U.S. Patent No. 5,186,629 | Virtual Graphics Display Capable of Presenting Icons and Windows to the Blind Computer User and Method | Rohen | 02/16/1993 |
| U.S. Patent No. 5,311,175 | Method and Apparatus for Pre-Identification of Keys and Switches | Waldman | 05/10/1994 |
| U.S. Patent No. 5,347,295 | Control of a Computer Through a Position-Sensed Stylus | Agulnick, et al. | 09/13/1994 |
| U.S. Patent No. 5,347,477 | Pen-Based Form Computer | Lee | 09/13/1994 |
| U.S. Patent No. 5,402,151 | Data Processing System with a Touch Screen and a Digitizing Tablet, Both Integrated in an Input Device | Duwaer | 03/28/1995 |
| U.S. Patent No. 5,412,189 | Touch Screen Apparatus with Tactile Information | Cragun | 05/02/1995 |

| Prior Art Patents and Patent Applications | | | |
|--|---|--------------------|-------------|
| Patent No. | Title | Patentee(s) | Date |
| U.S. Patent No. 5,482,051 | Electromyographic Virtual Reality System | Reddy, et al. | 01/09/1996 |
| U.S. Patent No. 5,521,336 | Simplified Digital Pad Sensor | Buchanan et al. | 05/28/1996 |
| U.S. Patent No. 5,526,422 | System and Method for Cleaning the Display Screen of a Touch Screen Device | Keen | 06/11/1996 |
| U.S. Patent No. 5,615,384 | Personal Communicator Having Improved Zoom and Pan Functions for Editing Information on Touch Sensitive Display | Allard, et al. | 03/25/1997 |
| U.S. Patent No. 5,623,589 | Method and Apparatus for Incrementally Browsing Levels of Stories | Needham, et al. | 04/22/1997 |
| U.S. Patent No. 5,710,844 | Method for Searching and Displaying Results in a Pen-Based Computer System | Capps, et al. | 01/20/1998 |
| U.S. Patent No. 5,731,979 | Map Information Display Apparatus for Vehicle | Yano, et al. | 03/24/1998 |
| U.S. Patent No. 5,734,373 | Method and Apparatus for Controlling Force Feedback Interface Systems Utilizing A Host Computer | Rosenberg, et al. | 03/31/1998 |
| U.S. Patent No. 5,736,978 | Tactile Graphics Display | Hasser, et al. | 04/07/1998 |
| U.S. Patent No. 5,742,279 | Input/Display Integrated Information Processing Device | Yamamoto, et al. | 04/21/1998 |
| U.S. Patent No. 5,748,185 | Touchpad with Scroll and Pan Regions | Stephan, et al. | 05/05/1998 |
| U.S. Patent No. 5,754,096 | Electronic Apparatus With Vibration Informing Function | Muto et al. | 05/19/1998 |
| U.S. Patent No. 5,790,108 | Controller | Salcudean et al. | 08/04/1998 |
| U.S. Patent No. 5,889,236 | Pressure Sensitive Scrollbar Feature | Gillespie, et al. | 03/30/1999 |
| U.S. Patent No. 5,892,475 | User Interface for an Electronic Device | Palatsi | 04/06/1999 |
| U.S. Patent No. 5,914,705 | Apparatus and Method for Providing Detent-Like Tactile Feedback | Johnson, et al. | 06/22/1999 |
| U.S. Patent No. 5,943,044 | Force Sensing Semiconductive TouchPad | Martinelli et al. | 08/24/1999 |
| U.S. Patent No. 5,959,613 | Method and Apparatus for Shaping Force Signals for a Force Feedback Device | Rosenberg, et al. | 09/28/1999 |
| U.S. Patent No. 5,977,867 | Touch Pad Panel with Tactile Feedback | Blouin | 11/02/1999 |
| U.S. Patent No. 5,982,352 | Method for Providing Human Input to a Computer | Pryor | 11/09/1999 |
| U.S. Patent No. 5,984,880 | Tactile Feedback Controlled by Various Medium | Lander, et al. | 11/16/1999 |

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