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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

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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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