

**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,

/s/ Mark D. Fowler

Mark D. Fowler  
Robert Buergi  
**DLA PIPER LLP (US)**  
2000 University Avenue  
East Palo Alto, CA 94303-2215  
Telephone: (650) 833-2000  
Facsimile: (650) 833-2001

/s/ Benjamin Hershkowitz

Josh Krevitt  
Benjamin Hershkowitz  
George Stamatopoulos  
**GIBSON, DUNN & CRUTCHER LLP**  
200 Park Ave  
New York, NY 10166-0193  
Telephone: (212) 351-4000

Sean C. Cunningham  
Erin P. Gibson  
Robert Williams  
**DLA PIPER LLP (US)**  
401 B Street, Suite 2000  
San Diego, CA 92101-4240  
Telephone: (619) 699-2700  
Facsimile: (619) 699-2701

Brian Erickson  
**DLA PIPER LLP (US)**  
401 Congress Avenue, Suite 2500  
Austin, Texas 78701-3799  
Telephone: (512) 457-7000  
Facsimile: (512) 457-7001

Email: [Apple-Immersion-DLA-Team@dlapiper.com](mailto:Apple-Immersion-DLA-Team@dlapiper.com)  
*Counsel for Respondent Apple Inc.*

Mark Reiter  
Andrew Lin  
**GIBSON, DUNN & CRUTCHER LLP**  
2100 McKinney Ave Ste 1100  
Dallas, TX 75201-6912  
Telephone: (214) 698-3100

Eric T. Syu  
**GIBSON, DUNN & CRUTCHER LLP**  
3161 Michelson Dr  
Irvine, CA 92612-4412  
Telephone: (949) 451-3800

Jill M. McCormack  
**GIBSON, DUNN & CRUTCHER LLP**  
1050 Connecticut Ave NW  
Washington, DC 20036-5306  
Telephone: (202) 955-8500

Email: [ATT-Immersion@gibsondunn.com](mailto:ATT-Immersion@gibsondunn.com)  
*Counsel for Respondent AT&T Mobility LLC*

<b>Prior Art Systems (and related software and documentation)</b>
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**

<b>Prior Art Patents and Patent Applications</b>			
<b>Patent No.</b>	<b>Title</b>	<b>Patentee(s)</b>	<b>Date</b>
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

<b>Prior Art Patents and Patent Applications</b>			
<b>Patent No.</b>	<b>Title</b>	<b>Patentee(s)</b>	<b>Date</b>
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

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.