EXHIBIT 5

Cockburn '507 Patent Invalidity Report – Exhibit 5

Invalidity Claim Chart for U.S. Patent No. 8,749,507
Based On U.S. Patent No. 6,590,568 to Astala ("Astala") Combined With
U.S. Pat. App. Pub. No. 2002/0033795 to Shahoian ("Shahoian")

07 Claim Language	Exemplary Disclosure in Astala Combined with Shahoian
e. A method comprising:	Astala combined with Shahoian discloses a method comprising the claimed steps, as established below.
receiving contact from an input device;	Astala discloses receiving contact data from an input device, and Astala combined with Shahoian also discloses this limitation. For example: Astala discloses that "mobile terminal 20a" includes "[h]ardware 78," which includes a "touch screen controller that monitors <u>touch screen-input parameters</u> for processing the touch inputs on the touch screen display." Astala at 6:23-27, 8:54-56 (emphasis added). The touch-screen-input parameters are "contact data" from the touch screen display (an input device). In addition, Astala discloses that at step 702, "a touch screen input is detected" on touch screen 70, and that the touch may be made with "a finger or pointed stylus." Astala at 9:16-18, Fig. 6(a). In light of this disclosure, a POSITA would have recognized that detecting a touch input on the touch screen necessarily requires receiving contact data so that a determination can be made that the state of the touch screen has changed in a manner that indicates a touch. Thus, Astala also inherently discloses this limitation. **<u>Obviousness:</u>** It also would have been obvious to a POSITA to practice this limitation in light of Astala alone by receiving contact data from the touch screen because such contact data would have been necessary to determine when and how a user is touching the touch screen, as described above. Doing so would have been well within the skill of a POSITA, could have been accomplished with minimal effort, and would have led to predictable results. In this regard, even the asserted '507 patent acknowledges that "[c]apacitance-based touchpads are well known to those skilled in the art" ('507 patent at 2:64-65), and a capacitance-based touchpad would provide contact data in the form of, for example, data indicating a change in capacitance. Thus, it would have been obvious for a POSITA to, for example, receive touch screen-input data from the touchscreen indicating a change in capacitance resulting from the touch. Motivation to do so arises from Astala's disclosure of detecting a touch on the touchscreen and detecting a drag-and-drop gesture on the

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	at least because using contact data from the touchscreen would be the common sense and straightforward way to determine that the user is interacting with a displayed object. For example, one would be motivated to use such contact data to determine the position of the touch, which could be compared to the position of the displayed object. Doing so would have been well within the skill of a POSITA, could have been accomplished with minimal effort, and would have led to predictable results.
responsive to _rmining the _action, determining a _ure based on the _act data comprising:	Astala discloses responsive to determining the interaction, determining a gesture based on the contact data. For example: Astala discloses determining a drag-and-drop gesture, as discussed further for the limitations below. Astala at 9:3-9 ("a technique for utilizing touch screen inputs for dragging and dropping objects"), Fig. 6(a). The gesture includes three main parts: 1) a touch with a pressure greater than a pressure threshold zA and longer than a predetermined time; 2) a subsequent dragging sequence at "reduced pressure;" and 3) a subsequent touch with a pressure greater than a pressure threshold zB. *Id.* at 9:26-39, Fig. 6(a); *see also id.* at Figs. 6(b)-(d). Determination of the gesture is based on criteria such as the pressure z, as established above, on "the x and y coordinates" of the touch, and on the duration of the initial touch and the last touch (Astala at 9:28-31, 9:44, 9:51-59, Fig. 6(a)). The pressure z is necessarily based on the contact data, as established below for limitation 1.d. The x and y coordinates also are necessarily based on the contact data because those coordinates are dependent on the location of the touch on the touchscreen. The durations of initial and last touches also are necessarily based on the contact data because it is dependent on the user's touch on the touchscreen. Thus, determination of the drag-and-drop gesture is necessarily based on the contact data described for limitation 1.a. Astala discloses that the determination of the drag-and-drop gesture is made <u>after</u> step 708, at which "a determination is made that file 1 is ... the selected item, of [the] touch input." Astala at 9:26-27; *see also id.* at Fig. 6(a) (steps 710 et. seq.). Thus, determination of the drag-and-drop gesture is made responsive to determining the interaction from limitation 1.b (the interaction with the file 1 displayed object). Astala's Figures 6(b) through 6(d) are shown below, which illustrate the drag-and-drop gesture. In the figures, the user is dragging "FILE 1" into "DIR 2" (directory 2).

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FIG. 6b FIG. 6c FIG. 6d
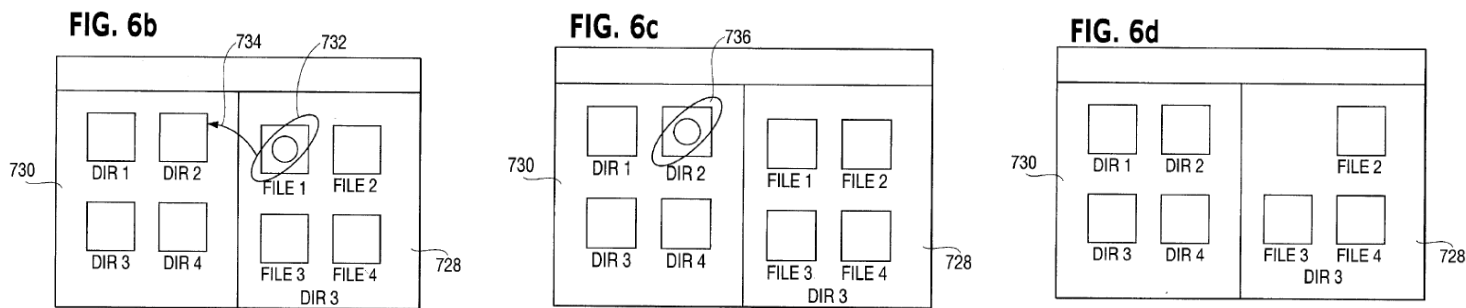
Obviousness: It also would have been obvious to a POSITA to practice this limitation by determining that the user is performing a drag-and-drop gesture based on the contact data. As established above, Astala discloses determining the drag-and-drop gesture based on criteria such as pressure, x and y coordinates, and duration. The common sense and straightforward method of determining such information is to determine it from the data provided by the touchscreen sensors, *i.e.*, the contact data. Motivation to do so arises from common sense, Astala's disclosure of analyzing such gesture characteristics, and Shahoian's disclosure that contact data can take the form of touchscreen sensor signals, which would reflect characteristics of the touch. Doing so would have been well within the skill of a POSITA, could have been accomplished with minimal effort, and would have led to predictable results.

determining a ...sure and a change in ...sure based on the ...act data, and	The parties' proposed constructions of "pressure" are set forth below.

Respondents' Construction	Immersion's Construction	Staff's Construction
force per unit area	Plain meaning. If construed, "pressure" refers to the "application of force from a contact."	Plain meaning, *e.g.* "force per unit area"

Because a prior art reference that discloses determining the "force per unit area" also necessarily discloses determining "the application of force from a contact" (because such force is a component of "force per unit area"), I will address Respondent's' and Staff's construction below, thereby showing how Astala also discloses Immersion's construction.

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