UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., Petitioner,

v.

IMMERSION CORPORATION, Patent Owner.

Case IPR2017-01310 Patent No. 8,749,507

IMMERSION CORPORATION'S PATENT OWNER PRELIMINARY RESPONSE

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TABLE OF AUTHORITIES

	Page(s)
Cases	
In re. Am. Acad. of Sci. Tech. Ctr., 367 F.3d 1359 (Fed. Cir. 2004)	29
Arendi S.A.R.L. v. Apple Inc., 832 F.3d 1355 (Fed. Cir. 2016)	29
Cuozzo Speed Techs., LLC v. Lee, 136 S. Ct. 2131, 195 L. Ed. 2d 423 (2016)	14
PPC Broadband, Inc., v. Corning Optical Comms. RF, LLC, 815 F.3d 747 (Fed. Cir. 2016)	14
Statutes	
35 U.S.C. § 103(a)	2
35 U.S.C. § 314(a)	7, 14, 38
35 U.S.C. § 325(d)	7, 12, 38
Other Authorities	
37 C.F.R. § 42.100(b)	14
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EXHIBIT LIST

F	
Immersion Ex. 2001	Declaration of Daniel Wigdor, Ph.D. in Support of Immersion Corporation's Patent Owner Preliminary Response
Immersion Ex. 2002	Curriculum Vitae of Daniel Wigdor, Ph.D.
Immersion Ex. 2003	Excerpt from Immersion's ITC Complaint (ITC Inv. No. 337-TA-1004/990)
Immersion Ex. 2004	Excerpt from April 27, 2017 Hearing Transcript (International Trade Commission)
Immersion Ex. 2005	Excerpt from Apple's Invalidity Claim Chart for U.S. Patent No. 8,749,507 Based On U.S. Patent No. 6,590,568 (Astala '568)
Immersion Ex. 2006	Decision on Appeal 2009-015440 in Application 10/723,778 (Board of Patent Appeals and Interferences)
Immersion Ex. 2007	May 13, 2013 Applicant Arguments and Remarks Made in an Amendment in Application 13/441,108
Immersion Ex. 2008	Excerpt from Exhibit 5 to December 16, 2016 Expert Report of Dr. Andy Cockburn regarding Invalidity
Immersion Ex. 2009	U.S. Patent No. 4,555,952 to Jenkins
Immersion Ex. 2010	Excerpt from Apple's Supplemental Interrogatory Responses to Immersion's 6th Set of Interrogatories (Nos. 98-100, 103-104), served September 14, 2016 in ITC Inv. No. 337-TA-1004/990



STATEMENT OF MATERIAL FACTS IN DISPUTE

Petitioner Apple, Inc. did not submit a statement of material facts in this Petition. Accordingly, no response is due pursuant to 37 C.F.R. § 42.23(a), and no facts are admitted.



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