

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

IMMERSION CORPORATION,
Patent Owner

U.S. Patent No. 8,749,507
Filing Date: April 6, 2012
Issue Date: June 10, 2014

Title: Systems And Methods For Adaptive Interpretation Of
Input From A Touch-Sensitive Input Device

Inter Partes Review No.: (Unassigned)

**PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,749,507
UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. §§ 42.1-100, ET SEQ.**

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	COMPLIANCE WITH FORMAL REQUIREMENTS	1
A.	Mandatory Notices Under 37 C.F.R. §§ 42.8(b)(1)-(4)	1
1.	Real Party-In-Interest.....	1
2.	Related Matters.....	1
3.	Lead and Backup Counsel.....	2
4.	Service Information	2
B.	Proof of Service on the Patent Owner	2
C.	Power of Attorney.....	2
D.	Standing.....	2
E.	Fees	3
III.	STATEMENT OF PRECISE RELIEF REQUESTED	3
IV.	FULL STATEMENT ON REASONS FOR REQUESTED RELIEF	3
A.	Summary of the '507 Patent.....	3
B.	The '507 Patent Prosecution History.....	6
C.	Person of Ordinary Skill in the Art.....	6
D.	Apple Products Accused of Infringing the '507 Patent.....	6
E.	Claim Construction	7
1.	“determining a press if: the pressure is greater than a pressure threshold, the change in pressure is greater than a change in pressure threshold, and a first interval has elapsed” (claims 1, 9, and 14)	9
2.	“pressure” (claims 1-3, 9-11, 14-16)	15
3.	“determining a press if ... the change in pressure is greater than a change in pressure threshold” (claims 1, 9, and 14).....	15
4.	“pseudo pressure” (claims 2, 10, and 15)	15
F.	This Petition Should Not Be Barred by 35 U.S.C. §315(d)	16

TABLE OF CONTENTS
(continued)

G.	Ground 1: Claim 1-18 are Obvious Under 35 U.S.C. §103(a) (pre-AIA) In Light of Astala Combined with Shahoian.....	18
1.	Astala is § 102(a) Prior Art	18
2.	Shahoian is § 102(b) Prior Art	19
3.	Limitation-by-Limitation Analysis.....	19
V.	CONCLUSION	65

EXHIBIT LIST

Exhibit No.	Description
1101	U.S. Patent No. 8,749,507 (the “’507 patent”).
1102	File history of U.S. Patent No. 8,749,507.
1103	U.S. Patent No. 6,590,568 to Astala (“Astala”).
1104	U.S. Pat. App. Pub. No. 2002/0033795 to Shahoian (“Shahoian”).
1105	Patent Owner Immersion’s claim chart regarding alleged infringement of the ’507 patent by certain Apple iPhone products (Exhibit 20 to Immersion’s complaint in ITC Investigation No. 337-TA-1004).
1106	Patent Owner Immersion’s preliminary proposed claim constructions in ITC Investigation No. 337-TA-1004.
1107	Claim construction order from ITC Inv. Nos. 337-TA-990 and -1004 (consolidated).
1108	U.S. Patent No. 5,488,204 to Mead (“Mead”).
1109	U.S. Patent No. 5,734,373 to Rosenberg (“Rosenberg”).
1110	Declaration of expert Dr. Andy Cockburn (“Cockburn Decl.”).

I. INTRODUCTION

The claims of Immersion’s U.S. Patent No. 8,749,507 (the “’507 patent”) challenged in this Petition are invalid over the prior art. During prosecution of the ’507 patent, Immersion overcame multiple rejections of the claims by adding limitations reciting various criteria used to detect the occurrence of a gesture on a pressure-sensitive device. This gesture detection algorithm, however, was known in the art, and is disclosed by the Astala prior art reference discussed below. Additional limitations of the challenged claims are disclosed by Shahoian, a prior art Immersion patent application publication that discusses at length providing haptic feedback in response to detecting a gesture.

II. COMPLIANCE WITH FORMAL REQUIREMENTS

A. Mandatory Notices Under 37 C.F.R. §§ 42.8(b)(1)-(4)

1. Real Party-In-Interest

Apple is the real party-in-interest.

2. Related Matters

The ’507 patent is subject to the following actions: 1) *Certain Mobile and Portable Electronic Devices Incorporating Haptics (Including Smartphones and Laptops) and Components Thereof*, Inv. Nos. 337-TA-990 and -1004 (consolidated); 2) *Immersion Corp. v. Apple Inc., et al.*, Nos. 1:16-cv-00077 and 1:16-cv-00325 (D. Del.); and 3) *Apple Inc., v. Immersion Corp.*, IPR2016-01777.

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.