

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

IMMERSION CORPORATION,
Patent Owner.

Case IPR2016-01372 (Patent 8,659,571 B2)
Case IPR2016-01381 (Patent 8,773,356 B2)

Record of Oral Hearing
Held: October 5, 2017

Before MICHAEL R. ZECHER, BRYAN F. MOORE, NEIL T. POWELL,
and MINN CHUNG, *Administrative Patent Judges*.

Case IPR2016-01372 (Patent 8,659,571 B2)

Case IPR2016-01381 (Patent 8,773,356 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

ROBERT C. WILLIAMS, ESQUIRE

BRIAN K. ERICKSON, ESQUIRE

JAMES HEINTZ, ESQUIRE

DLA Piper

401 B Street

Suite 1700

San Diego, California 92101-4297

ON BEHALF OF PATENT OWNER:

BABAK REDJAIAN, ESQUIRE

MICHAEL R. FLEMING, ESQUIRE

RICHARD M. BIRNHOLZ, ESQUIRE

Irell & Manella, LLP

4622 N. Dittmar Road

Arlington, Virginia 22207

The above-entitled matter came on for hearing on Thursday, October 5, 2017, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

P R O C E E D I N G S

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2 JUDGE POWELL: Good afternoon. We are here today for oral
3 argument in IPR2016-01372 and IPR2016-01381. IPR2016-01372 involves
4 U.S. patent number 8,659,571 B2. IPR-01381 involves U.S. patent number
5 8,773,356 B2.

6 The institution decision for the 1372 case was issued by Judges
7 Zecher, Moore and Chung. The institution decision for the 1381 case was
8 issued by Judges Zecher, Powell and Chung. In order to conduct the oral
9 argument for the cases efficiently, all four judges join us today. But we note
10 that we plan to have the final decision for each case issued by the same panel
11 that issued the institution decision. So the final decision for the 1372 case
12 will be issued by Judges Zecher, Moore and Chung, and the 1381 case will
13 be Judges Zecher, Powell and Chung.

14 In the hearing room with us today I have Judges Zecher and
15 Moore. And Judge Chung joins us remotely from California.

16 With that, can petitioner -- can counsel state their names for the
17 record, starting with petitioner.

18 MR. ERICKSON: Good afternoon, Your Honor. Brian Erickson
19 with the law firm of DLA Piper representing petitioner. I'm backup counsel
20 in the 01381 IPR. With me today are Jim Heintz, also from DLA, who is
21 lead counsel in both IPRs, and Rob Williams, who is backup counsel in the
22 01372 IPR. Also with us today is Kim Moore from Apple, petitioner.

23 JUDGE POWELL: Thank you. And patent owner.

Case IPR2016-01372 (Patent 8,659,571 B2)

Case IPR2016-01381 (Patent 8,773,356 B2)

1 MR. FLEMING: Yes, Your Honor. I'm Mike Fleming with the
2 law firm of Irell & Manella. And we represent the patent owner, Immersion
3 Corporation. With me is Richard Birnholz, with Irell & Manella, and also
4 Babak Redjaian, also with Irell & Manella. And also I have Kathryn Marsh,
5 in-house counsel with Immersion Corporation.

6 JUDGE POWELL: Very good. Thank you. So before we start
7 with the arguments, I wanted to note that we received the parties' filings
8 objecting that certain papers and demonstratives contained improper new
9 arguments and/or evidence. As we prepare the final decisions for these
10 cases, we will carefully consider those objections and vigilantly evaluate the
11 contentions for improper new arguments. For today, though, each party may
12 refer to anything that's in its briefing papers and anything in the
13 demonstratives. As I said, we'll sort it out in the process of issuing finals.

14 Now, as far as presenting and hearing the arguments, we've got
15 two options. One option is we could have the petitioner present on both
16 cases its case in chief followed by the patent owner presenting its case on
17 both cases and then the petitioner rebutting on both cases kind of
18 collectively.

19 The second option is that we could do the 1372 case first, both
20 sides, and then subsequently do the 1381 case, both sides. Hopefully that's
21 clear.

22 And with that, does petitioner have a preference between those
23 two?

1 MR. ERICKSON: Your Honor, we had prepared under the
2 assumption we would be going with the first option, but we're certainly
3 happy to go with whatever the Board prefers.

4 JUDGE POWELL: Does patent owner have a preference?

5 MR. FLEMING: We do, Your Honor. We would prefer to have
6 each one separately because they are separate and different issues for each
7 patent.

8 JUDGE POWELL: Okay. If you are sure that's okay with
9 petitioner, we'll go that way with it.

10 With that, then, the petitioner will start, and petitioner has
11 30 minutes -- we are going to give you 30 minutes of argument time for the
12 1372 case. And you may reserve as much as you would like for rebuttal.

13 MR. WILLIAMS: Your Honors, Rob Williams with DLA Piper
14 on behalf of petitioner. I have hard copies of the demonstratives for the
15 1372 case if Your Honors would like. And may we approach?

16 JUDGE POWELL: Sure. Would you like to reserve time for
17 rebuttal?

18 MR. WILLIAMS: Yes, Your Honor. I believe I'll go roughly
19 15 minutes, give or take, on opening and reserve the remainder for rebuttal.

20 JUDGE POWELL: Okay.

21 MR. WILLIAMS: Good afternoon. As I mentioned, Rob
22 Williams with DLA Piper representing petitioner, Apple, in IPR2016-01372.
23 This IPR relates to the '571 patent. If we go to slide 2, please, the title of
24 slide 2 lists the claims instituted in this IPR. The body of the slide lists or

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