

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

IMMERSION CORPORATION,
Patent Owner.

Case IPR2017-01368
Patent 8,581,710 B2

Before MICHAEL R. ZECHER, BRYAN F. MOORE, and MINN CHUNG,
Administrative Patent Judges.

CHUNG, *Administrative Patent Judge.*

DECISION

Denying Institution of *Inter Partes* Review
35 U.S.C. § 314(a) and 37 C.F.R. § 42.108

I. BACKGROUND

A. Introduction

Apple Inc. (“Petitioner”) filed a Petition (Paper 1, “Second Petition,” or “Second Pet.”) requesting an *inter partes* review of claims 13 and 18–20 (the “challenged claims”) of U.S. Patent No. 8,581,710 B2 (Ex. 1101, “the ’710 patent”). As discussed further below, the claims challenged in the Second Petition cover essentially the same scope as the claims Petitioner challenged in its prior petition filed in Case IPR2016-01603 (*Apple Inc. v. Immersion Corp.*, Case IPR2016-01603 (filed Aug. 12, 2016) (Paper 1, “First Petition” or “First Pet.”)). Immersion Corporation (“Patent Owner”) timely filed a Preliminary Response (Paper 7, “Prelim. Resp.”).

Institution of *inter partes* review is discretionary. See 35 U.S.C. § 314(a); 37 C.F.R. § 42.108(a). Under the circumstances of this case, for the reasons explained below, we exercise our discretion to not institute an *inter partes* review as to any of claims 13 and 18–20 of the ’710 patent.

B. Related Proceedings

According to the parties, the ’710 patent is the subject of the following proceedings: (1) *Immersion Corp. v. Apple Inc.*, Nos. 1:16-cv-00077 and 1:16-cv-00325 (D. Del.); and (2) *In the Matter of: Certain Mobile and Portable Electronic Devices Incorporating Haptics (Including Smartphones and Laptops) and Components Thereof*, ITC Investigation No. 337-TA-1004 (USITC). Second Pet. 1; Paper 5, 2.

The ’710 patent is also the subject of an instituted trial proceeding in Case IPR2016-01603. *Apple Inc. v. Immersion Corp.*, Case IPR2016-01603 (PTAB Feb. 23, 2017) (Paper 7, “1603 Dec. on Inst.”).

C. The '710 Patent

The '710 patent describes a system and method for haptic confirmation of commands on electronic devices. Ex. 1101, Abstract. In one exemplary embodiment, the device recognizes a speech input, e.g., “call home,” and determines a command associated with the recognized speech, e.g., making a telephone call to the phone number designated as “home.” *Id.* at col. 2, ll. 17–25. If the spoken command is recognized successfully, the device generates a haptic effect to provide a tactile feedback to the user that the command has been recognized and that the device will perform the requested function. *Id.* at col. 2, ll. 19–23. If, on the other hand, the device does not recognize a command, it generates a different haptic effect to indicate that no command is recognized and that no function will be performed. *Id.* at col. 2, ll. 25–29.

In another embodiment, the device recognizes a touch input on a touch-sensitive display and determines a command corresponding to the touch input. *Id.* at col. 12, ll. 30–45. Figure 6 of the '710 patent is reproduced below.

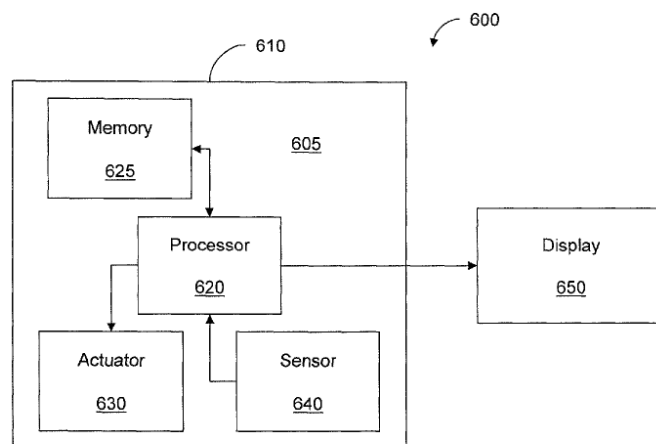


Figure 6

Figure 6 depicts a block diagram of a system for haptic confirmation of commands in an exemplary embodiment. *Id.* at col. 11, ll. 12–14. As shown in Figure 6 above, the system comprises device 610 having housing 605, and display 650, which may be coupled to the housing or disposed within the housing. *Id.* at col. 11, ll. 14–15, 21–22. Device 610, in turn, comprises processor 620, memory 625, actuator 630, and sensor 640. *Id.* at col. 11, ll. 15–17. In an embodiment, display 650 is a touch-sensitive display, which transmits sensor signals to the processor when a user touches a location on the touch-sensitive display. *Id.* at col. 12, ll. 32–34.

Upon receiving sensor signals from the touch-sensitive display, the processor attempts to identify a command corresponding to the signals, e.g., a button or other user interface element on the display corresponding to the location of the user touch on the touch-sensitive display. *Id.* at col. 12, ll. 38–42. If the processor determines a command corresponding to the user touch input, it generates an actuator signal to produce a haptic effect that indicates that a command was recognized successfully. *Id.* at col. 12, ll. 42–45, 53–56. Otherwise, the processor generates another actuator signal to produce a haptic effect that indicates no command was recognized. *Id.* at col. 12, ll. 46–49. In either case, the processor then transmits the actuator signal to the actuator to output the appropriate haptic effect. *Id.* at col. 12, ll. 49–52, 56–59. If a command has been recognized, the processor executes the function associated with the command. *Id.* at col. 12, ll. 59–61.

D. Illustrative Claim

Claim 13 is the only independent claim at issue. Claims 18–20 depend directly from claim 13. Claim 13 is illustrative of the challenged claims and is reproduced below:

13. A computer-implemented method comprising the steps of:
 - receiving, from a sensor, a sensor signal associated with a user input;
 - recognizing the user input and determining a command associated with the speech information;
 - if the user input is recognized and the command is determined:
 - generating a first actuator signal configured to cause an actuator to output a first haptic effect; and
 - transmitting the first actuator signal to the actuator;
 - otherwise:
 - generating a second actuator signal configured to cause the actuator to output a second haptic effect; and
 - transmitting the second actuator signal to the actuator.

Ex. 1101, col. 14, l. 58–col. 15, l. 5.

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