

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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META PLATFORMS, INC.,  
Petitioner

v.

IMMERSION CORPORATION,  
Patent Owner

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Case IPR2023-00946  
U.S. Patent No. 9,727,217 B2

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**PETITIONER'S PRELIMINARY REPLY**

## Petitioner's Preliminary Reply

Petitioner respectfully submits this Preliminary Reply, as authorized by the Board, to address Patent Owner's proposed construction of "**input device**." Patent Owner contends that "**input device**" should be construed as hardware that actively inputs information. Patent Owner's construction should be rejected, and the term should be construed as a device that allows a user to provide input.<sup>1</sup>

"**Input device**" appears only in the claims and has an established meaning. (Cooperstock, EX1002, ¶68.) This is confirmed by a well-known dictionary:

**input device** *n.* A peripheral device whose purpose is to allow the user to provide input to a computer system. Examples of input devices are keyboards, mice, joysticks, and styluses. *See also* peripheral.

(*Microsoft Computer Dictionary* (5th ed. 2002), EX1007, at 0016; EX1002, ¶68.)

Patent Owner acknowledges that the written description uses "peripheral" to describe the claimed input device, but the patent merely provides a lengthy list of non-limiting examples of physical devices that a peripheral "may" include. ('217, 3:34-44 ("Physical devices that may be included in the peripheral **102** may include,

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<sup>1</sup> By filing this brief, Petitioner does not concede that Patent Owner's construction would distinguish the prior art if adopted, as Patent Owner does not argue that it distinguishes the magnetic sensor device embodiment of the prior art as described in the Petition. (Petition, at 13-14 (citing Nogami, ¶¶0077-0078).)

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for example, a mobile telephone, a digital music player, a personal digital assistant... and/or other physical devices. Generally, however, anything manipulatable or able to be interacted with by a user may constitute the peripheral 102, in accordance with exemplary implementations.”) (underlining added.) Patent Owner does not identify any disclaimer or disavowal that limits the claimed input device to any of the exemplary embodiments provided in the written description.

Patent Owner's construction also attempts to exclude express embodiments in the written description. For example, Patent Owner contends that an input device must include “*hardware*,” presumably referring to electronic circuitry of some type. But in describing the exemplary peripheral depicted in Figure 2, the written description states that such depiction “is not intended to be limiting as the accessory **204** and/or the base device **206** may include one or more of an actuator **208**, a wireless transmitter/receiver **210**, an actuator control **212**, one or more identifying features 214, and/or other components.” (’217, 7:45-51 (underlining added); *see also id.*, Fig. 2 (showing that both accessory **204** and base device **206** can include identifying features **214**)).) The patent thus does not require base device **206** include anything more than an identifying feature, and nothing in the patent suggests that an identifying feature requires hardware or electronic circuitry. Patent Owner's argument that “**input device**” excludes a device that relies on a physical identifying marker is thus directly refuted by the intrinsic record. This is also consistent with

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the dictionary definition quoted above listing a “stylus” as an input device, which could simply be a physical pen without accompanying electronic circuitry.

Patent Owner also contends that an input device “*actively inputs information*,” but for similar reasons, this is unsupported. Patent Owner does not explain how the claimed device itself inputs anything – the word “input” clearly refers to input from the user, not input provided by the device itself. Patent Owner also does not explain what it means for the device to “*actively*” input information; to the extent this is intended to exclude a “passive” device, as noted, the patent makes clear that the input device need not include anything beyond non-electronic identifying features. This is also consistent with dependent claim 11, which states that the system of claim 1 comprises “**a position sensor configured to detect the position of the manipulatable input device**” and “**an identification sensor configured to identify the manipulatable input device.**” These limitations refute Patent Owner’s argument that input device itself must actively input information, because the claimed “**position sensor**” and “**identification sensor**” are not part of the input device itself, but rather, are part of a separate digital device **106** with which the peripheral connects. (’217, Fig. 1 (showing position sensor **118** and identification sensor **116** as part of digital device **106**, separate from peripheral **102**), 3:55-4:4.) Claim 11 thus further confirms that an input device includes a passive device whose position and identification are detected by other separate components.

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Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify, pursuant to 37 C.F.R. Section 42.6, that a complete copy of the attached **PETITIONER'S PRELIMINARY REPLY** is being served via electronic mail on the 20th day of October 2023 upon the Patent Owner's attorneys of record in this proceeding as follows:

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