

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VALVE CORPORATION,
Petitioner,

v.

IMMERSION CORPORATION,
Patent Owner.

Case IPR2024-00477
Patent 7,336,260

PATENT OWNER'S NOTICE OF APPEAL

Pursuant to 35 U.S.C. §§ 141, 142, 319, and 37 C.F.R. §§ 90.2-90.3, Patent Owner Immersion Corporation (“Immersion”) provides notice that it hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (“Board”) entered June 12, 2025 (Paper 31) and from all underlying and related orders, decisions, rulings, and opinions regarding U.S. Patent No. 7,336,260 (“the ’260 patent”) in *Inter Partes* Review IPR2024-00477. A copy of the Final Written Decision is attached as Exhibit A.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Immersion further indicates that the issues on appeal include, but are not limited to, the following: (1) the Board’s conclusion that claims 1-7 of the ’260 patent have been shown to be unpatentable; (2) the Board’s factual findings, conclusions of law, and other determinations supporting or related to the aforementioned issue; and (3) all other issues decided adversely to Immersion in any orders, decisions, rulings, and opinions.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), a copy of this Notice is being filed with the Director of the United States Patent and Trademark Office and with the Patent Trial and Appeal Board. In addition, a copy of this Notice and the required docketing fees are being filed with the Clerk’s Office for the United States Court of Appeals for the Federal Circuit via CM/ECF.

Respectfully Submitted,

Dated: August 14, 2025

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CERTIFICATE OF FILING

The undersigned hereby certifies that, in addition to being electronically filed through the Patent Trial and Appeal Board's P-TACTS system, a true and correct copy of the above-captioned PATENT OWNER'S NOTICE OF APPEAL is being mailed by U.S. Priority Mail Express to the Director of the United States Patent and Trademark Office on August 14, 2025, at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the Solicitor
United States Patent and Trademark Office
Mail Stop 8
P.O. Box 1450
Alexandria, Virginia 22313-1450

The undersigned also hereby certifies that a true and correct copy of the above-captioned PATENT OWNER'S NOTICE OF APPEAL and the filing fee is being filed via CM/ECF with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on August 14, 2025.

Dated: August 14, 2025

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CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2025, a true and correct copy of the above-captioned PATENT OWNER'S NOTICE OF APPEAL was served in its entirety by electronic mail on Petitioner's counsel of record.

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EXHIBIT A

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VALVE CORPORATION,
Petitioner,

v.

IMMERSION CORPORATION,
Patent Owner.

IPR2024-00477
Patent 7,336,260 B2

Before CHRISTOPHER L. OGDEN, MATTHEW J. McNEILL, and
SCOTT RAEVSKY, *Administrative Patent Judges*.

RAEVSKY, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)

I. INTRODUCTION

Petitioner, Valve Corporation, filed a Petition requesting an *inter partes* review challenging claims 1–7 of U.S. Patent No. 7,336,260 B2 (Ex. 1001, “the ’260 patent”). Paper 2 (“Pet.”). Patent Owner, Immersion Corporation, filed a Preliminary Response. Paper 7. Based on these and other papers filed by the parties, we instituted *inter partes* review. Paper 12 (“Institution Decision” or “Dec.”); Paper 9; Paper 11.

Subsequent filings include a Patent Owner Response (Paper 17, “PO Resp.”), a Petitioner Reply (Paper 20, “Reply”), and a Patent Owner Sur-reply (Paper 22, “Sur-reply”). We held an oral hearing on April 30, 2025, a transcript of which has been entered into the record (Paper 30, “Tr.”).

We have jurisdiction over this proceeding under 35 U.S.C. § 6(b). After considering the evidence and arguments of the parties, we determine that Petitioner has proven by a preponderance of the evidence that claims 1–7 are unpatentable.

II. BACKGROUND

A. The ’260 patent

The ’260 patent generally relates to providing tactile sensations to input devices, including non-mechanical input devices, such as soft-keys displayed on a screen. Ex. 1001, code (57), 2:66–3:4. In particular, the ’260 patent describes different tactile sensations to users manipulating an input device such as a touchscreen, based in part on varying levels of pressure applied to the input device by the users. *Id.* at 5:38–57.

Figure 2 of the '260 patent is reproduced below.

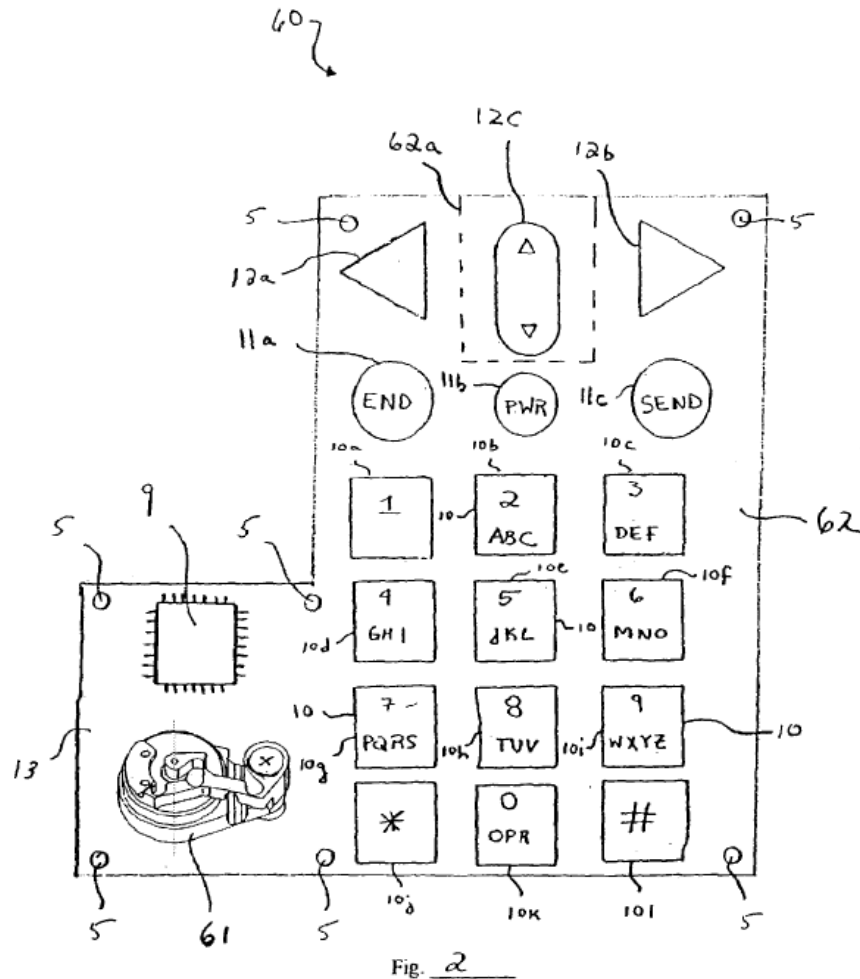


Figure 2 depicts apparatus 60 with multiple input devices arranged as keys in a keypad for a telephone or mobile telephone, including twelve fixed or pre-assigned alphanumeric input buttons 10a-l, three pre-assigned function buttons 11a-c, and three assignable function buttons 12a-c. *Id.* at 5:38-47. Each of alphanumeric buttons 10 is capable of receiving multiple levels of pressure, such as button 10i capable of resolving five levels of increasingly greater pressure. *Id.* at 5:62-6:9. Pre-assigned function buttons 11 are capable of resolving three levels of increasingly greater pressure. *Id.* at 6:51-55. Actuator 61 is in communication with input devices and with

controller 9 and is configured to provide vibrations of varying frequencies to the input devices in response to signals transmitted from the controller. *Id.* at 7:65–8:25.

B. Challenged Claims

Claim 1 is listed below, with Petitioner’s element labeling for ease of reference:

1. [PRE] A computer-readable medium having instructions, the instructions including instructions that cause a processor to:
 - [1A] detect a first pressure on a first input device;
 - [1B] provide a first tactile sensation to the first input device, the first tactile sensation based at least in part on the first pressure;
 - [1C] detect a second pressure on the first input device, the second pressure greater than the first pressure; and
 - [1D] provide a second tactile sensation to the first input device, the second tactile sensation based at least in part on the second pressure;
 - [1E] detect a third pressure on the first input device, the third pressure greater than the second pressure; and
 - [1F] provide a third tactile sensation to the first input device.

Ex. 1001, 20:33–46; Pet. 6. We also note that although Petitioner labels these limitations with uppercase letters, both parties use lowercase labeling in portions of their briefing.

C. Asserted Challenges to Patentability

Petitioner asserts the following challenges to patentability (Pet. 2):

Claim(s) Challenged	35 U.S.C. §¹	Reference(s)/Basis
1–7	102/103	Komata ²
1–7	102/103	Tsuji ³
1–7	102/103	Rosenberg ⁴

To support these challenges, Petitioner relies on the declaration of Jean Renard Ward (Ex. 1003). Patent Owner relies on the Declaration of Robert Akl, D.Sc. (Ex. 2008).

IV. ANALYSIS

A. Level of Ordinary Skill in the Art

Petitioner contends that a person having ordinary skill in the art (“POSITA”)

would have a bachelor’s degree in electrical engineering, computer science, or a related field, plus at least two years of industry or graduate level experience with software engineering, haptics programming, and/or human-computer interaction, including experience with user-interfaces and

¹ The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112–29, 125 Stat. 284, 287–88 (2011), amended 35 U.S.C. § 102, effective March 16, 2013. Because the challenged claims of the ’260 patent have an effective filing date before March 16, 2013, the pre-AIA versions of 35 U.S.C. §§ 102, 103 apply.

² US 2001/0008849 A1, published July 19, 2001 (Ex. 1005).

³ Japanese Unexamined Patent Application Publication No. 11-212725, published Aug. 6, 1999 (certified English translation) (Ex. 1007).

⁴ WO 99/66997 A1, published December 29, 1999 (Ex. 1008).

applications involving touchscreens, touchpads, and related technologies.

Pet. 7 (citing Ex. 1003 ¶¶ 38–44).

Patent Owner contends that a POSITA

would have had a bachelor’s degree in electrical engineering or computer science (or an equivalent degree), and two years of practical or industry experience in the field of human computer interaction (HCI), including implementation of computer-based systems and software for providing haptic feedback effects to a user. . . . Also, a person could have qualified as a [POSITA] with more formal education and less practical or industry experience, or vice versa.

PO Resp. 17–18 (citing Ex. 2008 ¶ 17).

Although these level of skill definitions are not the same, the differences are minor, and Patent Owner does not argue that its level of skill definition is dispositive. To the contrary, Patent Owner asserts that “[i]n any event, the challenged claims of the ’260 Patent are patentable under either . . . definition.” *Id.* at 18. We apply Petitioner’s level of skill but would have reached the same result had we applied Patent Owner’s.

B. Claim Construction

Patent Owner proposes constructions for the order of steps in claim 1 and for the term “tactile sensation.” PO Resp. 18–34; Sur-reply 3–12. Petitioner disputes these constructions. Reply 2–16. We preliminarily rejected similar proposals from Patent Owner in our Institution Decision. *See* Dec. 26–29, 39–40. On the full trial record, we do not adopt either construction.

1. *Order of Steps*

Patent Owner contends that all of the steps of claim 1 must be performed in the order recited in the claim. PO Resp. 20–31; Sur-reply 3–10. Petitioner disputes this contention, in part. Reply 2–11.

“As a general rule, unless the steps of a method claim actually recite an order, the steps are not ordinarily construed to require one.” *Mformation Techs., Inc. v. Research in Motion Ltd.*, 764 F.3d 1392, 1398 (Fed. Cir. 2014) (cleaned up). “However, a claim requires an ordering of steps when the claim language, as a matter of logic or grammar, requires that the steps be performed in the order written, or the specification directly or implicitly requires an order of steps.” *Id.* (cleaned up).

In short, we disagree with Patent Owner that all the steps must be done in order. Neither logic, grammar, nor the specification requires ordering all of the claim steps here. We first address the claim language and then turn to the specification.

a. Claim Language

Although the parties dispute whether all the claim steps must be performed in order, the parties do not dispute that there is at least some ordering required by the claim, as we also acknowledged in our Institution Decision. *See* PO Resp. 20; Reply 2; Dec. 27. As we explained, the first step (limitation [1a]) must occur before the second step (limitation [1b]):

We agree that, as a matter of logic, the first step of detecting a first pressure must occur before the second step of providing a first tactile sensation based at least in part on the first pressure because the first tactile sensation could not be based on the first pressure if the first pressure has not been detected.

Dec. 27. Petitioner agrees that “logic and grammar—as the Board correctly found—do require that the ‘*first pressure*’ of limitation [1a] be detected

before ‘*the first tactile sensation*’ that is ‘*based . . . on*’ that ‘*first pressure*’ can be provided.” Reply 5. As we further noted in our Institution decision, “[s]imilarly, the third step of detecting a second pressure must occur before the fourth step of providing a second tactile sensation based at least in part on the second pressure.” Dec. 27, n.11. Petitioner agrees. Reply 4, n.3.⁵

What is disputed is whether *all* of the claimed steps must be performed in order. *See id.*; PO Resp. 25. Patent Owner initially suggests that the words “first,” “second,” and “third” in the claim support ordering all steps, asserting:

A POSA would understand that claim 1 requires that the steps of detecting a *first* pressure, *second* pressure, and *third* pressure and providing a corresponding *first* tactile sensation, *second* tactile sensation, and *third* tactile sensation are performed in the order recited in the claim. . . . In view of the plain language of the claim, it would make no sense for these steps to be performed out of order.

PO Resp. 20 (citing Ex. 2008 ¶ 31). To the extent Patent Owner’s italicization of the numbered terms argues for an ordering, we disagree. As Petitioner correctly notes, terms such as “first” and “second” do not themselves “impose a serial or temporal limitation.” Reply 6 (quoting *3M*

⁵ Our Institution Decision further stated that “the fifth step of detecting a third pressure must occur before the sixth step of providing a third tactile sensation based at least in part on the third pressure.” Dec. 27, n.11. We take this opportunity to correct the record—claim 1, limitation [1f] only recites “provide a third tactile sensation to the first input device,” not “provide a third tactile sensation . . . based at least in part on the third pressure.” Although Petitioner agrees with Patent Owner that “the fifth step [1e] of detecting a third pressure must occur before the sixth step [1f] of providing a third tactile sensation based at least in part on the third pressure,” we find it unnecessary to determine whether this is, in fact, the case. *See* Reply 4, n.3; PO Resp. 21.

Innovative Props. Co. v. Avery Dennison Corp., 350 F.3d 1365, 1371 (Fed. Cir. 2003)). That is because the “use of the terms ‘first’ and ‘second’ is a common patent-law convention to distinguish between repeated instances of an element or limitation.” *3M Innovative*, 350 F.3d at 1371.

Patent Owner next contends that grammar, namely antecedent basis, supports its proposed ordering construction. PO Resp. 22–28. Just as limitations [1a] and [1b] rely on antecedent basis (“a first pressure” of [1a] and “the first pressure” of [1b]), Patent Owner argues, limitation [1c] refers to the same “first pressure” of limitation [1a]. *Id.* at 25. Each limitation similarly “provides an antecedent basis for the steps that follow,” Patent Owner argues. *Id.* at 26. Relatedly, as a matter of logic, Patent Owner contends that the invention cannot perform limitation [1c]’s “detect a second pressure . . . greater than the first pressure” unless limitation [1a]’s “detect[ing] a first pressure” happens first. *Id.* at 27; *see also id.* at 27–28 (raising similar arguments for later limitations).

Petitioner disagrees that grammar and logic impose the temporal order Patent Owner espouses. Reply 6. Rather, Petitioner contends, “the claims set forth a **quantitative relationship** for the pressures (*i.e.*, the magnitude of one pressure is greater than another, etc.), not a temporal relationship.” Reply 4. For example, Petitioner asserts, limitation [1c]’s phrase “the second pressure greater than the first pressure” merely **quantifies** its antecedent “the second pressure” (*i.e.*, the second pressure needs to be greater than the first pressure) but says nothing about any **sequence** for detecting pressures in limitations [1a] and [1c]. *Id.* at 6.

Patent Owner responds that Petitioner is inconsistent, admitting that some steps should be interpreted in order based on antecedent basis while

others should not. *See* Sur-reply 3. Further, Patent Owner argues that Petitioner “has not and cannot cite to any intrinsic evidence suggesting that a detected pressure can be quantified relative to another pressure that has not yet been detected.” *Id.* at 6. Rather, Patent Owner contends, “[a] logical and natural reading of the claim requires the claimed detection steps to occur in order such that the quantitative relationship of pressures applied by a user can be established only after they are detected.” *Id.*

As we explained in our Institution Decision, we disagreed then, and still disagree, “that the second pressure must be detected after the first pressure is detected (or that the third pressure must be detected after the first pressure is detected) simply because the second pressure is greater than the first pressure (and the third pressure is greater than the second pressure).” Dec. 27. As we explained there, “[t]he claimed relative magnitudes of the first, second, and third pressures do not define any temporal relationships regarding the detection of the pressures.” *Id.* We agree with Petitioner that claim 1 recites quantitative relationships for the pressures, not temporal relationships. Reply 4. For example, claim 1 requires “the second pressure greater than the first pressure” but says nothing about *when* the second pressure must be greater than the first pressure.

A key misconception undergirding Patent Owner’s argument is its statement that “a ‘first pressure’ must first exist before the invention can *detect* that the ‘second pressure’ is greater.” PO Resp. 27 (emphasis added). The claim does not require detecting that the second pressure is greater than the first pressure. Limitation [1c] simply says, “detect a second pressure on the first input device, the second pressure greater than the first pressure.” In other words, all the detection that this limitation requires is detecting a

second pressure. The claim then *observes* that the second pressure is greater than the first pressure but does not require *detecting* this. Limitation [1e] similarly detects pressure but not the comparison: “detect a third pressure on the first input device, the third pressure greater than the second pressure.” Thus, it does not follow that “a ‘first pressure’ must first exist before the invention can detect that the ‘second pressure’ is greater.” *See id.*

Accordingly, we determine that Patent Owner’s analysis of the claim language is unpersuasive.

b. Specification

As we noted above, the specification may directly or implicitly require an order of steps. *Mformation Techs.*, 764 F.3d at 1398. However, Patent Owner does not argue that the specification requires this. Rather, Patent Owner argues only that a specification embodiment does not embody claim 1 based on a misread of our Institution Decision. PO Resp. 28–31.

Prior to institution, Patent Owner argued that claim 1 requires a specific order of steps based on embodiments illustrated in Figures 4 and 5. Prelim. Resp. 27. Our Institution Decision disagreed, noting that

Claim 1 recites a computer-readable medium having instructions that cause a processor to perform the recited steps; claim 1 does not require the structure of the embodiment of Figures 4 and 5. Ex. 1001, 20:33–46. Therefore, we are not persuaded that the language of claim 1 requires, as a matter of logic, that the steps be performed in the order recited.

Dec. 28. We further expressed the well-known adage that it is generally improper to read limitations from specific embodiments into the claims. *Id.* (citing *Cadence Pharms. Inc. v. Exela PharmSci Inc.*, 780 F.3d 1364, 1369 (Fed. Cir. 2015)). We maintain our view that Patent Owner’s pre-institution argument attempted to improperly import limitations into the claims from

the embodiments of Figures 4 and 5. We emphasize, however, that Patent Owner did not renew this pre-institution argument in its trial briefing. Thus, Patent Owner forfeited this argument. *See* Paper 13, 9 (“Patent Owner is cautioned that any arguments not raised in the response may be deemed waived.”).⁶

Our Institution Decision further noted that “the ’260 patent appears to disclose a scenario” in Figure 9, where “different pressures on an input device are detected separately or independently of one another.” Dec. 29 (citing, e.g., Ex. 1001, 14:43–15:15). Patent Owner challenges this assertion in detail. PO Resp. 28–31. Yet even if Patent Owner were correct, this would be unhelpful to Patent Owner because Patent Owner’s post-institution briefing does not assert that the specification affirmatively requires its ordered steps interpretation. *See id.*

Regardless, Patent Owner’s argument challenging the Institution Decision’s reliance on the Figure 9 embodiment fails. Patent Owner’s entire argument is premised on circular logic: “[t]o the extent the embodiment described by the cited language and Figure 9 does not require the pressures to be detected in order, the assumption that this is a possible embodiment of claim 1 is incorrect.” PO Resp. 29. That is, Patent Owner views any embodiment that contradicts its view of the claim as not encompassed by the claim. But as we already explain above, Patent Owner’s view of the claim

⁶ Patent Owner argued in the hearing that pages 9–10 of its Response describe “the embodiments that do support the ordered steps.” Tr. 31:1–3. However, these pages are simply part of the overview of the challenged patent and do not set forth any claim construction positions. *See* PO Resp. 5 (“Overview”), 9–10.

language is wrong. It follows that Patent Owner’s argument regarding the Figure 9 embodiment is also flawed.

Thus, neither the claims nor specification support Patent Owner’s proposed construction requiring all the limitations of claim 1 to be performed in the recited order of those limitations, and we do not adopt it.

2. Tactile Sensation

Patent Owner also proposes construing claim 1’s “tactile sensation” as “vibrotactile sensation.” PO Resp. 31–34. Petitioner disagrees. Reply 12–16. We also disagreed with Patent Owner in our Institution Decision. Dec. 38–40.

Our decision here does not depend on the meaning of this term. Patent Owner only argues the phrase “tactile sensation” for Petitioner’s challenge over Rosenberg, which we do not reach because Petitioner’s challenge over Komata is dispositive. *See* PO Resp. 63–66. Accordingly, we do not construe this term.

C. Challenge over Komata

Petitioner contends that claims 1–7 are unpatentable as anticipated by and obvious over Komata. *See* Pet. 14–35. After considering Patent Owner’s arguments to the contrary, we agree with Petitioner.

This challenge is dispositive, so we need not reach Petitioner’s other challenges. *See SAS Inst. Inc. v. Iancu*, 138 S. Ct. 1348, 1359 (2018) (holding that a petitioner “is entitled to a final written decision addressing all of the claims it has challenged”); *Bos. Sci. Scimed, Inc. v. Cook Grp. Inc.*, 809 F. App’x 984, 990 (Fed. Cir. 2020) (non-precedential) (recognizing that the “Board need not address issues that are not necessary to the resolution of the proceeding” and, thus, agreeing that the Board has “discretion to decline

to decide additional instituted grounds once the petitioner has prevailed on all its challenged claims”).

1. Overview of Komata

Komata relates to controllers used in video game machines. Ex. 1005, code (57). Komata’s controller “has buttons connected to pressure-sensitive devices and a vibration generator.” *Id.* ¶ 31. Figure 6 of Komata is reproduced below.

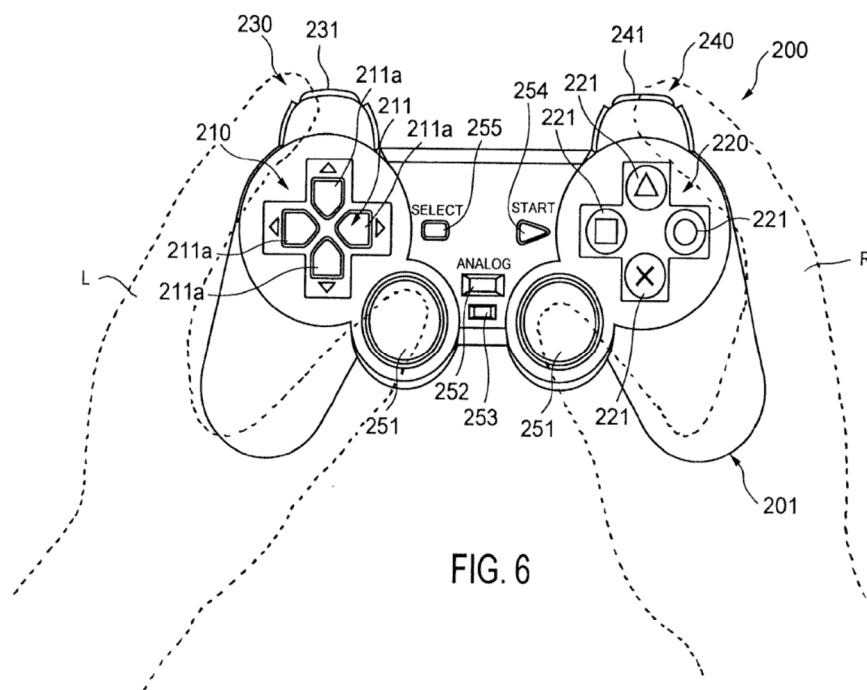


Figure 6 is a top view of controller 200. *Id.* ¶ 67. Controller 200 includes, among other parts, four cylindrical control buttons 221. *Id.* ¶ 69. These buttons are shown in more detail in Figures 7 and 8A–8C, reproduced below.

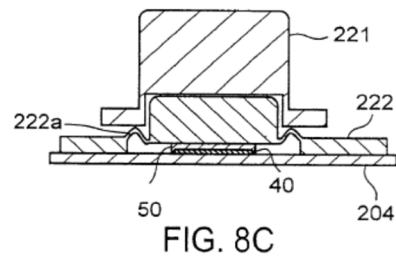
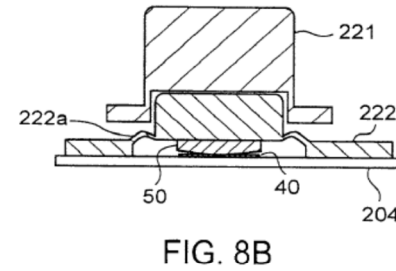
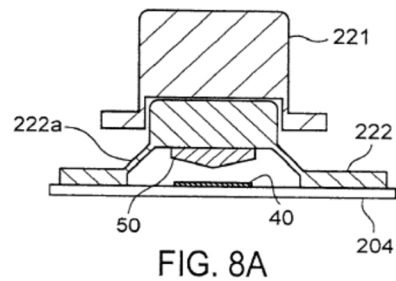
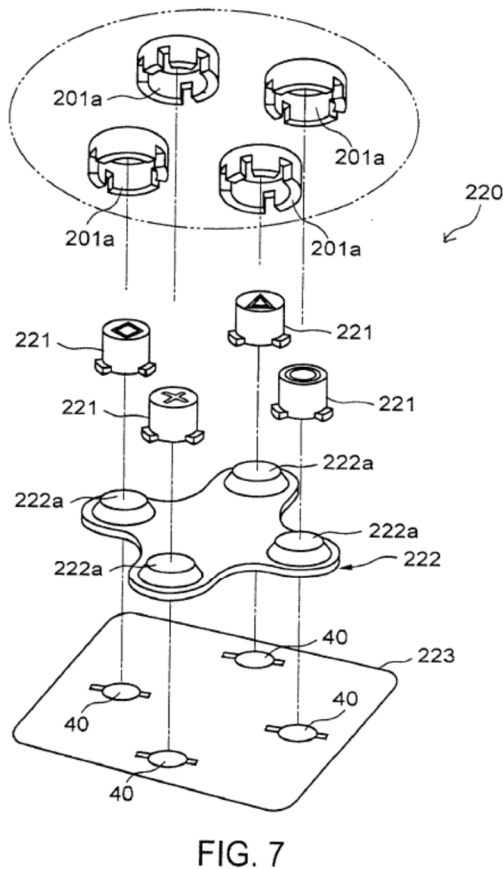


Figure 7 is an exploded perspective view of the buttons of controller 200, and Figures 8A–8C depict cross-sectional views of the buttons. *Id.* ¶ 75.

In Figures 8A–8C, control buttons 221 interact with resistors 40 and conducting members 50. *Id.* ¶ 76–79. Resistors 40 and conducting members 50 form pressure-sensitive devices having resistance values that vary depending on how much pressure is applied to the corresponding control button. *Id.* ¶¶ 78–79. The tip of conducting member 50 deforms as it is pressed against resistor 40. *Id.* ¶ 82. As shown in Figures 8B and 8C, a stronger pressing force on the control button causes the surface area contacting resistor 40 to expand. *Id.* The resistance value of the pressure-sensitive device varies depending on the surface area of contact. *Id.* ¶ 83.

When a player presses a button, vibration is generated in the controller responsive to the pressure-sensed value. *Id.* ¶¶ 34–36. The amount of vibration may be determined using Figure 2, shown below:

PRESSURE-SENSE VALUE	DRIVE SIGNAL
0	0
1	P 1
⋮	⋮
2 5 5	P 2 5 5

FIG. 2

Figure 2 shows a pressure-sensed value-drive signal conversion table. *Id.* ¶ 10. Using this table, each pressure-sensed value from a button press is converted to a drive signal for a vibration generator. *Id.* ¶ 36.

2. Independent Claim 1

We first present a brief overview of Petitioner’s theories and then address Patent Owner’s contentions.

Petitioner argues that Komata discloses a program “run by the entertainment system 500 and executed by its CPU,” and so discloses claim 1’s preamble (whether or not it is limiting). Pet. 18–19 (citing Ex. 1003 ¶¶ 142–44). Petitioner next contends that the entertainment system’s CPU “detect[s] a first pressure on” each button 221, and hence discloses limitation [1a]. *Id.* at 19 (citing Ex. 1003 ¶¶ 142–44).

For limitation [1b], “provide a first tactile sensation to the first input device, the first tactile sensation based at least in part on the first pressure,”

Petitioner explains that Komata’s buttons generate a signal that, once converted to a digital representation, represents a value between 0–255, and a corresponding drive signal is then sent to a controller. *Id.* at 21 (citing Ex. 1005 ¶¶ 32–34; 89; Ex. 1003 ¶¶ 149–50). This drive signal is calculated using the pressure-sense value-drive signal conversion table of Figure 2, reproduced above, resulting in a vibration felt on the controller. *Id.* (citing Ex. 1005 ¶¶ 36, 44; Ex. 1003 ¶¶ 151–53).

Petitioner further argues that Komata’s entertainment system detects second and third pressures (limitations [1c], [1e]) and provides corresponding tactile sensations (limitations [1d], [1f]). *Id.* at 24–28. “Because Komata teaches that the analog signals that its pressure-sensitive devices output range from a minimum voltage (no pressure) to a maximum voltage (most pressure),” Petitioner argues, a POSITA “would have understood Komata’s Pressure-Sense Values 0 to 255 to represent that voltage range with 0 representing minimum pressure and 255 corresponding to maximum pressure.” *Id.* at 25 (citing Ex. 1003 ¶¶ 165–66). Petitioner concludes that a POSITA would have recognized, for example, that some pressure-sense values would have been greater than others, thereby disclosing the remaining limitations. *Id.* (citing Ex. 1003 ¶ 166); *see also id.* at 27 (similar argument for limitation [1e]).

After considering Patent Owner’s arguments, we agree with Petitioner that Komata discloses all the limitations of claim 1. Patent Owner does not dispute that Komata discloses all the limitations of claim 1. Instead, Patent Owner disputes that Komata discloses the order of all the steps of claim 1, based on its construction requiring the steps to be performed in order. PO Resp. 50–54; Reply 17 (observing that Patent Owner “does not dispute that

Ground 1 demonstrates how Komata anticipates or renders obvious claims 1–7 if [Patent Owner’s] ordered-steps argument is rejected”); Sur-reply 12–14 (not disputing the Reply’s observation). As Patent Owner’s argument relies on a claim construction we have not adopted, Patent Owner fails to undermine Petitioner’s persuasive showing.⁷

To the extent, as we note above, that the claims may require a partial ordering (i.e., limitation [1a] preceding limitation [1b] and limitation [1c] preceding limitation [1d], *see supra* Section I.A.1.a), Petitioner has persuasively shown that Komata discloses such ordering.

a. Summary as to Claim 1

For the above reasons, Petitioner has shown by a preponderance of the evidence that claim 1 is anticipated by and would have been obvious over Komata.

3. Dependent Claims 2–7

Petitioner also contends that claims 2–7 would have been obvious over Komata. Pet. 28–35. Patent Owner does not dispute these dependent claims. Petitioner provides detailed explanations indicating where Komata teaches or suggests the limitations of claims 2–7, supported by Mr. Ward’s testimony. *Id.* We determine that Petitioner has shown by a preponderance of the evidence that claims 2–7 are anticipated by and would have been obvious over Komata.

Because Petitioner’s Komata challenge is dispositive of all claims, we do not reach Petitioner’s challenges over Tsuji and Rosenberg.

⁷ Petitioner also argues that Komata discloses claim 1 even under Patent Owner’s incorrect construction. Reply 17–18. Because we do not adopt Patent Owner’s construction, we do not reach this argument.

V. CONCLUSION⁸

In summary:

Claim(s)	35 U.S.C. §	Reference(s)/Basis	Claim(s) Shown Unpatentable	Claim(s) Not Shown Unpatentable
1–7	102/103	Komata	1–7	
1–7	102/103	Tsuji ⁹		
1–7	102/103	Rosenberg ¹⁰		
Overall Outcome			1–7	

VI. ORDER

It is, therefore,

ORDERED that Petitioner has shown by a preponderance of the evidence that claims 1–7 of the '260 patent are unpatentable; and

⁸ Should Patent Owner wish to pursue amendment of the challenged claims in a reissue or reexamination proceeding subsequent to the issuance of this decision, we draw Patent Owner's attention to the April 2019 *Notice Regarding Options for Amendments by Patent Owner Through Reissue or Reexamination During a Pending AIA Trial Proceeding*. See 84 Fed. Reg. 16,654 (Apr. 22, 2019). If Patent Owner chooses to file a reissue application or a request for reexamination of the challenged patent, we remind Patent Owner of its continuing obligation to notify the Board of any such related matters in updated mandatory notices. See 37 C.F.R. § 42.8(a)(3), (b)(2).

⁹ We do not address this challenge because the Komata challenge is dispositive of all claims.

¹⁰ We do not address this challenge because the Komata challenge is dispositive of all claims.

FURTHER ORDERED that, because this is a Final Written Decision, parties to the proceeding seeking judicial review of the decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

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