IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IMMERSION CORPORATION,	)	
	)	
Plaintiff,	)	
	)	Case No. 2:23-cv-00712
v.	)	
	)	**JURY TRIAL DEMANDED**
VALVE CORPORATION,	)	
	)	
Defendant.	)	
	)	

PRELIMINARY INFRINGEMENT CONTENTIONS OF PLAINTIFF IMMERSION CORPORATION TO DEFENDANT VALVE CORPORATION

Plaintiff Immersion Corporation ("Immersion") hereby provides its Preliminary Infringement Contentions to Defendant Valve Corporation. ("Valve") as to U.S. Patent Nos. 7,336,260 (the "'260 Patent"), 8,749,507 (the "'507 patent"), 9,430,042 (the "'042 patent"), 9,116,546 (the "'546 Patent"), 10,627,907 (the "'907 Patent"), 10,665,067 (the "'067 Patent"), and 11,175,738 (the "'738 Patent") (collectively, "the Asserted Patents"). This disclosure is without any concession, agreement, admission, or waiver of any ultimate determination of relevance, admissibility, or discoverability of particular information for any purpose, and without waiver of any attorney-client, work product or other privilege or immunity. Immersion makes this disclosure based on its present information, without the benefit of discovery. Moreover, to the extent the Court construes the claims of any of the asserted patents, additional arguments and/or information may be relevant in light of any such construction. Immersion, therefore, reserves the right to supplement and/or amend this disclosure at any time in view of the Court's construction, in view of any new information learned during fact and expert discovery, or for any other reason

Valve Exhibit 1078
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permissible under the Federal and Local Rules, or any other applicable rules or Order in the above-captioned matter, including the Court's ruling on Valve's pending motion to dismiss. (Dkt. 37).

Local Patent Rule 120(a) "Asserted Claims"

Immersion identifies the following claims (together the "Asserted Claims") from each patent in suit that Immersion alleges are infringed by Valve and the statutory subsection of 35 U.S.C. § 271 asserted:

'260 Patent: Claims 1, 2, 5, 6, 7; 35 U.S.C. § 271(a), (b), and (f)

'507 Patent: Claims 1-8; 35 U.S.C. § 271(a), (b), and (f)

'042 Patent: Claims 1, 2, 3, 7, 8, 9, 10, 11, 13, 14, 15, 16, 18, 19; 35 U.S.C. § 271(a), (b), and (f)

'546 Patent: Claims 1, 2, 3, 5, 6, 7; 35 U.S.C. § 271(a), (b), and (f)

'907 Patent: Claims 1-20; 35 U.S.C. § 271(a), (b), and (f)

'067 Patent: Claims 1, 2, 3, 5, 6, 7, 8, 11, 12, 15, 17-21; 35 U.S.C. § 271 (a), (b), and (f)

'738 Patent: Claims 1, 2, 3, 6, 14, 15, 19; 35 U.S.C. § 271 (a), (b), and (f)

Local Patent Rule 120(b) "Accused Device"

Immersion identifies the following apparatus, product, device, process, method, act or instrumentality Accused Instrumentalities made, imported, offered for sale, and/or sold by Valve. As explained in Immersion's Complaint, Valve makes, uses, sells, offers for sale, and/or imports handheld as well as augmented reality and virtual reality ("AR/VR") video game systems such as the Steam Deck and Valve Index. These video game systems integrate multiple game engines including, for example and without limitation, Steam VR and Steam Input, as well as game titles by Valve through its Steam platform, including for example and without limitation, *Half-Life: Alyx, MoonDust: Knuckles Tech Demo, Counter-Strike: Global Offensive, STAR WARS Jedi:*

Survivor, War Thunder, Apex Legends, Call of Duty®: Black Ops III, Call of Duty®: Modern Warfare II, Warframe, Marvel's Guardians of the Galaxy, Grand Theft Auto V, and any other game titles sold on the Steam platform that incorporate haptic capabilities. "Accused Handheld Instrumentalities" means the Valve Steam Deck and the corresponding software (including Steam) and game titles that provide examples of infringement of the Asserted Claims. "Accused VR Instrumentalities" means the Valve Index (including the headset and controllers) and the corresponding software (including SteamVR), and game titles that provide examples of infringement of the Asserted Claims.

'260 Patent: For the identified claims above, the Accused Instrumentalities for the '260 Patent are the Accused VR Instrumentalities. Immersion further identifies certain game titles that provide non-limiting examples of infringement of the Asserted Claims in the corresponding claim chart for the '260 Patent.

'507 Patent: For claims 1-3, the Accused Instrumentalities for the '507 Patent are the Accused Handheld Instrumentalities and the Accused VR Instrumentalities. For claims 4-8, the Accused Instrumentalities are the Accused Handheld Instrumentalities. Immersion further identifies certain game titles that provide non-limiting examples of infringement of the Asserted Claims in the corresponding claim chart for the '507 Patent.

'042 Patent: For the identified claims above, the Accused Instrumentalities for the '042 Patent are the Accused Handheld Instrumentalities. Immersion further identifies certain game titles that provide non-limiting examples of infringement of the Asserted Claims in the corresponding claim chart for the '042 Patent.

'546 Patent: For the identified claims above, the Accused Instrumentalities for the '546 Patent are the Accused VR Instrumentalities. Immersion further identifies certain game titles that

provide non-limiting examples of infringement of the Asserted Claims in the corresponding claim chart for the ’546 Patent.

’907 Patent: For the identified claims above, the Accused Instrumentalities for the ’907 Patent are the Accused Handheld Instrumentalities. Immersion further identifies certain game titles that provide non-limiting examples of infringement of the Asserted Claims in the corresponding claim chart for the ’907 Patent.

’067 Patent: For the identified claims above, the Accused Instrumentalities for the ’067 Patent are the Accused VR Instrumentalities. Immersion further identifies certain game titles that provide non-limiting examples of infringement of the Asserted Claims in the corresponding claim chart for the ’067 Patent.

’738 Patent: For the identified claims above, the Accused Instrumentalities for the ’738 Patent are the Accused VR Instrumentalities. Immersion further identifies certain game titles that provide non-limiting examples of infringement of the Asserted Claims in the corresponding claim chart for the ’738 Patent.

Local Patent Rule 120(c) “Claim Charts”

Immersion hereby incorporates by reference the Complaint filed in the above-captioned matter, and any amended pleadings that may be filed by Immersion in this matter. The enclosed charts disclose where each element of each Asserted Claim is found within each Accused Device to the extent such information is presently known to Immersion and without the benefit of discovery. Immersion reserves the right to provide further details regarding Valve’s infringement as discovery is provided by Valve.

Ex. A ’260 Patent

Ex. B ’507 Patent

Ex. C ’042 Patent

Ex. D ’546 Patent

Ex. E ’907 Patent

Ex. F ’067 Patent

Ex. G ’738 Patent

Local Patent Rule 120(d) Indirect & Joint Infringement

Immersion alleges that all of the Asserted Claims are infringed directly or indirectly by Valve in violation of 35 U.S.C. § 271, et seq., including 35 U.S.C. § 271(a), (b), and (f).

Valve directly infringes the Asserted Claims as detailed in Exhibits A-G.

Valve indirectly infringes the Asserted Claims to the extent Valve’s users are direct infringers of the Asserted Claims as referenced in Exhibits A-G, and their acts of direct infringement are use of the Accused Instrumentalities in an infringing manner as described in Exhibits A-G. With knowledge of infringement of the Asserted Claims going back to at least the filing of the Complaint in the above-captioned matter, Valve has taken and continues to take active steps to induce infringement of the Asserted Claims by its users. Such active steps include, but are not limited to, making and selling the Accused Instrumentalities, encouraging third parties to develop infringing features for the Accused Instrumentalities, providing its users with instructions on use of the accused features of each Accused Instrumentality.

In addition, Valve infringes by supplying or causing to be supplied in or from the United States all or a substantial portion of the components of the Accused Instrumentalities, including software, in such manner as to actively induce the combination of such components outside of the United States in a manner that would infringe the patent if such combination occurred within the United States. Valve further also causes to be supplied in or from the United States components of

the Accused Instrumentalities especially made for use in the Accused Instrumentalities, including without limitation software, that are not staple articles of commerce suitable for substantial noninfringing use, knowing that such component is so made or adapted and intending that such component will be combined outside of the United States in a manner that would infringe the patent if such combination occurred within the United States.

Local Patent Rule 120(e) Literal Infringement & Doctrine of Equivalents

Immersion identifies all the Asserted Claims as literally infringed. Immersion further identifies the following claims as also infringed under the doctrine of equivalents: '738 Patent, Claim 1; '738 Patent, Claim 15. Immersion reserves the right to provide further details regarding Valve's infringement under the doctrine of equivalents as discovery is provided by Valve.

Local Patent Rule 120(f) Priority Date

Immersion presently asserts the following priority dates for all asserted claims of the Asserted Patents:

'260 Patent – November 1, 2001

'507 Patent – November 26, 2003

'042 Patent – December 27, 2006

'546 Patent – August 29, 2012

'907 Patent – December 23, 2014

'067 Patent – June 15, 2018

'738 Patent – December 13, 2016

Immersion reserves the right to supplement and/or amend this disclosure in view of the Court's construction, new information learned during fact and expert discovery, or for any other reason permissible under the Federal and Local Rules.

Date: October 20, 2023

Respectfully submitted,

FOLIO LAW GROUP PLLC

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on October 20, 2023, a true and correct copy of the foregoing was served on all counsel of record via email.

/s/ Stefan Szpajda
Stefan Szpajda