

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VALVE CORPORATION,
Petitioner,

v.

IMMERSION CORPORATION,
Patent Owner.

Case IPR2024-00557
Patent 10,665,067

**PATENT OWNER'S RESPONSE TO PETITIONER'S IDENTIFICATION OF
ALLEGEDLY "NEW" ARGUMENTS IN PATENT OWNER'S SUR-REPLY**

Pursuant to the Board’s April 9, 2025, authorizing email to the parties, Patent Owner Immersion Corporation submits this responsive paper to the April 15, 2025, Petitioner Valve Corp.’s identification of allegedly “new” arguments.

Immersion’s Patent Owner Response is premised on showing that Meglan does not disclose a “proxy object” as that term is used in the claims. POR, 27-34. Valve concedes this in its motion: “[t]he only argument Immersion’s Patent Owner Response advanced against Ground 2’s showing for claim 1 was that the prior-art Meglan reference does not ‘determine a haptic effect based in part on data from’ a sensor that tracks a position of the *‘proxy object’* as allegedly required by limitations [1C] and [1D2].” Paper No. 25 at 1 (emphasis added).

In its POR, Immersion established that “proxy object” has three requirements: it (1) comprises the haptic output device; (2) has its position tracked; and (3) has a modified visual effect displayed on it. POR 1-3, 10-17. Immersion focused on the fact that in Meglan, the position of the alleged proxy object is not tracked. POR, 27-34. In Reply, Valve argued that “Immersion mischaracterizes Meglan’s disclosure” regarding what constitutes the proxy object and argued that various components disclosed in Meglan both have their position tracked and constitute the proxy object. Reply, 13-14. By doing so, Valve forced Immersion to further address how Meglan fails to disclose a proxy object. In Sur-Reply, Immersion elaborated on the argument in its POR and detailed why neither Meglan’s substrate nor its surrogate, alone or

combined, are a proxy object; thus, even if their position is tracked, the relevant limitation is not met. Sur-Reply, 17-19, 20-23. This was both necessary as a result of Valve's Reply and appropriate, because parties are not barred from "elaborating on their arguments on issues previously raised." *Chamberlain Grp., Inc. v. One World Techs., Inc.*, 944 F.3d 919, 925 (Fed. Cir. 2019). Sur-Reply material that "fairly adds confirmation" that the initially presented material supports the assertion on Sur-Reply is not new, but "a proper part of the record." *AMC Multi-Cinema, Inc. v. Fall Line Pats., LLC*, No. 2021-1051, 2021 U.S. App. LEXIS 29547, at *18 (Fed. Cir. Sept. 30, 2021) (distinguishing "impermissible new argument or evidence from permissible reinforcement...of a point already made.").

Valve parses Immersion's Sur-Reply with too fine a filter, effectively asking the Board to press ctrl + F to look for words that Valve says are missing from the POR to rule that arguments in the Sur-Reply are new. This is an invitation to legal error. *Ericsson Inc. v. Intellectual Ventures I LLC*, 901 F.3d 1374, 1380 (Fed. Cir. 2018) (reversing Board's decision to strike, ruling that "Board's error was parsing Ericsson's arguments on reply with too fine of a filter.") Immersion permissibly "expand[ed] the same argument" it made in its POR. *Id.* Each of the allegedly "new" arguments that Valve identifies are just elaborations that Valve made necessary by insisting on Reply that Meglan discloses a proxy object with a position that is tracked. Compare Reply at 13-14 with Sur-Reply at 17-19, 20-23.

Respectfully submitted,

Date: April 18, 2025

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CERTIFICATE OF SERVICE

As authorized by Petitioner's Mandatory Notices, I hereby certify that on April 18, 2025, a copy of this document has been served in its entirety by electronic mail on Petitioner's lead and backup counsel.

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