UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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VALVE CORPORATION,
Petitioner

v.

IMMERSION CORPORATION,
Patent Owner

_____

Case No. IPR2024-00582
Patent No. 11,175,738

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PETITIONER'S IDENTIFICATION OF NEW ARGUMENTS IN PATENT OWNER'S SUR-REPLY

Pursuant to the Board's May 22, 2025 authorizing email to the parties, Petitioner Valve Corp. ("Valve") submits this identification of new arguments improperly raised for the first time in the Sur-Reply of Patent Owner Immersion Corp. ("Immersion").

The Petition's Ground 1 argues that two embodiments in the prior-art Pratt reference (EX1006) separately anticipate and/or would have rendered obvious the challenged claims. *See, e.g.*, Petition at 10, 23-28. One of the two embodiments is Pratt's "rate-of-approach" embodiment. Citing paragraphs 39 and 41 of Pratt as well as paragraphs 148-151 of Dr. Welch's declaration (EX1004), the Petition explained how Pratt's "rate-of-approach" embodiment anticipates and/or would have rendered obvious the challenged claims. Petition at 26-28. The Board, citing the same evidence that the Petition had cited, found the Petition's arguments regarding Pratt's rate-of-approach embodiment "sufficiently persuasive" to institute *inter partes* review. Paper No. 10 ("Institution Dec.") at 17. The Board specifically noted that Dr. Welch's expert testimony relied "on paragraph 39 of Pratt." *Id*.

In its Patent Owner Response, Immersion's only argument regarding Pratt's rate-of-approach embodiment is found in a single paragraph on page 35. As Valve highlighted in its Reply, that single paragraph focuses only on Pratt's paragraph 41 disclosures, leaving unaddressed the other evidence that the Petition (and the Board) cited—including paragraph 39 of Pratt. Reply at 5-8.

Immersion's Sur-Reply newly argues that Ground 1's rate-of-embodiment arguments fail because Pratt's paragraphs 39 and 41 "disclose different, incompatible embodiments." Sur-Reply at 8. Unlike the single paragraph Immersion's Patent Owner Response devoted to addressing Pratt's rate-of-approach embodiment, Immersion's Sur-Reply spends seven pages newly addressing the evidence and argument regarding Pratt's rate-of-approach embodiment that the Petition (and the Board) cited and which Immersion's Patent Owner Response ignored. *See, generally* Sur-Reply at 8-15.

The arguments made in the following sections of Immersion's Sur-Reply are advanced to support Immersion's new "rate-of-approach" argument and are improper:

- Section III.B.1: "Pratt paragraphs 39 and 41 disclose different, incompatible embodiments." (Sur-Reply at 8-13);
- Section III.B.2: "Immersion substantively addressed the embodiment disclosed in paragraph 39 in its POR." (Sur-Reply at 13-15).

Respectfully submitted,

Date: May 30, 2025

/*Nathan R. Speed*/

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CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6 (E)(4)

I certify that on May 30, 2025, a copy of the foregoing document, including any exhibits filed therewith, is being served via electronic mail, as previously consented to by Patent Owner, upon the following:

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Date: May 30, 2025

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