

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VALVE CORPORATION,
Petitioner,

v.

IMMERSION CORPORATION,
Patent Owner.

IPR2024-00582
Patent 11,175,738

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

Pursuant to the Board’s May 22, 2025 authorization, Patent Owner responds to Petitioner’s identification of allegedly “new” arguments, Paper 27.

The sole allegedly new argument Petitioner identifies in Patent Owner’s Sur-Reply is “Ground 1’s rate-of-[approach] arguments fail because Pratt’s paragraphs 39 and 41 ‘disclose different, incompatible embodiments.’” *Id.* 2 (quoting Sur-Reply 8). But Patent Owner presented this argument in both its POR and POPR.

Patent Owner noted “Pratt is directed to two principal concerns,” as exemplified by the two embodiments of paragraphs 39 and 41. POR 2; POPR 2. First, Patent Owner explained paragraph 39’s embodiment deals with the problem of “reducing latency, i.e., increasing the speed with which the device produces a haptic effect upon touch,” and its “haptic effect is ***based solely on the touch signal.***” POR 2 (citing Ex. 1006 ¶39); POPR 2-3. Next, Patent Owner explained paragraph 41’s embodiment deals with the problem of “conveying information to the user about the speed and direction of their approach,” and its haptic effect is generated ***based on proximity alone, not touch.*** POR 2 (citing Ex. 1006 ¶41); POPR 3.

Due to the disparate nature of these two embodiments, Patent Owner argued there is no motivation to modify paragraph 41’s ***proximity sensor-based*** embodiment to take into account ***touch sensor*** information (i.e., that from paragraph 39’s embodiment). POR 35; POPR 41-42. Patent Owner explained that “the purpose of the haptic effect” of paragraph 41’s embodiment “is to convey information ***before***

the user touches the menu icon” on the screen, and as such, “a POSA would understand that in the context of this embodiment, one would not wait to convey that information until after they have touched the menu icon,” as in paragraph 39’s embodiment described at page 2 of the POR. POR 35; POPR 41-42.

Patent Owner’s Sur-Reply simply expounds on these arguments, in response to Petitioner’s Reply, where Petitioner claimed Patent Owner failed to address the Petition’s “explanation and accompanying expert testimony concerning how POSAs would understand Pratt’s paragraphs 39 and 41 **together**.” Reply 7; *see* Paper 27 (repeating these arguments). In response, Patent Owner explained that it had in fact addressed both paragraphs 39 and 41 in its POR (Sur-Reply 13-15), and elaborated on its prior arguments in light of Petitioner’s apparent confusion (*id.* 8-13).

This elaboration was necessary to respond to Petitioner’s Reply, and appropriate because a party may “elaborat[e] on its arguments on issues previously raised.” *Apple Inc. v. Gesture Tech. Partners, LLC*, 127 F.4th 364, 372 (Fed. Cir. 2025) (cleaned up) (holding the Board erred when it failed to consider testimony that “simply expanded upon the significance of” aspect of prior art reference). And when, as here, a party “adds confirmation that the initially presented material does in fact support” an assertion made in a Sur-Reply, that “is not prohibited new material, but a proper part of the record.” *AMC Multi-Cinema, Inc. v. Fall Line Patents, LLC*, No. 2021-1051, 2021 U.S. App. LEXIS 29547, at *18 (Fed. Cir. Sept. 30, 2021).

Respectfully Submitted,

Dated: June 6, 2025

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CERTIFICATE OF SERVICE

As authorized by Petitioner's Mandatory Notice, I hereby certify that on June 6, 2025, a copy of this document has been served in its entirety by electronic mail on Petitioner's Lead and Back-up Counsel at the following email addresses:

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