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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

HAPTIC, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

No. 3:24-cv-02296-JSC

JURY TRIAL DEMANDED

Hon. Jacqueline Scott Corley

**JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT PURSUANT
TO PATENT L.R. 4-3**

Pursuant to Patent L.R. 4-3, Plaintiff Haptic, Inc. (“Haptic”) and Defendant Apple Inc. (“Apple”) submit this Joint Claim Construction and Prehearing Statement.

1. Patent L.R. 4-3(A) Agreed Claim Constructions: The parties agree to the construction of the term “means for initiating activity of said terminal device corresponding to said command.” The parties agree that that this term is subject to 35 U.S.C. § 112(f), the claimed function includes “Initiating activity of said terminal device corresponding to said command,” and the corresponding structures include “a switch or other actuating mechanism that changes the status of a terminal device” and equivalents thereof.

2. Patent L.R. 4-3(B) Disputed Claim Constructions: The parties dispute the construction of the claim terms as set forth in Exhibit A. Each party reserves the right to rely on any intrinsic or extrinsic evidence identified by the other party. In addition, each party reserves the right to amend, correct, or supplement its claim construction positions and supporting evidence in response to any change of position by the other party.

3. Patent L.R. 4-3(C) Identification of Most Significant Terms: The parties dispute the construction of seven claim terms, all of which are significant to the resolution of the parties’ claims and defenses. Apple contends that the following six terms are case dispositive:

- a. “said contact interaction being comprised of an impact on said mounting surface”
- b. “processing module . . . said processing module determining a data pattern corresponding to said data signals of said contact interaction and matching said data pattern with a gesture profile”
- c. “[additional] receiving module”
- d. “routing module . . . said routing module receiving said data signals from said sensor”
- e. “output module . . . said output module transmitting said command to said receiving module”

1 f. “engagement means . . . wherein said engagement means of said housing comprises:
2 an attachment means between said housing to said mounting surface; and a
3 transmission portion connecting said sensor to said attachment means of said
4 housing and being comprised of a material with flexibility different than said
5 mounting surface so as to set a rigid position of said sensor relative to said mounting
6 surface, said contact interaction generating said data signals of said sensor through
7 said transmission portion”

8 **4. Patent L.R. 4-3(D) Anticipated Length of Time for Hearing:** The parties anticipate
9 the length of time necessary for the claim construction hearing will be two hours, divided equally
10 between the parties.

11 **5. Patent L.R. 4-3(E) Anticipated Witnesses at the Hearing:** The parties do not propose
12 to call any live witnesses, including expert witnesses, at the claim construction hearing.

13 **6. Patent L.R. 4-3(F) Requested Factual Findings:** Haptic does not request any factual
14 findings from the Court related to claim construction. Apple requests that the Court adopt all of the
15 facts in Dr. Visell’s claim construction expert report. Haptic objects to Apple’s request because it does
16 not identify any specific “factual findings requested from the Court” in accordance with Patent Local
17 Rule 4-3(F), and Apple has not yet served Dr. Visell’s claim construction expert report.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that on August 29, 2024, the foregoing document was electronically filed with the Clerk of the Court for the United States District Court, Northern District of California, using this Court’s Electronic Case Filing (ECF) system.

/s/ Ace M. Factor
Ace M. Factor

Exhibit A – Proposed Construction of Disputed Terms
U.S. Patent No 9,996,738

No.	Term	Plaintiff's Proposed Construction and Supporting Evidence	Defendant's Proposed Construction and Supporting Evidence
1.	“said contact interaction being comprised of an impact on said mounting surface”	<u>Proposed Construction</u> No construction necessary.	<u>Proposed Construction</u> where the contact interaction is a user impact (e.g., a knock) directly on the mounting surface <u>Supporting Evidence</u> '738 patent at 1:40-48, 4:31-41, 6:3-6, 6:33-48, 7:35-8:65, Figs. 5-9 '738 patent file history: 2018-02-26 Amendment at 7, 14, 16-19; 2017-05-24 Non-Final Rejection at 6-7 Testimony of Dr. Yon Visell APL-HAPTIC_00538091; APL-HAPTIC_00538081; APL-HAPTIC_00538095; APL-HAPTIC_00538074; APL-HAPTIC_00538099; APL-HAPTIC_00538087
2.	“terminal device”	<u>Proposed Construction</u> No construction necessary.	<u>Proposed Construction</u> a remote device <u>Supporting Evidence</u> '738 patent at Abstract, 1:40-48, 1:54-66, 2:3-8, 2:21-24, 2:38-40, 3:26-29, 3:61-63, 4:31-36, 5:39-55, 6:3-6, 6:33-48, 6:60-61, 9:65-67, 11:43-49, Claim 8, Fig. 1 Testimony of Dr. Yon Visell APL-HAPTIC_00538081; APL-HAPTIC_00538078

3.	“processing module . . . said processing module determining a data pattern corresponding to said data signals of said contact interaction and matching said data pattern with a gesture profile”	<u>Proposed Construction</u> No construction necessary. Not subject to 35 U.S.C. § 112(f). Not indefinite.	<u>Proposed Construction</u> Subject to 35 U.S.C. § 112(f). Indefinite. Functions: • Processing • Determining a data pattern corresponding to the data signals • Matching the data pattern with a gesture profile Structure • Processing module 46 • Equivalents thereof <u>Supporting Evidence</u> '738 patent at 5:25-38, 8:66-9:14, 9:40-50, 10:33-36, 10:59-11:2, Figs. 1-2 Testimony of Dr. Yon Visell
4.	“[additional] receiving module”	<u>Proposed Construction</u> No construction necessary. Not subject to 35 U.S.C. § 112(f). Not indefinite.	<u>Proposed Construction</u> Subject to 35 U.S.C. § 112(f). Indefinite. Function: • Receiving Structure: • Receiving module 52 • Equivalents thereof <u>Supporting Evidence</u> '738 patent at 5:43-46, 5:51- 53, 10:63-64, 11:6-9 Testimony of Dr. Yon Visell
5.	“routing module . . . said routing module receiving said data signals from said sensor”	<u>Proposed Construction</u> No construction necessary. Not subject to 35 U.S.C. § 112(f). Not indefinite.	<u>Proposed Construction</u> Subject to 35 U.S.C. § 112(f). Indefinite. Functions: • Routing

		- Receiving the data signals from the sensor Structure: - Routing module 44 - Equivalents thereof <u>Supporting Evidence</u> '738 patent at 5:25-31, 9:40-45, 10:59-67, 11:20-24, Fig. 1 Testimony of Dr. Yon Visell
6.	“output module . . . said output module transmitting said command to said receiving module”	<u>Proposed Construction</u> No construction necessary. Not subject to 35 U.S.C. § 112(f). Not indefinite. Functions: - Outputting - Transmitting the command to said receiving module Structure: - Output module 48 - Equivalents thereof <u>Supporting Evidence</u> '738 patent at 5:25-28, 5:36-38, 9:40-61, 10:59-64, 11:6-9, Fig. 1 Testimony of Dr. Yon Visell
7.	“engagement means . . . wherein said engagement means of said housing comprises: an attachment means between said housing to said mounting surface; and a transmission portion connecting said sensor to said attachment means of said housing and being comprised of a material with	<u>Proposed Construction</u> Subject to 35 U.S.C. § 112(f). Functions: - Engagement - Attaching or holding the housing to the mounting surface - Transmitting data signals from the attachment means to the sensor

flexibility different than said mounting surface so as to set a rigid position of said sensor relative to said mounting surface, said contact interaction generating said data signals of said sensor through said transmission portion”	Structures: • An “attachment means” and a “transmission portion” • Adhesive, mechanical fasteners, threaded screws, screw holes, or other components to hold the housing to the mounting surface • A portion connecting the sensor to the housing, which can be comprised of frames, brackets, a spring loaded portion, or a material with flexibility different than the materials of the mounting surface or surface of the contact interaction • Equivalents thereof <u>Supporting Evidence</u> <i>Engagement means:</i> ’738 Patent, 4:46-49 (“The engagement means can include an attachment means between the housing to the mounting surface and a transmission portion connecting the sensor to the housing.”); ’738 Patent, 6:67-7:4 (“FIG. 4 shows an embodiment of the engagement means 24 being comprised of an attachment means 26 between the housing 20 to the mounting surface 22 and a transmission portion 28 connecting the sensor 30 to the housing 20.”) <i>Attachment means:</i> ’738 Patent, 7:4-7 (“The attachment means 26 can be an adhesive, mechanical fasteners, threaded screws or other components to hold the housing 20 to the mounting surface 22.”) <i>Transmission portion:</i> ’738 Patent 4:46-51 (“The engagement means can include an attachment means between the housing to the mounting surface and a transmission portion connecting the sensor to the housing. In some embodiments, the	• Connecting said sensor to said attachment means of said housing to set a rigid position of said sensor relative to said mounting surface Structures: • Adhesive, mechanical fasteners, or threaded screws • Transmission portion 28, which includes frames and brackets 38 or a spring loaded portion, each of which are comprised of a material with flexibility different than the mounting surface and reduce damping • Equivalents thereof <u>Supporting Evidence</u> ’738 patent at 4:46-51, 4:65-66, 6:67-7:17, 7:27-29, 8:9-52, Figs. 3-9 ’738 patent file history: 2018-02-26 Amendment at 5, 15-18 Testimony of Dr. Yon Visell
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		transmission portion has a spring loaded portion to reduce damping of the sensor within the housing.”); ’738 Patent, 7:7-17 (“In some embodiments, the transmission portion 28 can be comprised of frames and brackets 38 or a spring loaded portion (not shown) so as to reduce damping. . . . The transmission portion 28 affects sound or vibration or other stimuli from the mounting surface 22 to the sensor 30”); ’738 Patent, 8:20-25 (“The transmission portion 28 can be comprised of a rigid material, such as an injection molded frame, with flexibility different than the materials of the mounting surface 22 or surface of the contact interaction, if different from the mounting surface 22.”)	
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