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ALTMAN & NICKEL**

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May 5, 2016

***VIA HAND DELIVERY***

The Honorable Lisa R. Barton  
Secretary  
U.S. International Trade Commission  
500 E Street, SW  
Washington, D.C. 20436

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U.S. INTERNATIONAL TRADE COMMISSION  
2016 MAY -5 PM 3:39

Re: *Certain Mobile and Portable Electronic Devices Incorporating Haptics  
(Including Smartphones and Laptops) and Components Thereof,*  
Inv. No. 337-TA-

Dear Secretary Barton:

Enclosed for filing on behalf of Complainant Immersion Corporation ("Immersion" or "Complainant") are documents in support of Immersion's request that the Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended. Pursuant to the Commission Rules of Practice and Procedure, a request for confidential treatment of Confidential Exhibit Nos. 31C and 42C is also included with this submission.

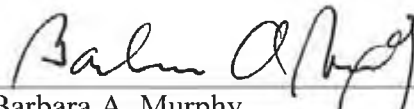
Immersion submits the following documents for filing:

1. An unbound original and eight (8) copies of Immersion's non-confidential verified Complaint and the Statement of Public Interest; and (1) copy of the accompanying non-Confidential Exhibits in electronic form (on a CD), with (1) copy of the Confidential Exhibit Nos. 31C and 42C in electronic form (on a CD) segregated from the other material submitted (Commission Rules 201.6(c), 210.4(f)(3)(i) and 210.8(a));
2. Certified copies of United States Patent Nos. 8,749,507 ("the '507 patent"); 7,808,488 ("the '488 patent"); 7,336,260 ("the '260 patent") and 8,581,710 ("the 710 patent") referenced in the Complaint as Exhibits 1-4, respectively (Commission Rule 210.12(a)(9)(i));
3. Certified copies of the assignment histories for the asserted patents, referenced in the Complaint as Exhibits 5-9, respectively (Commission Rule 210.12(a)(9)(ii));
4. Physical Exhibit Nos. 1-4 (Commission Rule 210.12(b));
5. A certified copy of the prosecution history of the '507 patent (Appendix A1), a certified copy of the prosecution history of the '488 patent (Appendix B1), a certified copy of the

- '260 patent (Appendix C1), a certified copy of the prosecution history of the '710 patent (Appendix D1), and four (4) additional copies of each in electronic form (on a CD) (Commission Rule 210.12(c)(i));
6. Four (4) copies in electronic form (on CD) of each patent and technical reference mentioned in the prosecution histories of the asserted patents, referenced in the Complaint as Appendices A2, A3, B2, B3, C2, C3, D2, and D3 (Commission Rule 210.12(c)(2));
  7. Three (3) additional copies of the verified non-confidential Complaint, including all accompanying non-confidential Exhibits in electronic form (on a CD), for service upon each Proposed Respondent (Commission Rules 210.4(f)(3)(i), 210.8(a) and 210.11(a));
  8. Three (3) additional copies of the confidential Exhibit Nos. 31C and 42C in electronic form (on a CD) for service upon a representative of each Proposed Respondent who has properly subscribed to the protective order in this matter (Commission Rules 210.4(f)(3)(i), 210.8(a) and 210.11(a)); and
  9. A letter and certification pursuant to Commission Rules 201.6(b) and 210.5(d) requesting confidential treatment of information appearing in Confidential Exhibit Nos. 31C and 42C.

Thank you for your assistance in this matter. Please contact me if you have any questions.

Respectfully submitted,



Barbara A. Murphy  
Foster, Murphy, Altman & Nickel, PC  
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Facsimile: 202-822-4199

*Counsel to Complainant Immersion Corporation*



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May 5, 2016

***VIA HAND DELIVERY***

The Honorable Lisa R. Barton  
Secretary  
U.S. International Trade Commission  
500 E Street, SW  
Washington, D.C. 20436

Re: *Certain Mobile and Portable Electronic Devices Incorporating Haptics  
(Including Smartphones and Laptops) and Components Thereof*  
Inv. No. 337-TA-

Dear Secretary Barton:

Foster, Murphy, Altman & Nickel, PC represents Immersion Corporation ("Immersion") in connection with a complaint filed pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

Pursuant to Commission Rules 201.6 and 210.5, 19 C.F.R. §§ 201.6 and 210.5, Immersion respectfully requests confidential treatment of the business information contained in Confidential Exhibits 31C and 42C. These exhibits contain confidential business information pursuant to 19 C.F.R. § 201.6 because they disclose proprietary commercial information, proprietary commercial relationships, proprietary business information, and/or proprietary business relationships that are not otherwise publically available.

Specifically, Confidential Exhibit 31C contains confidential business information concerning Immersion's significant domestic investments relating to the exploitation of the asserted patents. Confidential Exhibit 42C contains confidential business information belonging to Immersion and third parties concerning licensing relationships and agreements.

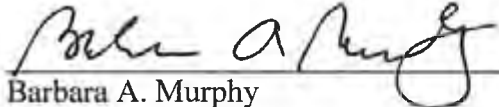
Disclosure of such information would cause substantial harm to the competitive positions of Immersion as well as third parties. Such disclosure would also impair the Commission's ability in the future to obtain such types of information in performance of its statutory function.

I certify that substantially identical information is not reasonably available to the public.

The Honorable Lisa R. Barton  
May 5, 2016  
Page 2

Thank you for your assistance in this matter. Please contact me if you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barbara A. Murphy", is written over a horizontal line.

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*Counsel to Complainant Immersion Corporation*

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, D.C.**

**In the Matter of**

CERTAIN MOBILE AND PORTABLE  
ELECTRONIC DEVICES  
INCORPORATING HAPTICS  
(INCLUDING SMARTPHONES AND  
LAPTOPS) AND COMPONENTS  
THEREOF

Inv. No. 337-TA-\_\_\_\_\_

**PUBLIC INTEREST STATEMENT OF COMPLAINANT  
IMMERSION CORPORATION**

Pursuant to 19 C.F.R. § 210.8(b), Complainant Immersion Corporation ("Immersion") respectfully submits this Statement on the Public Interest, filed concurrently with the Complaint, regarding the remedial orders requested in Immersion's Complaint against Proposed Respondents Apple Inc. ("Apple"), AT&T Inc., and AT&T Mobility LLC (collectively, "Respondents"). Immersion seeks a limited exclusion order and cease-and-desist orders to preclude Respondents from importing into the United States and selling in the United States after importation certain mobile and portable electronic devices (including smartphones and laptops) incorporating haptics that infringe United States Patent Nos. 8,749,507; 7,808,488; 7,336,260; and 8,581,710 (collectively, the "Accused Products"). As discussed below, issuance of a limited exclusion order and cease-and-desist orders covering the Accused Products will not have an adverse effect on public health or welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States customers.

**I. Specific Public Interest Inquiries**

**A. Use of the Accused Products in the United States**

The Accused Products in this matter are electronic devices that incorporate haptic feedback technology ("haptics"), including smartphones and laptops, that are imported and sold in the

United States by or on behalf of Respondents. Haptics allows users to feel a vibrating force or resistance based on different user interactions with the device and enhance the user experience. In the Accused Products, pressure-enabled sensors may measure the pressure levels of contacts on the touchscreen, and depending on the pressure level of the contact on the touchscreen, provide different haptic effects.

The Accused Products that contain such technology are not necessary for public safety, health, or welfare. Rather, the Accused Products are used in the United States largely for nonemergency personal communications, internet browsing, entertainment (*e.g.*, games, videos, music), social media, and business.

**B. There Are No Public Health, Safety, or Welfare Concerns Relating to the Requested Remedial Orders**

Remedial orders should be withheld *only* in "limited circumstances in which the statutory public interest concerns *are so great* as to trump the public interest in enforcement of intellectual property rights." *Certain Baseband Processor Chips & Chipsets, Transmitter & Receiver (Radio) Chips, Power Control Chips, & Products Containing Same, Including Cellular Telephone Handsets*, Inv. No. 337-TA-543, Comm'n Op. on Remedy, Public Interest, & Bonding at 148-53 (June 19, 2007) (emphasis added); *Personal Data & Mobile Commc'n Devices & Related Software*, Inv. No. 337-TA-710, Comm'n Op. at 81 n. 56 (Dec. 29, 2011) (stating that the Commission "does not believe that the mere fact that a technological field has been determined to provide benefits to the economy is sufficient to excuse infringement of a patent in that field"). Consumer electronic devices such as smartphones and laptops do not implicate public health, safety, or welfare concerns. *See, e.g., Certain Mobile Devices, Associated Software, & Components Thereof*, Inv. No. 337-TA-744, Comm'n Op., 2012 WL 3715788, at \*18 (June 5, 2012) (holding that the exclusion of infringing mobile devices "will not have a significant adverse

impact on the public health, safety, or welfare"). In fact, Apple itself has recognized that electronic devices such as smartphones and tablet computers "do not implicate any particular public health, safety, or welfare concerns" when seeking an exclusion order as a complainant. *See Certain Personal Data & Mobile Commc'ns Devices & Related Software*, Inv. No. 337-TA-710, Compl'ts Apple and NeXT Software's Statement Regarding Public Interest, at 2 (Aug. 25, 2011); *Certain Electronic Digital Media Devices*, Apple's PI Submission, at 19 (June 11, 2013) (stating that smartphones, media players, and tablet computers "do not have any specialized public health, safety, or welfare applications, nor are they the types of products that affect public health and welfare"). Importantly, Immersion is not seeking to exclude all of Respondents' products—only products containing the infringing haptic features.

Exclusion of the Accused Products would not implicate national security, public health, or other important public policies announced by Congress or the President upon which the Commission has precluded relief in the past. *See, e.g., Certain Fluidized Supporting Apparatus & Components Thereof*, Inv. No. 337-TA-182-188, Comm'n Op., USITC Pub. 1667 (Oct. 1984) (denying relief where products at issue were specialized hospital beds for burn patients); *Certain Inclined-Field Acceleration Tubes & Components Thereof*, Inv. No. 337-TA-67, Comm'n Op., 1980 WL 140675 (Dec. 1980) (denying relief where products at issue were special tubes for basic nuclear research); *Certain Automatic Crankpin Grinders*, Inv. No. 337-TA-60, Op. of Vice Chairman Alberger & Comm'nrs Bedell and Stern, 1979 WL 61022 (Dec. 1979) (denying relief where products at issue were special machines necessary to manufacture engine parts needed to comply with congressionally mandated fuel efficiency standards). Nor do the haptic features incorporated in the Accused Products provide functionality necessary for emergency service personnel. *Cf. Certain Baseband Processor Chips & Chipsets*, Comm'n Op. at 148-150 (June 19,

2007) (issuing a tailored exclusion order because the technology at issue was integral to the ability of mobile devices to operate and thus excluding imports entirely could affect the ability of first responders and public safety officials to perform essential tasks).

**C. Accused Products Can Be Replaced with Like or Directly Competitive Products by Apple Itself and by Third Parties**

Apple itself may replace the Accused Products by disabling the infringing haptic features. In addition, the smartphone and laptop industries are characterized by intense competition. *See* Apple Inc. 2015 Form 10-K (for year ending Sept. 26, 2015), at 5 (stating that Apple is "confronted by aggressive competition in all areas of its business," and that the markets for its products are "characterized by frequent product introductions"). There are numerous smartphones and laptops available to consumers in the United States, produced by various original equipment manufacturers that provide the same functions performed by Respondents' Accused Products, such as nonemergency personal communications, internet browsing, entertainment, social media, and business. Although Immersion does not itself produce mobile electronic devices, competing products offered by Apple as well as other third parties could replace the subject articles if they were to be excluded. OEMs selling like or directly competitive smartphones include Samsung Electronics Co., LG Electronics Inc., Motorola, Inc., and HTC Corporation. OEMs selling like or directly competitive laptops include Hewlett-Packard Company, Lenovo Group Ltd., Dell Inc., and ASUSTeK Computer Inc.

**D. Apple as Well as Third Parties Have the Capacity to Replace the Volume of Articles Subject to the Requested Remedial Orders in a Commercially Reasonable Time in the United States**

As discussed above, numerous large electronics companies offer for sale in the United States smartphones and laptops. The number of smartphone and laptop offerings is compelling evidence that there is more than sufficient industry capacity to replace the Accused Products



subject to the requested remedial orders in a commercially reasonable time and to ensure that the market for smartphones and laptops remains competitive. In addition, Apple itself can remove the infringing haptic features, and avoid any shortfall of smartphones or laptops.

**E. The Requested Remedial Orders Would Have No or Minimal Impact on Consumers**

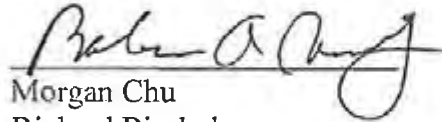
Consumers have many options when buying smartphones and laptops, with many different features and price points. Consumers would not be materially impacted by the exclusion of the Accused Products. Moreover, to the extent there is any price increase for mobile electronic devices or laptops as a result of the relief sought, this increase would be insufficient to warrant denial of the requested remedial orders. *Certain Lens-Fitted Film Packages*, Inv. No. 337-TA-406, Comm'n Op. at 18 (June 28, 1999) ("The fact that some retailers and consumers may have to pay a higher price for [the accused products] does not justify a determination that the public interest in protecting [IP] rights is in any way outweighed.").

**II. Conclusion**

The issuance of Immersion's requested remedial orders would accord with the strong public interest in protecting intellectual property rights. *Certain Baseband Processor Chips*, Inv. No. 337-TA-543, Comm'n Op. at 136-37. The interest is not outweighed by any adverse impact on the public that may result from the issuance of the requested relief. As discussed in the foregoing, the Accused Products are not necessary to meet an important public health, safety, or public welfare need, and Apple as well as third parties are capable of satisfying any additional market demand that may be created by issuance of the requested orders.

Dated: May 5, 2016

Respectfully submitted,



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**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, DC**

**In the Matter of**

CERTAIN MOBILE AND PORTABLE  
ELECTRONIC DEVICES  
INCORPORATING HAPTICS  
(INCLUDING SMARTPHONES AND  
LAPTOPS) AND COMPONENTS  
THEREOF

Inv. No. 337-TA-\_\_\_\_\_

**COMPLAINT OF IMMERSION CORPORATION**  
**UNDER SECTION 337 OF THE TARIFF ACT OF 1930**

**COMPLAINANT**

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**PROPOSED RESPONDENTS**

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AT&T Inc.  
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Dallas, TX 75202  
Telephone: (210) 821-4105

AT&T Mobility LLC  
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Atlanta, GA 30319  
Telephone: (404) 236-7895

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1	Certified Copy of United States Patent No. 8,749,507 ('507 Patent)
2	Certified Copy of United States Patent No. 7,808,488 ('488 Patent)
3	Certified Copy of United States Patent No. 7,336,260 ('260 Patent)
4	Certified Copy of United States Patent No. 8,581,710 ('710 Patent)
5	Certified Assignment Papers for the '507 Patent
6	Certified Assignment Papers for the '488 Patent
7	Certified Assignment Papers for the '488 and '260 Patents
8	Certified Assignment Papers for the '260 Patent
9	Certified Assignment Papers for the '710 Patent
10	List of Foreign Counterparts to Patents-in-Suit
11	Immersion 2015 10K
12	Apple iPhone Webpages
13	Apple iPhone 6s Teardown Photographs
14	Apple iPhone User Guide for iOS 8.4
15	Apple iPhone User Guide for iOS 9.2
16	Apple iPhone 6s 3D Touch Video (Submitted as Physical Exhibit 4)
17	Apple iPhone User Guide for iOS 9.3
18	MacBook Web Pages Compilation
19	MacBook Teardown Photos
20	Infringement Claim Chart of U.S. Patent No. 8,749,507
21	Infringement Claim Chart of U.S. Patent No. 7,808,488
22	Infringement Claim Chart of U.S. Patent No. 7,336,260
23	Infringement Claim Chart of U.S. Patent No. 8,581,710

Exhibit No.	Description
24	Domestic Industry Claim Chart of U.S. Patent No. 8,749,507
25	Domestic Industry Claim Chart of U.S. Patent No. 7,808,488
26	Domestic Industry Claim Chart of U.S. Patent No. 7,336,260
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28	Demonstration Unit Screenshots
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31C	Domestic Industry Financial Schedules
32	TouchSense® Player API Programming and Reference Guide – C/C++
33	TouchSense® Player API Programming and Reference Guide – Java
34	Photographs of Apple iPhone 6s Plus, Serial No. 353297073178704, and packaging showing "Assembled in China"
35	iPhone 6s Plus Receipt from AT&T Retail Store, Serial No. 353297073178704
36	Photographs of Apple iPhone 6s, Serial No. DNPQLA26GRXV, and packaging showing "Assembled in China"
37	iPhone 6s Receipt from Apple Retail Store, Order No. W418336095
38	Photographs of MacBook Pro, Serial No. C02RCQHGFVH3, and packaging showing "Assembled in China"
39	MacBook Pro Receipt from Apple Retail Store, Order No. W487724592
40	Web pages re Android Developers
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42C	List of Licensees
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**TABLE OF PHYSICAL EXHIBITS**

Exhibit No.	Description
1	Apple iPhone 6s, Serial No. DNPQLA26GRXV
2	Apple iPhone 6s Plus, Serial No. 353297073178704
3	MacBook Pro, Serial No. C02RCQHGFVH3
4	Apple iPhone 6s 3D Touch Video



## **APPENDIX OF ADDITIONAL MATERIALS**

As required by 19 C.F.R. § 210.12(c), a certified copy of each of the prosecution histories of the patents-in-suit, as well as the patents and technical references cited therein, is submitted in the following appendices:

### **Appendix A – U.S. Patent No. 8,749,507**

A1 – Certified Copy of Prosecution History for U.S. Patent No. 8,749,507

A2 – Patents for U.S. Patent No. 8,749,507

A3 – Technical References for U.S. Patent No. 8,749,507

### **Appendix B – U.S. Patent No. 7,808,488**

B1 – Certified Copy of Prosecution History for U.S. Patent No. 7,808,488

B2 – Patents for U.S. Patent No. 7,808,488

B3 – Technical References for U.S. Patent No. 7,808,488

### **Appendix C – U.S. Patent No. 7,336,260**

C1 – Certified Copy of Prosecution History for U.S. Patent No. 7,336,260

C2 – Patents for U.S. Patent No. 7,336,260

C3 – Technical References for U.S. Patent No. 7,336,260

### **Appendix D – U.S. Patent No. 8,581,710**

D1 – Certified Copy of Prosecution History for U.S. Patent No. 8,581,710

D2 – Patents for U.S. Patent No. 8,581,710

D3 – Technical References for U.S. Patent No. 8,581,710

## **I. INTRODUCTION**

1.1 Complainant Immersion Corporation ("Immersion") requests that the United States International Trade Commission ("Commission") commence an investigation pursuant to Section 337 of the Tariff Act of 1930; as amended, 19 U.S.C. § 1337 ("Section 337"). The proposed Respondents are Apple Inc., a California corporation with a principal place of business at 1 Infinite Loop, Cupertino, California 95014; AT&T Inc., a Delaware corporation with a principal place of business at 208 S. Akard Street, Dallas, Texas 75202; and AT&T Mobility LLC, a Delaware limited liability company with a principal place of business at 1025 Lenox Park Boulevard NE, Atlanta, Georgia 30319.

1.2 The unfair acts of Respondent Apple Inc. ("Apple") under Section 337 include the unlicensed importation, sale for importation, and/or sale after importation of certain mobile and portable electronic devices incorporating pressure-enabled haptic feedback technology ("haptics")—marketed by Apple as Force Touch and 3D Touch—including smartphones and laptops ("Apple Accused Products"). The Apple Accused Products generally employ Immersion's patented technology relating to apparatuses for, and methods of, implementing pressure-enabled haptics to enhance the user experience on electronic devices.

1.3 The unfair acts of Respondents AT&T Inc. and AT&T Mobility LLC (collectively, "AT&T") under Section 337 include the unlicensed importation, sale for importation, and/or sale after importation of certain mobile electronic devices incorporating pressure-enabled haptics, including smartphones ("AT&T Accused Products"). The AT&T Accused Products generally employ Immersion's patented technology relating to apparatuses for, and methods of, implementing pressure-enabled haptics to enhance the user experience on electronic devices.

1.4 Pursuant to 19 C.F.R. § 210.12(a)(12), the categories of products accused are smartphones and laptops including, without limitation, smartphone devices sold under the tradenames Apple iPhone 6s and Apple iPhone 6s Plus, and laptop devices sold under the tradenames Apple MacBook and Apple MacBook Pro with Retina display (with Force Touch Trackpad).

1.5 As set forth in detail herein, Respondents' Accused Products are covered by and infringe at least certain claims of U.S. Patent No. 8,749,507 (the '507 patent); U.S. Patent No. 7,808,488 (the '488 patent); U.S. Patent No. 7,336,260 (the '260 patent) and U.S. Patent No. 8,581,710 (the '710 patent) listed in **Table 1** below. The '507 patent, '488 patent, and '710 patent are asserted against Respondents Apple and AT&T. The '260 patent is asserted against Respondent Apple. Specifically, Respondents Apple and AT&T unlawfully import into the United States, sell for importation, and/or sell within the United States after importation, smartphones that infringe each of the identified claims of the '507 patent, the '488 patent, and the '710 patent, and accordingly have engaged in violations of Section 337. Additionally, Respondent Apple unlawfully imports into the United States, sells for importation, and/or sells within the United States after importation laptops that infringe each of the identified claims of the '260 patent.

<b>TABLE 1</b>			
<b>U.S. Patent No.</b>	<b>Independent Claims Asserted</b>	<b>Dependent Claims Asserted</b>	<b>Respondents</b>
8,749,507	1, 9, 14	2, 3, 4, 5, 10, 11, 12, 15, 16, 17	Apple, AT&T
7,808,488	1, 9, 17, 25, 29	2, 10, 18, 26, 27	Apple, AT&T
7,336,260	1	2	Apple
8,581,710	1	7, 8, 9, 10, 12	Apple, AT&T

1.6 An industry exists in the United States in connection with Immersion's domestic research, development, design, engineering, testing, and commercialization of

haptics for electronic devices. This industry is protected by the patents-in-suit as required by Section 337(a)(2) and (3). Immersion owns the entire right, title, and interest in and to each of the patents-in-suit by assignment from the original inventors.

1.7 Immersion requests that, after an investigation, the Commission issue: (1) a limited exclusion order pursuant to Section 337(d) prohibiting the entry into the United States of any and all of Respondents' electronic devices, including smartphones and laptops, incorporating haptics that are covered by one or more claims of the patents-in-suit; and (2) cease-and-desist orders pursuant to Section 337(f) directed to Respondents to halt them from importing, offering for sale, marketing, advertising, demonstrating, warehousing, distributing, selling, and/or using such imported electronic devices incorporating haptics in the United States.

## **II. THE PARTIES**

### **A. Complainant**

2.1 Immersion is a Delaware corporation, with its principal place of business located at 50 Rio Robles, San Jose, California 95134.

2.2 Immersion is a leading innovator and developer of haptic technology. Since its founding in 1993, Immersion has developed and licensed haptic products and intellectual property across diverse industries and applications, including, for example, medical devices, medical training simulations, game systems and controllers, automotive devices, touchscreen controls for appliances and office equipment, and mobile electronic devices. In recent years, a primary focus of Immersion's business has been developing products for the mobile electronic device industry, such as software products for implementing advanced haptic effects, including pressure-enabled haptic effects, on mobile electronic devices.

2.3 Immersion is the industry leader in haptics for electronic devices, and offers complete haptic system solutions. For example, Immersion's TouchSense® 3000 software product includes, among other things, a driver package designed to operate an actuator, a haptic application programming interface ("API") that programmers can use to create, launch, and modulate haptic effects, a library containing more than 100 pre-defined effects, and user interface support, among other features. Immersion's TouchSense® software is at the core of its product solutions. Immersion also has developed pressure-enabled haptic applications which use Immersion's TouchSense® software to cause an actuator to output haptic effects in response to varying threshold levels of pressure applied to the device.

2.4 Immersion practices the patents-in-suit, for example, through its development and use of pressure-enabled haptic applications, which Immersion installs on demonstration mobile devices. Immersion's demonstration devices are created to showcase Immersion's technology to customers and potential customers at private events and trade shows.

**B. Proposed Respondents**

2.5 Apple Inc. is a California corporation with a principal place of business located at 1 Infinite Loop, Cupertino, CA 95014.

2.6 Apple unlawfully sells for importation, imports, and/or offers for sale and sells after importation infringing mobile and portable electronic devices incorporating pressure-enabled haptics, including smartphones and laptops. These Apple Accused Products are listed in **Table 2** below and include, without limitation, smartphones sold under the tradenames Apple iPhone 6s and Apple iPhone 6s Plus, and laptops sold under the tradenames Apple MacBook and Apple MacBook Pro. Apple does not have a license from Immersion to the patents-in-suit.

<b><u>TABLE 2</u></b>	
<b>U.S. Patent No.</b>	<b>Accused Products</b>
8,749,507	iPhone 6s, iPhone 6s Plus
7,808,488	iPhone 6s, iPhone 6s Plus
7,336,260	MacBook, MacBook Pro 13-inch, 15-inch
8,581,710	iPhone 6s, iPhone 6s Plus

2.7 AT&T Inc. is a Delaware corporation with a principal place of business at 208 S. Akard Street, Dallas, TX 75202.

2.8 AT&T Mobility LLC, a wholly-owned subsidiary of AT&T Inc., is a Delaware limited liability company with a principal place of business at 1025 Lenox Park Boulevard NE, Atlanta, GA 30319. Herein, AT&T Inc. and AT&T Mobility LLC are collectively referred to as "AT&T."

2.9 AT&T unlawfully sells for importation, imports, and/or offers for sale and sells after importation infringing mobile electronic devices incorporating pressure-enabled haptics, including smartphones. These AT&T Accused Products include, without limitation, devices sold under the tradenames Apple iPhone 6s and Apple iPhone 6s Plus. AT&T does not have a license from Immersion to the patents-in-suit.

### **III. OVERVIEW OF THE TECHNOLOGY AT ISSUE**

3.1 "Haptics" refers to the science of touch. Haptics in consumer electronic devices provides touch or tactile sensations to the users of electronic devices. Because of the importance of the sense of touch to the way people perceive their surroundings and the things with which they interact, haptics can greatly enhance the usability and functionality of consumer electronic devices. Haptic sensations in such devices are typically created by actuators, or motors, which create a vibration.

3.2 When haptics is implemented on a mobile phone (for example, through Immersion's TouchSense® software), users can experience a vibrating force as they push a

virtual button, select a graphical object, scroll through a list, or receive a message. As another example, when haptics is implemented in a laptop computer (for example, in the laptop's touchpad), users can experience a vibrating force when they press down on the touchpad. Haptics may, for example, confirm or provide cues that an action has been performed. Predefined haptic effects may be incorporated in a mobile or portable electronic device to allow certain haptic effects to be associated with certain actions and allow applications to access and use the predefined haptic effects library. As another example, when implemented in a mobile game, users can feel an engine reverberation, the crack of the bat meeting the ball, or the release of a slingshot. The presence of haptics in mobile and portable electronic devices provides a new level of user interaction through haptic cues, which provide users with a more rich and immersive user experience.

3.3 In electronic devices, haptic effects are typically managed and controlled by embedded software, and integrated into device user interfaces and applications via embedded control software APIs. Applications running on a mobile electronic device call these APIs to implement the haptic effects. These APIs in turn cause specific haptic effect commands to be sent to an actuator in the electronic device, resulting in the associated haptic feedback effect. More sophisticated applications may provide a variety of tactile sensations. For example, user actions may trigger different haptic effects and thus communicate different types of information. This information may be conveyed by varying the type, duration, intensity, or frequency of the tactile sensations. This enables the creation of different haptic effects so that users can easily distinguish, for example, a calendar alert from a text message alert or an incoming call.

3.4 Pressure-enabled haptics is a form of haptics. For example, pressure-enabled sensors may measure the pressure levels of contacts on the touchscreen. Separate haptic

effects may be configured for different interactions with graphical objects, for example, touching graphical objects on the touchscreen and applying pressure at varying pressure levels. Different haptic effects may be provided depending on the pressure level of the contact on the touchscreen in relation to predefined pressure thresholds.

3.5 Haptics, including pressure-enabled haptics, can be incorporated into many features of a smartphone or laptop. It is especially useful in electronic devices containing touchscreens, which tend to have very few physical buttons. For example, a particular haptic effect may be used when the pressure level of the contact on the touchscreen is less than a first pressure threshold, or a particular haptic effect may be used when the pressure level of the contact on the touchscreen is between the first pressure threshold and a second pressure threshold. As another example, haptic effects in a pressure-enabled mobile device may be provided depending on whether certain conditions are met by the user's interaction with the pressure-enabled touch sensor. For example, a user may interact with a displayed graphical object on the touchscreen by applying pressure to the touchscreen. The pressure-enabled touch sensor may receive contact data from the interaction and the mobile device may determine a gesture based on the contact data. As an example, if the pressure is greater than a pressure threshold and the change in pressure is greater than a change in pressure threshold and a time interval has elapsed, a haptic effect may be provided. In this way, the user's intended interaction may be accurately determined based on contact data from the pressure-enabled touch sensor, and the user experience enhanced.

3.6 Haptic effects, including pressure-enabled haptics, may also be used to confirm receipt of a command or indicate that a command is unrecognized. For example, a user may issue a command by interacting with a graphical object on a touchscreen, *e.g.*, by applying a certain level of pressure to the touchscreen. If the user input is recognized and



the command is determined, the mobile electronic device may provide a haptic effect confirming receipt of the command. Otherwise, the mobile electronic device may provide a second haptic effect. The second haptic effect may indicate, for example, that the user input is unrecognized or that a corresponding command was not found. Haptic feedback confirming receipt of a command provides a more realistic and responsive user experience, informing the user via tactile sensation whether the user's input was recognized and the command was determined.

3.7 Immersion researches, develops, designs, engineers, and commercializes haptic software products. Immersion's software products include embedded control software and development tools marketed under the TouchSense® brand, including TouchSense® 3000, TouchSense® 4000, TouchSense® 5000, Integrator, and related Software Development Kits (SDKs) and Haptic Enabling Kits. When installed on electronic devices with pressure-enabled touchscreen interfaces, Immersion's TouchSense® solutions allow mobile device manufacturers the ability to offer compelling haptic experiences across pressure-enabled apps and user interface elements to differentiate user experience and enhance brand perception of their devices.

3.8 Immersion develops its software products and pressure-enabled haptic applications and markets them to customers and potential customers, including by using prototype demonstration units (electronic devices, such as phones, modified with pressure-sensing hardware and loaded with TouchSense® software and Immersion's pressure-enabled applications), which practice the patents-in-suit. These and other activities of Immersion exploit the patented technology and demonstrate that a domestic industry relating to the patents-in-suit exists, as discussed further in Section X.

3.9 The products at issue are smartphones and laptops incorporating pressure-enabled haptic feedback technology, and components thereof. These products include smartphones sold under the tradenames Apple iPhone 6s and Apple iPhone 6s Plus, and laptops sold under the tradenames Apple MacBook and Apple MacBook Pro (13-inch version and 15-inch version). These products include hardware and software components, including a pressure sensing touchscreen (for iPhone 6s, 6s Plus) or touchpad (for MacBook, MacBook Pro), a Taptic Engine and other actuator drive circuitry, associated software that provides haptic feedback through the actuator, and combinations thereof.

#### **IV. THE PATENTS AT ISSUE**

##### **A. The '507 Patent**

##### **1. Identification of the Patent and Ownership by Immersion**

4.1 U.S. Patent No. 8,749,507, "Systems and Methods for Adaptive Interpretation of Input from a Touch-Sensitive Input Device," issued on June 10, 2014. All rights to the '507 patent previously were assigned to Immersion by the inventors Henry DaCosta, Christophe Ramstein, and Danny Grant on August 23, 2004 (DaCosta and Grant) and August 24, 2004 (Ramstein), the assignment being recorded on Reel 28019, Frame 789. A certified copy of the '507 patent is attached as **Exhibit 1**, and a certified copy of the assignment documents is attached as **Exhibit 5**.

4.2 As discussed more fully in Sections V.A and VI.A, Respondents infringe at least those claims of the '507 patent identified in **Table 1**.

4.3 Pursuant to Commission Rule 210.12(c), this Complaint is accompanied by an original and three copies of the certified prosecution history of the '507 patent, and four copies of each patent and technical reference mentioned in the prosecution history, at **Appendix A**.

## **2. Nontechnical Description of the Patented Invention**

4.4 The '507 patent, in general, describes advances in providing haptic feedback in certain mobile electronic devices such as mobile phones that receive contact data from interactions with a touchscreen. The '507 patent teaches, among other things, systems and methods in which the mobile electronic device determines a pressure and a change in pressure based on contact data. The mobile electronic device outputs a haptic effect if the pressure is greater than a pressure threshold, the change in pressure is greater than a change in pressure threshold, and an interval has elapsed. Further details of the invention are described in the specification and the claims.

### **B. The '488 Patent**

#### **1. Identification of the Patent and Ownership by Immersion**

4.5 U.S. Patent No. 7,808,488, "Method and Apparatus for Providing Tactile Sensations," issued on October 5, 2010. All rights to the '488 patent previously were assigned to Immersion by the inventors Kenneth M. Martin, Steven P. Vassallo, Alex S. Goldenberg, Alexander Jasso, and Kollin Tierling on April 15, 2003 (Martin), June 2, 2003 (Vassallo and Goldenberg), June 4, 2003 (Jasso), and October 22, 2010 (Tierling). The assignments are recorded on Reel 25097, Frame 739; and Reel 25192, Frame 26. A certified copy of the '488 patent is attached as **Exhibit 2**, and certified copies of the assignment documents are attached as **Exhibits 6 and 7**.

4.6 As discussed more fully in Sections V.B and VI.B, Respondents infringe at least those claims of the '488 patent identified in **Table 1**.

4.7 Pursuant to Commission Rule 210.12(c), this Complaint is accompanied by an original and three copies of the certified prosecution history of the '488 patent, and four

copies of each patent and technical reference mentioned in the prosecution history, at **Appendix B**.

## **2. Nontechnical Description of the Patented Invention**

4.8 The '488 patent, in general, describes advances in providing haptic feedback in certain mobile electronic devices such as mobile phones that have, among other things, a touchscreen and an actuator. The '488 patent teaches, among other things, systems and methods in which the mobile electronic device displays on the touchscreen a graphical object. When the user touches the graphical object on the touchscreen using his or her finger, a signal is generated indicating an object contacting the touchscreen and a pressure of the contact. The mobile electronic device generates an actuator signal to the actuator to output a haptic effect based on the user's interaction with the graphical object on the touchscreen. Haptic effects are output based on, among other things, the pressure of the contact in relation to pressure thresholds. Further details of the invention are described in the specification and the claims.

### **C. The '260 Patent**

#### **1. Identification of the Patent and Ownership by Immersion**

4.9 U.S. Patent No. 7,336,260, "Method and Apparatus for Providing Tactile Sensations," issued on February 26, 2008. All rights to the '260 patent previously were assigned to Immersion by the inventors Kenneth M. Martin, Steven P. Vassallo, Alex S. Goldenberg, Alexander Jasso, and Kollin Tierling on April 15, 2003 (Martin), June 2, 2003 (Vassallo and Goldenberg), June 4, 2003 (Jasso), and October 22, 2010 (Tierling), the assignments being recorded on Reel 14166, Frame 525, and Reel 25192, Frame 26. A certified copy of the '260 patent is attached as **Exhibit 3**, and certified copies of the assignment documents are attached as **Exhibits 7-8**.

4.10 As discussed more fully in Section V.C, Respondent Apple infringes at least those claims of the '260 patent identified in **Table 1**.

4.11 Pursuant to Commission Rule 210.12(c), this Complaint is accompanied by an original and three copies of the certified prosecution history of the '260 patent, and four copies of each patent and technical reference mentioned in the prosecution history, at **Appendix C**.

## **2. Nontechnical Description of the Patented Invention**

4.12 The '260 patent, in general, describes advances in providing haptic feedback in a variety of electronic devices such as mobile phones and laptop computers that, among other things, detect pressures and provide tactile sensations. The '260 patent teaches, among other things, systems in which the electronic device detects different levels of pressure on the device and provide tactile sensations in response. Further details of the invention are described in the specification and the claims.

### **D. The '710 Patent**

#### **1. Identification of the Patent and Ownership by Immersion**

4.13 U.S. Patent No. 8,581,710, "Systems and Methods for Haptic Confirmation of Commands," issued on November 12, 2013. All rights to the '710 patent previously were assigned to Immersion by the inventors Robert W. Heubel and Erin Ramsay on November 2, 2009, the assignment being recorded on Reel 28906, Frame 647. A certified copy of the '710 patent is attached as **Exhibit 4**, and a certified copy of the assignment documents is attached as **Exhibit 9**.

4.14 As discussed more fully in Sections V.D and VI.C, Respondents infringe at least those claims of the '710 patent identified in **Table 1**.

4.15 Pursuant to Commission Rule 210.12(c), this Complaint is accompanied by an original and three copies of the certified prosecution history of the '710 patent, and four copies of each patent and technical reference mentioned in the prosecution history, at **Appendix D**.

## **2. Nontechnical Description of the Patented Invention**

4.16 The '710 patent, in general, describes advances in providing haptic feedback in certain mobile electronic devices such as mobile phones that have, among other things, a touchscreen and an actuator. The '710 patent teaches, among other things, systems and methods in which the mobile electronic device receives user input via the touchscreen. The mobile electronic device generates an actuator signal to the actuator to output a first haptic effect if the user input is recognized and a command is determined, confirming receipt of the command. Otherwise, the mobile electronic device generates an actuator signal to the actuator to output a second haptic effect. The second haptic effect may indicate that the user input is unrecognized or that a corresponding command was not found. Further details of the invention are described in the specification and the claims.

### **E. Foreign Counterparts to the Patents-in-Suit**

4.17 A list of foreign counterparts to the patents-in-suit is provided in **Exhibit 10**. Immersion owns all right, title, and interest in and to each of these foreign counterparts. Immersion is not aware of any other foreign counterpart applications corresponding to the patents-in-suit that have been issued, abandoned, denied, or which remain pending.

### **F. Licenses to the Patents-in-Suit**

4.18 A list of current Immersion licensees with rights that may extend to one or more patents-in-suit is provided in **Confidential Exhibit 42C**.

4.19 Immersion has also licensed the patents-in-suit to Immersion Technology International Limited and Immersion Software Ireland Limited, which are members of a group of affiliated companies.

4.20 On information and belief, there are no other current licenses to the patents in-suit.

## **V. RESPONDENT APPLE'S UNFAIR ACTS**

5.1 On information and belief, the Apple Accused Products, including smartphones and laptops, are manufactured outside the United States, imported by Apple into the United States, and sold by Apple throughout the United States to third parties, such as carriers, retailers, and/or end users. *See Exhibit 12.* Representative Accused Products in original packaging, reflecting that they were imported and then offered for sale and sold in the United States, are included as **Physical Exhibits 2-3**. The receipts for these products are included as **Exhibits 37 and 39**. The aforesaid acts are unlawful because the aforementioned devices all directly infringe at least one or more claims of the patents-in-suit.

5.2 As detailed more fully in subsections V.A-V.D below, Apple also indirectly infringes the patents-in-suit by actively and knowingly contributing to and/or inducing others to sell and/or use products that infringe the patents-in-suit and to perform methods covered by the patents-in-suit.

### **A. Infringement of the '507 Patent by Apple**

5.3 One or more of the Apple Accused Products infringe at least those claims of the '507 patent identified in **Table 1**. As specific examples, based on information discovered through investigation, the Apple iPhone 6s and Apple iPhone 6s Plus infringe at least independent claims 9 and 14 of the '507 patent. Additionally, users making routine use

of the representative Apple products infringe at least independent claim 1 of the '507 patent.

5.4 Apple also indirectly infringes claims of the '507 patent. Apple is aware of the '507 patent at least from the date of this Complaint. Additionally, on information and belief, Apple was aware of the '507 patent before the date of this Complaint, including without limitation through Apple's knowledge of Immersion and Immersion's disclosure of its patents on its website (formerly located at <http://www.immersion.com/haptics-technology/patents/index.html> and currently located at <http://www.immersion.com/legal/#patents>). For example, Immersion's website specifically lists the '507 patent. Additionally, on information and belief, the relevance of Immersion's leading portfolio of haptic patents is well-known to Apple. *See, e.g.,* <http://www.benzinga.com/analyst-ratings/analyst-color/13/08/3816746/immersion-others-could-get-a-boost-when-haptics-market-r> ("When it comes to haptics, Immersion is usually the first company that comes to mind."). Apple knew that the Apple iPhone 6s and Apple iPhone 6s Plus infringed the '507 patent, or at a minimum believed there was a high probability that the Apple iPhone 6s and Apple iPhone 6s Plus were covered by the '507 patent, but willfully blinded itself to Immersion's patent and the infringing nature of the Apple iPhone 6s and Apple iPhone 6s Plus.

5.5 Apple induced and is actively inducing infringement of the '507 patent, in violation of 35 U.S.C. § 271(b), by, among other things, actively and knowingly aiding and abetting others to directly make, use, offer for sale, sell, and/or import in the United States, without license or authority, products and/or processes falling within the scope of one or more claims of the '507 patent, including without limitation the Apple iPhone 6s and Apple iPhone 6s Plus. For example, Apple provides directions, instruction manuals, guides, and/or other materials that encourage and facilitate infringing use by others. *See, e.g., Exhibits 14-15, and 17.* Apple has sold and is selling these products with the knowledge and intent that



customers who buy the products will use the products for their infringing use and therefore that customers have been and are directly infringing the '507 patent.

5.6 Apple has contributorily infringed and is currently contributorily infringing the '507 patent, in violation of 35 U.S.C. § 271(c), by, among other things, selling, offering for sale, and/or importing in the United States, without license or authority, products or components of products which constitute a material part of the '507 patent, knowing that such products and/or components are especially made or especially adapted for use in the infringement of the '507 patent, and not staple articles or commodities of commerce suitable for substantial noninfringing use.

5.7 Claim charts demonstrating that exemplary Apple mobile electronic devices infringe representative claims 1, 9, and 14 of the '507 patent are attached as **Exhibit 20**.

**B. Infringement of the '488 Patent by Apple**

5.8 One or more of the Apple Accused Products infringe at least those claims of the '488 patent identified in **Table 1**. As specific examples, based on information discovered through investigation, the Apple iPhone 6s and Apple iPhone 6s Plus infringe at least independent claims 9, 17, 25, and 29 of the '488 patent. Additionally, users making routine use of the representative Apple products infringe at least independent claim 1 of the '488 patent.

5.9 Apple also indirectly infringes claims of the '488 patent. Apple is aware of the '488 patent at least from the date of this Complaint. Additionally, on information and belief, Apple was aware of the '488 patent before the date of this Complaint, including without limitation through Apple's knowledge of Immersion, and Immersion's disclosure of its patents on its website (formerly located at <http://www.immersion.com/haptics-technology/patents/index.html> and currently located at <http://www.immersion.com/legal/>

#patents). For example, Immersion's website specifically lists the '488 patent. Additionally, on information and belief, the relevance of Immersion's leading portfolio of haptic patents is well-known to Apple. *See, e.g.,* <http://www.benzinga.com/analyst-ratings/analyst-color/13/08/3816746/immersion-others-could-get-a-boost-when-haptics-market-r> ("When it comes to haptics, Immersion is usually the first company that comes to mind."). Apple knew that the Apple iPhone 6s and Apple iPhone 6s Plus infringed the '488 patent, or at a minimum believed there was a high probability that the Apple iPhone 6s and Apple iPhone 6s Plus were covered by the '488 patent, but willfully blinded itself to Immersion's patent and the infringing nature of the Apple iPhone 6s and Apple iPhone 6s Plus.

5.10 Apple induced and is actively inducing infringement of the '488 patent, in violation of 35 U.S.C. § 271(b), by, among other things, actively and knowingly aiding and abetting others to directly make, use, offer for sale, sell, and/or import in the United States, without license or authority, products and/or processes falling within the scope of one or more claims of the '488 patent, including without limitation the Apple iPhone 6s and Apple iPhone 6s Plus. For example, Apple provides directions, instruction manuals, guides, and/or other materials that encourage and facilitate infringing use by others. *See, e.g., Exhibits 14-15, and 17.* Apple has sold and is selling these products with the knowledge and intent that customers who buy the products will use the products for their infringing use and therefore that customers have been and are directly infringing the '488 patent.

5.11 Apple has contributorily infringed and is currently contributorily infringing the '488 patent, in violation of 35 U.S.C. § 271(c), by, among other things, selling, offering for sale, and/or importing in the United States, without license or authority, products or components of products which constitute a material part of the '488 patent, knowing that such products and/or components are especially made or especially adapted for use in the

infringement of the '488 patent, and not staple articles or commodities of commerce suitable for substantial noninfringing use.

5.12 Claim charts demonstrating that exemplary Apple mobile electronic devices infringe representative claims 1, 9, 17, 25, and 29 of the '488 patent are attached as **Exhibit 21**.

### **C. Infringement of the '260 Patent by Apple**

5.13 One or more of the Apple Accused Products infringe at least those claims of the '260 patent identified in **Table 1**. As specific examples, based on information discovered through investigation, the Apple MacBook and Apple MacBook Pro infringe at least independent claim 1 of the '260 patent. Additionally, users making routine use of the representative Apple products infringe at least independent claim 1 of the '260 patent.

5.14 Apple also indirectly infringes claims of the '260 patent. Apple is aware of the '260 patent at least from the date of this Complaint. Additionally, on information and belief, Apple was aware of the '260 patent before the date of this Complaint, including without limitation through Apple's knowledge of Immersion, and Immersion's disclosure of its patents on its website (formerly located at <http://www.immersion.com/haptics-technology/patents/index.html> and currently located at <http://www.immersion.com/legal/#patents>). For example, Immersion's website specifically lists the '260 patent. Additionally, on information and belief, the relevance of Immersion's leading portfolio of haptic patents is well-known to Apple. *See, e.g.,* <http://www.benzinga.com/analyst-ratings/analyst-color/13/08/3816746/immersion-others-could-get-a-boost-when-haptics-market-r> ("When it comes to haptics, Immersion is usually the first company that comes to mind."). Apple knew that the Apple MacBook and Apple MacBook Pro infringed the '260 patent, or at a minimum believed there was a high probability that the Apple MacBook and Apple

MacBook Pro were covered by the '260 patent, but willfully blinded itself to Immersion's patent and the infringing nature of the Apple MacBook and Apple MacBook Pro.

5.15 Apple induced and is actively inducing infringement of the '260 patent, in violation of 35 U.S.C. § 271(b), by, among other things, actively and knowingly aiding and abetting others to directly make, use, offer for sale, sell, and/or import in the United States, without license or authority, products and/or processes falling within the scope of one or more claims of the '260 patent, including without limitation the Apple MacBook and Apple MacBook Pro. For example, Apple provides directions, instruction manuals, guides, and/or other materials that encourage and facilitate infringing use by others. *See, e.g., Exhibit 18*, at 78-84. Apple has sold and is selling these products with the knowledge and intent that customers who buy the products will use the products for their infringing use and therefore that customers have been and are directly infringing the '260 patent.

5.16 Apple has contributorily infringed and is currently contributorily infringing the '260 patent, in violation of 35 U.S.C. § 271(c), by, among other things, selling, offering for sale, and/or importing in the United States, without license or authority, products or components of products which constitute a material part of the '260 patent, knowing that such products and/or components are especially made or especially adapted for use in the infringement of the '260 patent, and not staple articles or commodities of commerce suitable for substantial noninfringing use.

5.17 Claim charts demonstrating that exemplary Apple MacBook and Apple MacBook Pro devices infringe representative claim 1 of the '260 patent are attached as **Exhibit 22**.

#### **D. Infringement of the '710 Patent by Apple**

5.18 One or more of the Apple Accused Products infringe at least those claims of the '710 patent identified in **Table 1**. As specific examples, based on information discovered through investigation, the Apple iPhone 6s and Apple iPhone 6s Plus infringe at least independent claim 1 of the '710 patent. Additionally, users making routine use of the representative Apple products infringe at least independent claim 1 of the '710 patent.

5.19 Apple also indirectly infringes claims of the '710 patent. Apple is aware of the '710 patent at least from the date of this Complaint. Additionally, on information and belief, Apple was aware of the '710 patent before the date of this Complaint, including without limitation through Apple's knowledge of Immersion, and Immersion's disclosure of its patents on its website (formerly located at <http://www.immersion.com/haptics-technology/patents/index.html> and currently located at <http://www.immersion.com/legal/#patents>). For example, Immersion's website specifically lists the '710 patent. Additionally, on information and belief, the relevance of Immersion's leading portfolio of haptic patents is well-known to Apple. *See, e.g.,* <http://www.benzinga.com/analyst-ratings/analyst-color/13/08/3816746/immersion-others-could-get-a-boost-when-haptics-market-r> ("When it comes to haptics, Immersion is usually the first company that comes to mind."). Apple knew that the Apple iPhone 6s and Apple iPhone 6s Plus infringed the '710 patent, or at a minimum believed there was a high probability that the Apple iPhone 6s and Apple iPhone 6s Plus were covered by the '710 patent, but willfully blinded itself to Immersion's patent and the infringing nature of the Apple iPhone 6s and Apple iPhone 6s Plus.

5.20 Apple induced and is actively inducing infringement of the '710 patent, in violation of 35 U.S.C. § 271(b), by, among other things, actively and knowingly aiding and abetting others to directly make, use, offer for sale, sell, and/or import in the United States,

without license or authority, products and/or processes falling within the scope of one or more claims of the '710 patent, including without limitation the Apple iPhone 6s and Apple iPhone 6s Plus. For example, Apple provides directions, instruction manuals, guides, and/or other materials that encourage and facilitate infringing use by others. *See, e.g., Exhibits 14-15, and 17.* Apple has sold and is selling these products with the knowledge and intent that customers who buy the products will use the products for their infringing use and therefore that customers have been and are directly infringing the '710 patent.

5.21 Apple has contributorily infringed and is currently contributorily infringing the '710 patent, in violation of 35 U.S.C. § 271(c), by, among other things, selling, offering for sale, and/or importing in the United States, without license or authority, products or components of products which constitute a material part of the '710 patent, knowing that such products and/or components are especially made or especially adapted for use in the infringement of the '710 patent, and not staple articles or commodities of commerce suitable for substantial noninfringing use.

5.22 Claim charts demonstrating that exemplary Apple mobile electronic devices infringe representative claim 1 of the '710 patent are attached as **Exhibit 23**.

## **VI. RESPONDENT AT&T'S UNFAIR ACTS**

6.1 On information and belief, the AT&T Accused Products, including smartphones, are sold by AT&T after importation into the United States to third parties throughout the United States, such as retailers and/or end users. *See Exhibit 41.* A Representative Accused Product in original packaging, reflecting that it was imported and then offered for sale and sold in the United States, is included as **Physical Exhibit 1**. The receipt for this product is included as **Exhibit 35**. The aforesaid acts are unlawful because

the aforementioned devices all directly infringe at least one or more claims of the patents-in-suit.

6.2 As detailed more fully in subsections VI.A-VI.C below, AT&T also indirectly infringes the patents-in-suit by actively and knowingly contributing to and/or inducing others to sell and/or use products that infringe the patents-in-suit and to perform methods covered by the patents-in-suit.

**A. Infringement of the '507 Patent by AT&T**

6.3 One or more of the AT&T Accused Products infringe at least those claims of the '507 patent identified in **Table 1**. As specific examples, based on information discovered through investigation, the Apple iPhone 6s and Apple iPhone 6s Plus infringe at least independent claims 9 and 14 of the '507 patent. Additionally, users making routine use of these representative products infringe at least independent claim 1 of the '507 patent.

6.4 AT&T also indirectly infringes the '507 patent. AT&T is aware of the '507 patent at least from the date of this Complaint. Additionally, on information and belief, AT&T was aware of the '507 patent before the date of this Complaint, including without limitation through AT&T's knowledge of Immersion, and Immersion's disclosure of its patents on its website (formerly located at <http://www.immersion.com/haptics-technology/patents/index.html> and currently located at <http://www.immersion.com/legal/#patents>). For example, Immersion's website specifically lists the '507 patent. Additionally, on information and belief, the relevance of Immersion's leading portfolio of haptic patents is well-known to AT&T. *See, e.g.,* <http://www.benzinga.com/analyst-ratings/analyst-color/13/08/3816746/immersion-others-could-get-a-boost-when-haptics-market-r> ("When it comes to haptics, Immersion is usually the first company that comes to mind."). AT&T knew that the Accused Products infringed the '507 patent, or at a minimum believed there

was a high probability that the Accused Products were covered by the '507 patent, but willfully blinded itself to Immersion's patent and the infringing nature of the Accused Products.

6.5 AT&T induced and is actively inducing infringement of the '507 patent, in violation of 35 U.S.C. § 271(b), by, among other things, actively and knowingly aiding and abetting others to directly make, use, offer for sale, sell, and/or import in the United States, without license or authority, products and/or processes falling within the scope of one or more claims of the '507 patent, including without limitation the Apple iPhone 6s and Apple iPhone 6s Plus. For example, AT&T provides directions, instruction manuals, guides, and/or other materials that encourage and facilitate infringing use by others. *See, e.g., Exhibit 41*, at 7-8. AT&T has sold and is selling these products with the knowledge and intent that customers who buy the products will use the products for their infringing use and therefore that customers have been and are directly infringing the '507 patent.

6.6 AT&T has contributorily infringed and is currently contributorily infringing the '507 patent, in violation of 35 U.S.C. § 271(c), by, among other things, selling, offering for sale, and/or importing in the United States, without license or authority, products or components of products which constitute a material part of the '507 patent, knowing that such products and/or components are especially made or especially adapted for use in the infringement of the '507 patent, and not staple articles or commodities of commerce suitable for substantial noninfringing use.

6.7 Claim charts demonstrating that exemplary Apple mobile electronic devices sold by AT&T infringe representative claims 1, 9, and 14 of the '507 patent are attached as **Exhibit 20**.



## **B. Infringement of the '488 Patent by AT&T**

6.8 One or more of the AT&T Accused Products infringe at least those claims of the '488 patent identified in **Table 1**. As specific examples, based on information discovered through investigation, the Apple iPhone 6s and Apple iPhone 6s Plus infringe at least independent claims 9, 17, 25, and 29 of the '488 patent. Additionally, users making routine use of these representative products infringe at least independent claim 1 of the '488 patent.

6.9 AT&T also indirectly infringes the '488 patent. AT&T is aware of the '488 patent at least from the date of this Complaint. Additionally, on information and belief, AT&T was aware of the '488 patent before the date of this Complaint, including without limitation through AT&T's knowledge of Immersion, and Immersion's disclosure of its patents on its website (formerly located at <http://www.immersion.com/haptics-technology/patents/index.html> and currently located at <http://www.immersion.com/legal/#patents>). For example, Immersion's website specifically lists the '488 patent. Additionally, on information and belief, the relevance of Immersion's leading portfolio of haptic patents is well-known to AT&T. *See, e.g.,* <http://www.benzinga.com/analyst-ratings/analyst-color/13/08/3816746/immersion-others-could-get-a-boost-when-haptics-market-r> ("When it comes to haptics, Immersion is usually the first company that comes to mind."). AT&T knew that the Accused Products infringed the '488 patent, or at a minimum believed there was a high probability that the Accused Products were covered by the '488 patent, but willfully blinded itself to Immersion's patent and the infringing nature of the Accused Products.

6.10 AT&T induced and is actively inducing infringement of the '488 patent, in violation of 35 U.S.C. § 271(b), by, among other things, actively and knowingly aiding and

abetting others to directly make, use, offer for sale, sell, and/or import in the United States, without license or authority, products and/or processes falling within the scope of one or more claims of the '488 patent, including without limitation the AT&T Accused Products. For example, AT&T provides directions, instruction manuals, guides, and/or other materials that encourage and facilitate infringing use by others. *See, e.g., Exhibit 41*, at 7-8. AT&T has sold and is selling these products with the knowledge and intent that customers who buy the products will use the products for their infringing use and therefore that customers have been and are directly infringing the '488 patent.

6.11 AT&T has contributorily infringed and is currently contributorily infringing the '488 patent, in violation of 35 U.S.C. § 271(c), by, among other things, selling, offering for sale, and/or importing in the United States, without license or authority, products or components of products which constitute a material part of the '488 patent, knowing that such products and/or components are especially made or especially adapted for use in the infringement of the '488 patent, and not staple articles or commodities of commerce suitable for substantial noninfringing use.

6.12 Claim charts demonstrating that exemplary Apple mobile electronic devices sold by AT&T infringe representative claims 1, 9, 17, 25, and 29 of the '488 patent are attached as **Exhibit 21**.

### **C. Infringement of the '710 Patent by AT&T**

6.13 One or more of the AT&T Accused Products infringe at least those claims of the '710 patent identified in **Table 1**. As specific examples, based on information discovered through investigation, the Apple iPhone 6s and Apple iPhone 6s Plus infringe at least independent claim 1 of the '710 patent. Additionally, users making routine use of these representative products infringe at least independent claim 1 of the '710 patent.

6.14 AT&T also indirectly infringes the '710 patent. AT&T is aware of the '710 patent at least from the date of this Complaint. Additionally, on information and belief, AT&T was aware of the '710 patent before the date of this Complaint, including without limitation through AT&T's knowledge of Immersion, and Immersion's disclosure of its patents on its website (formerly located at <http://www.immersion.com/haptics-technology/patents/index.html> and currently located at <http://www.immersion.com/legal/#patents>). For example, Immersion's website specifically lists the '710 patent. Additionally, on information and belief, the relevance of Immersion's leading portfolio of haptic patents is well-known to AT&T. *See, e.g.,* <http://www.benzinga.com/analyst-ratings/analyst-color/13/08/3816746/immersion-others-could-get-a-boost-when-haptics-market-r> ("When it comes to haptics, Immersion is usually the first company that comes to mind."). AT&T knew that the Accused Products infringed the '710 patent, or at a minimum believed there was a high probability that the Accused Products were covered by the '710 patent, but willfully blinded itself to Immersion's patent and the infringing nature of the Accused Products.

6.15 AT&T induced and is actively inducing infringement of the '710 patent, in violation of 35 U.S.C. § 271(b), by, among other things, actively and knowingly aiding and abetting others to directly make, use, offer for sale, sell, and/or import in the United States, without license or authority, products and/or processes falling within the scope of one or more claims of the '710 patent, including without limitation the AT&T Accused Products. For example, AT&T provides directions, instruction manuals, guides, and/or other materials that encourage and facilitate infringing use by others. *See, e.g., Exhibit 41*, at 7-8. AT&T has sold and is selling these products with the knowledge and intent that customers who buy

the products will use the products for their infringing use and therefore that customers have been and are directly infringing the '710 patent.

6.16 AT&T has contributorily infringed and is currently contributorily infringing the '710 patent, in violation of 35 U.S.C. § 271(c), by, among other things, selling, offering for sale, and/or importing in the United States, without license or authority, products or components of products which constitute a material part of the '710 patent, knowing that such products and/or components are especially made or especially adapted for use in the infringement of the '710 patent, and not staple articles or commodities of commerce suitable for substantial noninfringing use.

6.17 Claim charts demonstrating that exemplary Apple mobile electronic devices sold by AT&T infringe representative claim 1 of the '710 patent are attached as **Exhibit 23**.

## **VII. ADDITIONAL INFRINGING PRODUCTS**

7.1 On information and belief, additional products of Respondents may infringe one or more of the patents-in-suit. Immersion believes it is likely that, after a reasonable opportunity for further investigation and discovery, Immersion will be able to show that additional products of Respondents infringe one or more of the asserted patents under circumstances that would give rise to further violations of Section 337.

## **VIII. SPECIFIC INSTANCES OF RESPONDENTS' UNFAIR IMPORTATION AND SALE**

8.1 On information and belief, the accused mobile and portable electronic devices incorporating haptics, including those listed above in Paragraphs 2.6 and 2.9, are manufactured outside the United States, and then imported into and sold throughout the United States to retailers and/or to end users. Respondents offer for sale and sell the Accused Products in the United States, for example, at Apple and AT&T retail stores (see **Exhibits 12 and 41**) as well as online at [www.apple.com/iphone/](http://www.apple.com/iphone/) and [www.att.com/](http://www.att.com/)

wireless/iphone/. Examples of the Accused Products, in their original packaging, are included as **Physical Exhibits 1-3**. These Representative Accused Products were purchased directly from Apple and/or AT&T retail stores in the United States. An inspection of the products revealed labels on the outside packaging of each of these exhibits stating that the products were "Assembled in China." Photographs of pertinent aspects of the packaging are included as **Exhibits 34, 36, and 38**. The receipts for these devices are included as **Exhibits 35, 37, and 39**.

8.2 Immersion believes that further discovery likely will reveal other specific acts of Respondents' importation, and sale after importation, of electronic devices incorporating haptics that infringe the patents-in-suit, including, but not limited to, additional models of smartphones and laptops.

#### **IX. HARMONIZED TARIFF SCHEDULE INFORMATION**

9.1 The proposed Respondents' subject products are believed to fall within at least the following classifications of the Harmonized Tariff Schedules of the United States ("HTSUS"): 8517.12.00 (mobile phones); 8471.30.01, 8471.41.01, or 8471.49.00 (handheld computers); and 8471.30.01 (laptops). These HTSUS numbers are for illustration only and are not intended to be restrictive of the products accused.

#### **X. DOMESTIC INDUSTRY**

10.1 As a result of Immersion's substantial and ongoing investment in exploitation of the patents-in-suit, a domestic industry exists as defined by 19 U.S.C. § 1337(a)(3)(C). Immersion has invested substantial resources in the United States to research, develop, design, engineer, test, demonstrate, and commercialize advanced software products that practice the patents-in-suit when run on electronic devices, as discussed further below and in the referenced confidential exhibits.

**A. Technical Use of the Patents-in-Suit by Immersion**

10.2 Immersion has been an industry leader in the research and development of haptics since its founding in 1993. Immersion researches, develops, designs, engineers, demonstrates, commercializes, and tests a number of software products that implement advanced haptics in mobile electronic devices, and partners with electronic device manufacturers to integrate Immersion's software and innovations into the manufacturers' devices.

10.3 At the core of Immersion's product solutions is its TouchSense® software. Immersion's TouchSense® software is designed to control haptics in mobile electronic devices. TouchSense® includes, among other things, a driver package designed to operate an actuator, a haptic API that programmers can use to create, launch and modulate haptic effects, a library containing more than 100 pre-defined effects, and user interface support.

10.4 Although Immersion does not mass produce mobile phones and other electronic devices, it creates its own prototype devices (often called demonstration units) in its San Jose facility. Immersion uses these demonstration units for, among other things, research, development, marketing, and working with its customers and potential customers to most effectively incorporate Immersion's haptic technology into products such as mass-produced mobile phones and other electronic devices.

10.5 Immersion continuously researches, develops, designs, and engineers new ways of using haptics to enhance user experience that build on and use its TouchSense® software. As part of this ongoing effort to create a more realistic, ergonomic, and meaningful user experience on mobile electronic devices, Immersion recently developed specific "High Value Use Case" implementations of its pressure-enabled haptic technologies which associate custom haptic effects with various levels of pressure input. High Value Use

Cases that Immersion has developed and is currently demonstrating to customers include, for example, a Lock Screen Notification High Value Use Case and a Home Screen Direct Application Launch High Value Use Case. These pressure-enabled High Value Use Cases utilize the TouchSense® software, and practice the patents-in-suit when run on mobile electronic devices with pressure-sensing hardware. Claim charts with respect to exemplary Immersion demonstration units loaded with Immersion's pressure-enabled Lock Screen Notification High Value Use Case and Home Screen Direct Application Launch High Value Use Case, which practice claims of the patents-in-suit, are attached as **Exhibits 24-27**.

**B. Immersion's Economic Investments in the United States**

10.6 Immersion has historically made, and continues to make, significant United States investments in engineering, research and development, design, testing, and commercialization of Immersion's patented technologies that relate to and practice the patents-in-suit. These include Immersion's substantial investments in TouchSense®, including foundational work on TouchSense® as well as specific expenditures on pressure-enabled haptic applications that use the TouchSense® software. Exemplary TouchSense® expenses are summarized in **Confidential Exhibit 31C, Schedule A, Table 1** and further detailed in **Schedules B-E**.

10.7 As a subset of Immersion's investment in TouchSense®, exemplary expenses relating to specific pressure use case projects are summarized in **Confidential Exhibit 31C, Schedule A, Table 1** and further detailed in **Schedule F**. In this Complaint, and in **Confidential Exhibit 31C**, "pressure use case projects" refers to exemplary projects in mid-2015 to research, develop, design, engineer, and market certain pressure-enabled applications that practice the patents-in-suit when run on mobile electronic devices, such as the High Value Use Cases described in paragraph 10.5 and **Exhibits 24-27**.

10.8 As discussed further below, these investments include significant labor, lease, and other expenses relevant to the exploitation of the patents-in-suit.

### 1. Labor

10.9 Immersion currently employs many United States-based employees who work full time on engineering, research and development, and design ("ERDD") projects related to haptics. These ERDD employees devote substantial portions of their working time to developing, designing, testing, and working with customers to incorporate products practicing the patents-in-suit. Additionally, these domestic employees spend substantial time working on other Immersion products and services closely related to the patent-in-suit, including development of complimentary haptic technology.

10.10 **Confidential Exhibit 31C, Schedule B** shows the minimum percentage of time Immersion's domestic designers, researchers, and engineers devoted from 2012 to 2015 to TouchSense®. These percentages are based on internal company records delineating the amount of time an ERDD employee spent on various projects, where available, and conversations with Immersion employees. This includes time spent by Immersion's engineers in the United States writing software code, testing and creating electronic circuits, creating hardware designs, aiding with customer integration, creating documentation, and performing quality assurance for the TouchSense® software products. In addition to foundational work on the TouchSense® software, Immersion's employees from the UX, Engineering, and Engineering Services Departments also worked specifically on pressure use case projects that utilize TouchSense® and practice the patents-in-suit.

10.11 The minimum amount of investment in ERDD labor for TouchSense® projects is detailed in **Confidential Exhibit 31C, Schedule C**. The minimum amount of investment in ERDD labor specifically for exemplary pressure use case projects is described



in **Confidential Exhibit 31C, Schedule F, Table 1 and Notes 1-2**. These exemplary expenses are calculated from allocations of time spent on various engineering projects relating to TouchSense® or specifically to the exemplary pressure use case projects, where available, and the employees' taxable earnings.

10.12 In addition to ERDD employees, Immersion's non-engineer employees also play a significant role in working with ERDD departments to design, develop, and market TouchSense® products. For example, employees in Immersion's Product Management department collaborate with customers and Immersion's Engineering and UX teams to define Immersion's products based on customers' needs. Exemplary expenses in these non-ERDD individuals' contributions to designing, developing, and marketing TouchSense® products are shown in **Confidential Exhibit 31C, Schedule C**. Exemplary expenses for non-ERDD labor relating specifically to pressure use case projects are described in **Confidential Exhibit 31C, Schedule F, Table 1 and Note 3**. These investments are based on allocations of each employee's time performed by Immersion employees with supervisory responsibility in the Product Management department.

## **2. Lease**

10.13 Immersion has also made investments in its domestic facilities which are necessary for Immersion to research, develop, design, engineer, demonstrate, and market its TouchSense® software. Immersion currently occupies a 42,000 square-foot facility at 50 Rio Robles, San Jose, California 95134. **Exhibit 11**, at 21. This facility serves as Immersion's corporate headquarters and includes engineering, design, research and development, sales, marketing, and administration functions. Immersion's facility expenses include building rent and common area maintenance for the 42,000 square-foot facility. Immersion's lease on this facility started in February 2015 and extends until April 2023,

with the option to renew through April 2028. *Id.* Previously, between 2012 and 2014, Immersion occupied a 33,000 square-foot facility nearby at 30 Rio Robles, San Jose, California 95134.

10.14 **Confidential Exhibit 31C, Schedule D** shows the minimum lease amount allocable to Immersion's domestic industry products from 2012-2015, based on the percentage of ERDD employees' time that has been identified as devoted to TouchSense®. **Confidential Exhibit 31C, Schedule F, Table 2** shows the lease amount allocable specifically to exemplary pressure use case projects.

### **3. Other Engineering Expenses**

10.15 Immersion also invests substantial resources in the equipment and raw materials used by its engineers at the San Jose facility. This equipment is essential to the engineers' ability to research, develop, design, engineer, test, and commercialize haptics for mobile electronic devices. *See Confidential Exhibit 31C, Schedule E.* Immersion also invests in other engineering expenditures for Immersion's domestic industry products, such as software and office expenses, seminars, training, physical products used to create demonstration units, and external contract services, a substantial portion of which can be allocated to the products practicing the patents-in-suit. *See id.* Exemplary office and supplies expenses allocable specifically to the pressure use case projects can be found **Confidential Exhibit 31C, Schedule F, Table 3.**

10.16 In sum, Immersion has invested and continues to invest substantial capital and man-hours into research, development, design, engineering, testing, and commercialization activities taking place in its San Jose, California facility directed to implementing haptics on mobile electronic devices that exploit the patents-in-suit. *See Confidential Exhibit 31C, Schedule A.*

## **XI. RELATED LITIGATION**

11.1 There has been no litigation involving the patents-in-suit.

11.2 Immersion is currently a party to two proceedings against Proposed Respondents Apple Inc., AT&T Inc., and AT&T Mobility LLC involving other patents, specifically U.S. Patent No. 8,773,356; 8,619,051; and 8,659,571. Immersion is the Complainant in *Certain Mobile Electronic Devices Incorporating Haptics (Including Smartphones and Smartwatches) and Components Thereof*, Inv. No. 337-TA-990, a currently pending investigation before the United States International Trade Commission instituted on March 18, 2016. The investigation with regard to AT&T Inc. has been terminated by stipulation. Immersion is also the plaintiff in *Immersion Corp. v. Apple Inc., et al.* in the United States District Court for the District of Delaware. Immersion filed the complaint in that action on February 11, 2016, and the case is currently stayed pending the Commission's final determination in Inv. No. 337-TA-990.

## **XII. RELIEF REQUESTED**

12.1 WHEREFORE, by reason of the foregoing, Complainant requests that the United States International Trade Commission:

(1) Institute an investigation, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to violations of 19 U.S.C. § 1337(a)(1)(B)(i) based upon the importation, sale for importation, and sale after importation into the United States of Respondents' infringing products;

(2) Schedule and conduct a hearing pursuant to 19 U.S.C. § 1337 for the purposes of receiving evidence and hearing argument concerning whether there has been a violation of 19 U.S.C. § 1337, and following the hearing, determining that there has been a violation of 19 U.S.C. § 1337;

(3) Issue a limited exclusion order pursuant to 19 U.S.C. § 1337(d) prohibiting the entry into the United States of any and all of Respondents' imported mobile and portable electronic devices, including smartphones and laptops, incorporating haptics that are covered by one or more claims of the patents-in-suit, as well as any components thereof;

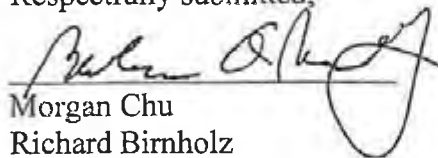
(4) Issue cease-and-desist orders pursuant to 19 U.S.C. § 1337(f) directed to Respondents to halt them from importing, offering for sale, marketing, advertising, demonstrating, warehousing, distributing, selling, and/or using such imported electronic devices incorporating haptics in the United States, as well as any components thereof;

(5) Impose a bond, pursuant to 19 U.S.C. § 1337(j), upon importation or sale of any product or component thereof that infringes the patents-in-suit during the Presidential Review period; and

(6) Grant such other and further relief as the Commission deems just and proper based on the facts determined by the investigation and the authority of the Commission.

Dated: May 5, 2016

Respectfully submitted,



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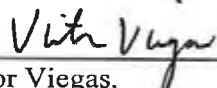
*Counsel for Complainant  
Immersion Corporation*

### VERIFICATION OF COMPLAINT

I, Victor Viegas, in accordance with 19 C.F.R. §§ 210.4 and 210.12 and under penalty of perjury under the laws of the United States of America, declare that:

1. I am the President and Chief Executive Officer of Complainant Immersion Corporation;
2. I am duly authorized to submit this verification;
3. I have read the Complaint and am familiar with its contents;
4. To the best of my knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:
  - a. The Complaint is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of the investigation or related proceeding;
  - b. The claims, defenses, and other legal contentions in the Complaint are warranted by existing law or by a non-frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and
  - c. The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

Date: May 5, 2016

  
\_\_\_\_\_  
Victor Viegas,  
President and CEO of Immersion Corporation