Filed on behalf of Apple Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC. Petitioner

v.

VALENCELL, INC. Patent Owner

PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,989,830

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Patent Trial and Appeal Board U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

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VIII. Ground 1: Haahr Renders Claims 1-4, 8-14, and 18-20 Obvious				
	A.	Haahr renders independent claim 1 obvious25		
1. Haahr discloses "[a] monitoring device configured to be attached to the body of a subject" [1P]				
2		ahr discloses "an outer layer and an inner layer secured together" [1.1].		
3		ahr discloses "the inner layer comprising light transmissive material, and ving inner and outer surfaces" [1.2]		

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4.	Haahr discloses "a base secured to at least one of the outer and inner layers and comprising at least one optical emitter and at least one optical detector" [1.3]			
5.	Haahr discloses "a layer of cladding material near the outer surface of the inner layer" [1.4]			
6.	Haahr discloses "at least one window formed in the layer of cladding material that serves as a light-guiding interface to the body of the subject" [1.5]			
7.	Haahr discloses "wherein the light transmissive material is in optical communication with the at least one optical emitter and the at least one optical detector, wherein the light transmissive material is configured to deliver light from the at least one optical emitter to the body of the subject along a first direction and to collect light from the body of the subject and deliver the collected light in a second direction to the at least one optical detector, wherein the first and second directions are substantially parallel" [1.6]			
E	B. Haahr renders independent claim 11 obvious			
1.	Haahr discloses "[a] monitoring device configured to be attached to the body of a subject" [11.P]			
2.	Haahr discloses "a first layer comprising light transmissive material, the first layer having inner and outer surfaces" [11.1]			
3.	Haahr discloses "a base secured to the first layer and comprising at least one optical emitter and at least one optical detector" [11.2]32			
4.	Haahr discloses "a layer of cladding material near the inner and outer surfaces of the first layer" [11.3]			
5.	Haahr discloses "at least one window formed in the layer of cladding material that serves as a light-guiding interface to the body of the subject" [11.4]			
6.	Haahr discloses "wherein the light transmissive material is in optical communication with the at least one optical emitter and the at least one optical detector, and is configured to deliver light from the at least one optical emitter to the body of the subject along a first direction and to collect light from the body of the subject and deliver the collected light in a second direction to the at least one optical detector, wherein the first and second directions are substantially parallel" [11.5]			
C. Haahr renders claims 2 and 12 obvious				

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D	Haahr renders claims 3 and 13 obvious				
E	. Haahr renders claims 4 and 14 obvious				
F	. Haahr renders claims 8 and 18 obvious				
G	Haahr renders claims 9 and 19 obvious				
Н	Haahr renders claims 10 and 20 obvious				
1. Haahr discloses that "the at least one window comprises at least two windows" [10.1 / 20.1]					
2. Haahr discloses "light blocking material positioned between the at least one optical emitter and the at least one optical detector such that the at least one optical emitter and the at least one optical detector are not in direct optical communication with each other" [10.2 /20.2]					
IX. Ground 2: The Combination of Haahr and Hicks Renders Claims 5 and 15 Obvious					
А	. Motivation for the Combination of Haahr and Hicks				
В	. The combination of Haahr and Hicks renders claims 5 and 15 obvious				
X. Ground 3: The Combination of Haahr, Asada, and Hannula Renders Claims 6 and 16 Obvious					
А	Motivation for the Combination of Haahr, Asada, and Hannula				
В	The combination of Haahr, Asada, and Hannula renders claims 6 and 16 obvious				
1.	The combination of Haahr, Asada, and Hannula teaches or suggests "a light reflective material on at least a portion of one or both of the inner and outer surfaces of the [inner / first] layer" [6.1 / 16.1]				
2.	The combination of Haahr, Asada, and Hannula discloses that "the at least one optical detector comprises first and second optical detectors" [6.2 / 16.2]				
3.	The combination of Haahr, Asada, and Hannula discloses "a signal processor" [6.3 / 16.3]51				
4.	The combination of Haahr, Asada, and Hannula discloses that "at least a portion of light reflected by the light reflective material and detected by the second optical detector is processed by the signal processor as a motion noise reference for attenuating motion noise from signals produced by the first optical detector" $[6.4 / 16.4]$				

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XI.	Conclusion	

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