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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.

Case IPR2017-00317
U.S. Patent No. 8,989,830

PATENT OWNER PRELIMINARY RESPONSE PURSUANT TO 35 U.S.C. § 313 and 37 C.F.R. § 42.107

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C. "Near" (Claims 1 and 11) 30

V. Petitioner Fails to Show a Reasonable Likelihood of Success on the Petitioned Grounds. 30

A. Ground 1: Goodman Does Not Render the Challenged Claims Obvious, Even if Modified in the Manner Petitioner Suggests. 30

1. Goodman teaches that "apertures allow light to pass" Without Any Limitation as to the Angle Between the Light Delivered to the Photodiode and the Light Delivered to the Body. ..... **Error! Bookmark not defined.**

2. Petitioner Cannot Argue that Goodman Inherently Discloses a "light transmissive material [that] is configured to" Deliver Light to a Light Detector in a Direction "substantially parallel" to the Direction Light Was Delivered to the Body. ..... **Error! Bookmark not defined.**

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VI. Conclusion ..... **Error! Bookmark not defined.**

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TABLE OF EXHIBITS

Exhibit No.	Description
2001	S. LeBoeuf, et al., Earbud-Based Sensor for the Assessment of Energy Expenditure, HR, and VO2max, OFFICIAL J. AM. C. SPORTS M., 2014, 1046–1052
2002	Biometrics Lab: Performance of Leading Optical Heart Rate Monitors During Interval Exercise Conditions
2003	Valencell website (http://valencell.com/customers/)
2004	CTA - It Is Innovation (i3) Magazine 2016 Innovation-Entrepreneur Awards

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