

Oral Argument Demonstratives

Petitioner Valencell, Inc.

IPR2017-00318

U.S. Patent No. 8,886,269

**United States Patent and Trademark Office
Patent Trial and Appeal Board**

**Administrative Patent Judges
McNamara, Arpin, McShane
Oral Argument – February 27, 2018**



BRAGALONE CONROY PC

Instituted Grounds

Asada - 103(a)

- Asada alone – claims 1, 2, 6, and 7
- Asada and Hicks – claim 3
- Asada and Hannula – claims 4 and 5
- Asada and Delonzor – claim 8
- Asada and Al-Ali – claims 9 and 10

Goodman - 103(a)

- Goodman alone – claims 1 and 2
- Goodman and Hicks – claim 3
- Goodman and Hannula – claim 4
- Goodman, Hannula, and Asada – claim 5
- Goodman and Asada – claims 6 and 7
- Goodman and Delonzor – claim 8
- Goodman and Al-Ali – claims 9 and 10

Paper 7 at 2, 5-6.

'269 Patent – Claims at Issue

1. A monitoring device, comprising:
a band configured to at least partially encircle a portion of the body of a subject, the band comprising:
a generally cylindrical outer body portion and a generally cylindrical inner body portion secured together in concentric relationship, the inner body portion comprising light transmissive material, and having outer inner surface;
a layer of cladding material near the inner body portion inner surface; and
at least one window formed in the cladding material that serves as a light-guiding interface to the body of the subject; and
at least one optical emitter and at least one optical detector attached to the band;
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 one or more locations of the body of the subject via the at least one window and to collect light from one or more locations of the body of the subject via the at least one window and deliver the collected light to the at least one optical detector.

2. The monitoring device of claim 1, wherein the portion of the body comprises a limb, a nose, an earlobe, and/or a digit.

3. The monitoring device of claim 1, wherein the band comprises a lens region in optical communication with the at least one optical emitter that focuses light emitted by the at least one optical emitter.

4. The monitoring device of claim 1, further comprising a light reflective material on at least a portion of one or both of the inner and outer surfaces.

5. The monitoring device of claim 4, wherein the at least one optical detector comprises first and second optical detectors, and further comprising a signal processor, and wherein 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 noise reference for attenuating motion noise from signals produced by the first optical detector.

'269 Patent, Ex. 1001 at 30:30-31:3

'269 Patent – Claims at Issue

6. The monitoring device of claim 1, further comprising a signal processor configured to receive and process signals produced by the at least one optical detector.

7. The monitoring device of claim 1, further comprising a transmitter configured to transmit signals processed by the signal processor to a remote device.

8. The monitoring device of claim 1, wherein the at least one window comprises at least two windows, and further comprising 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.

9. The monitoring device of claim 1, wherein the band further comprises at least one optical filter configured to selectively pass at least one optical wavelength.

10. The monitoring device of claim 1, wherein the band further comprises at least one optical filter configured to selectively pass at least one optical wavelength for transmission into the body of the subject.

11. The monitoring device of claim 10, wherein the at least one optical detector comprises first and second optical detectors, and further comprising a signal processor, and wherein at least a portion of light blocked by the optical filter and detected by the optical detector is processed by the signal processor as a noise reference for attenuating motion noise from signals produced by the optical detector.

'269 Patent, Ex. 1001 at 31:4-31:30

Asada Grounds – Argument Highlights

1. Figure 11 of Asada

- a. Petitioner mislabeled Fig. 11 of Asada to fit its unsupported positions
- b. Element 3 of Figure 11 is not “light transmissive material”
- c. Element 7 of Figure 11 is not a “signal processor” – it’s Velcro®

2. Petitioner’s motivation to combine Asada with Hicks is flawed

- a. A POSA would not add a lens to the transmittal PPG of Asada, which benefits from unfocused light
- b. A lens would focus light on the wrong part of the body, and add unwanted heat

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.