

Apple Inc. and Fitbit, Inc. v. Valencell, Inc.

P.T.A.B. Proceeding No. IPR2017-00318¹

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

February 27, 2018

Instituted Grounds ('269 Patent)

Ground	Claims	Type	Primary Reference	Secondary Reference(s)
IPR2017-00318 ('269 Patent)				
1	1, 2, 6, 7	§ 103	Asada	--
2	3	§ 103	Asada	Hicks
3	4, 5	§ 103	Asada	Hannula
4	8	§ 103	Asada	Delonzor
5	9, 10	§ 103	Asada	Al-Ali
6	1, 2	§ 103	Goodman	--
7	3	§ 103	Goodman	Hicks
8	4	§ 103	Goodman	Hannula
9	5	§ 103	Goodman	Hannula, Asada
10	6, 7	§ 103	Goodman	Asada
11	8	§ 103	Goodman	Delonzor
12	9, 10	§ 103	Goodman	Al-Ali

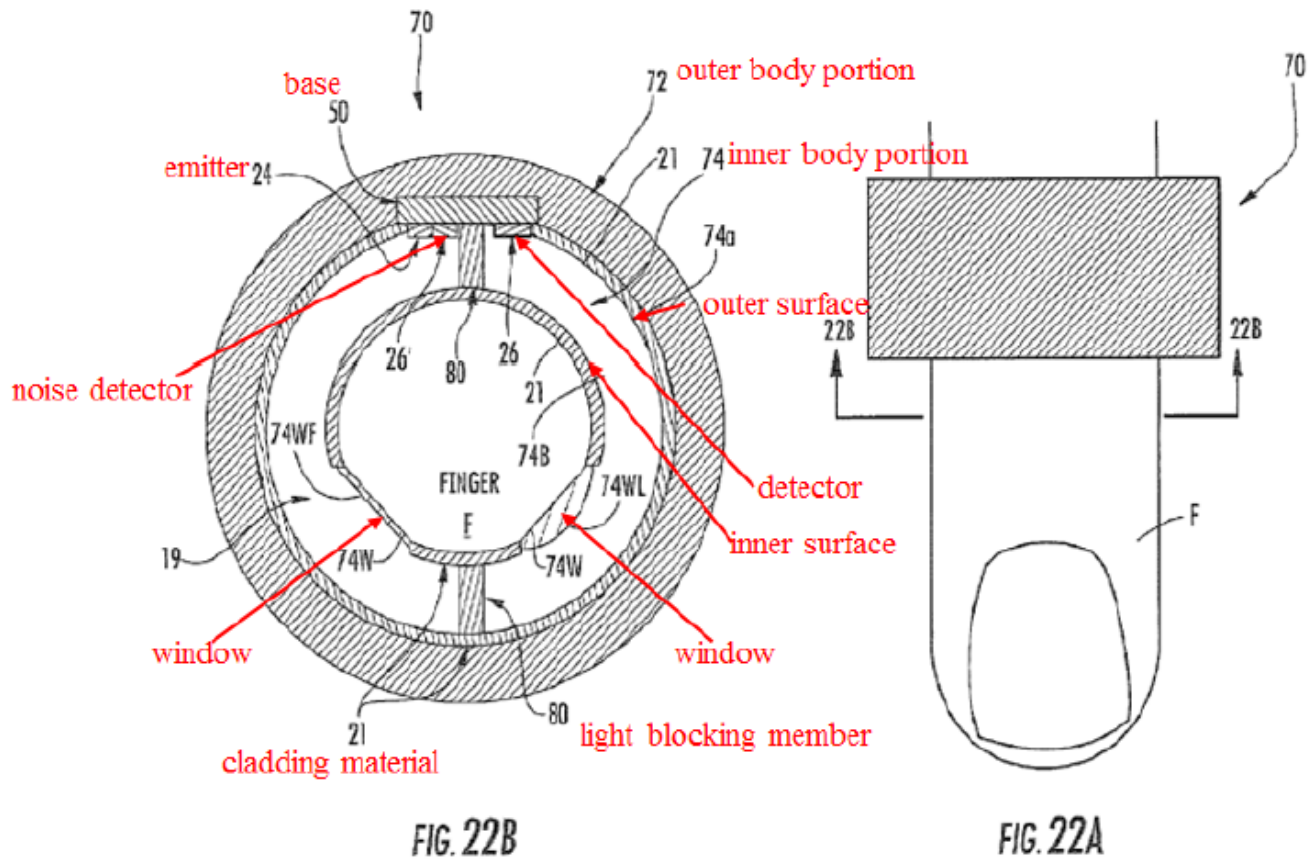
Summary of the Proceeding

1. “The claims of the '269 patent recite nothing more than what already known in the prior art.” (Paper 2 (“Petition”), p. 2.)
2. “For decades prior to the '269 patent, artisans had developed and continued to improve sensor devices commonly known as non-invasive optical biosensors” (Petition, p. 1.)
3. “Valencell’s arguments rely on: ... 2) inaccurate interpretation of the prior art, with annotated figures that are modified in misleading and inappropriate ways; ...and 5) Dr. Titus’s declaration, which is devoid of references supporting his opinions, and whose testimony contradicts Valencell’s positions on key points.” (Paper 32 (“Reply”), pp. 1-2.)
4. “Because the prior art references teach all of the claim elements, Valencell’s tactic is to enumerate any possible drawback to the combinations, no matter how implausible or insubstantial.” (Reply, p. 10.)

'269 Patent – Independent Claim 1

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

Petitioner's Annotated Figures 22B and 23 from '269 Pat



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