Filed on behalf of Valencell, 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.

Case IPR2017-00319
U.S. Patent No. 8,923,941

**PATENT OWNER'S OBJECTIONS TO EVIDENCE
UNDER 37 C.F.R. § 42.64(B)(1)**

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Patent Owner Valencell, Inc. ("Patent Owner" or "Valencell") hereby files the following objections to evidence under the Federal Rules of Evidence ("FRE") and 37 C.F.R. § 42.62 to the admissibility of the following evidence submitted by Apple Inc. ("Petitioner" or "Apple") in support of its Petition for *Inter Partes* Review. Valencell files and serves Apple with these objections to provide notice that Valencell may move to exclude the challenged exhibits under 37 C.F.R. § 42.64(c).

These objections are made within 10 business days from the June 6, 2017 filing of Institution Decision (Paper 10). Patent Owner objects to and intends to seek the denial of the admission and consideration of the following documents:

Exhibit No.	Description
1003	Declaration of Dr. Majid Sarrafzadeh ("Sarrafzadeh Declaration")
1004	*Curriculum Vitae* of Dr. Majid Sarrafzadeh
1006	U.S. Patent Application Publication No. 2005/0209516 to Fraden, published September 22, 2005 ("Fraden")
1008	U.S. Patent Application Publication No. 2008/0081972 to Debreczeny, published April 3, 2008 ("Debreczeny")
1010	Certified English-language translation of Japanese Patent Application Publication No. 2005/040261 A to Numaga *et al.*, published February 17, 2005 ("Numaga Translation")
1011	U.S. Patent Application Publication No. 2003/0065269 to Vetter *et al.*, published April 3, 2003 ("Vetter")
1019	U.S. Patent No. 5,297,548 to Pologe, issued March 29, 1994 ("Pologe")

1020	Med. Sci. Series, Int'l Fed'n for Med. and Biological Eng'g and the Int'l Org. for Med. Physics, Design of Pulse Oximeters (J.G. Webster ed., Inst. of Physics Publ'g 1997) ("J.G. Webster")
1021	John Allen, *Photoplethysmography and its application in clinical physiological measurement*, Physiological Measurement 28 (2007) ("Allen")
1022	U.S. Patent Application Publication No. 2008/0132798 to Hong *et al.*, published June 5, 2008 ("Hong")
1023	U.S. Patent Application Publication No. 2008/0177162 to Bae *et al.*, published July 24, 2008 ("Bae")
1024	U.S. Patent No. 5,807,267 to Bryars *et al.* issued September 15, 1998 ("Bryars")
1025	Hyonyoung Han et al., *Development of a wearable monitoring device with motion artifact reduced algorithm*, International Conference on Control, Automation and Systems, IEEE (2007) ("Han")
1032	G. Comtois & Y. Mendelson, *A Comparative Evaluation of Adaptive Noise Cancellation Algorithms for Minimizing Motion Artifacts in a Forehead-Mounted Wearable Pulse Oximeter*, IEEE (2007) ("Comtois")
1033	Declaration of Gerard P. Grenier in support of G. Comtois & Y. Mendelson, *A Comparative Evaluation of Adaptive Noise Cancellation Algorithms for Minimizing Motion Artifacts in a Forehead-Mounted Wearable Pulse Oximeter*, IEEE (2007) ("Grenier Declaration 1")
1034	U.S. Patent Application Publication No. 2004/0059236 to Margulies *et al.*, published March 25, 2004 ("Margulies")
1035	U.S. Patent Application Publication No. 2007/0016086 to Inukai *et al.*, published January 18, 2007 ("Inukai")
1036	U.S. Patent Application Publication No. 2003/0236647 to Yoon *et al.*, published December 25, 2003 ("Yoon")
1037	International Patent Application Publication No. 2007/013054 to Schwartz, published February 1, 2007 ("Schwartz")

1038	U.S. Patent No. 5,575,284 to Athan *et al.*, issued November 19, 1996 ("Athan")
1039	U.S. Patent No. 5,503,016 to Koen, issued April 2, 1996 ("Koen")
1041	U.S. Patent Application Publication No. 2007/0027367 to Oliver *et al.*, published February 1, 2007 ("Oliver")
1043	U.S. Patent Application Publication No. 2005/0075542 to Goldreich, published April 7, 2005 ("Goldreich")
1044	International Patent Application Publication No. WO2007/004089 to Moroney *et al.*, published January 11, 2007 ("Moroney")
1045	G. Sen Gupta et al., *Design of a Low-cost Physiological Parameter Measurement and Monitoring Device*, Instrumentation and Measurement Technology Conference, IEEE (2007) ("Gupta")
1046	U.S. Patent Application Publication No. 2006/0084879 to Nazarian *et al.*, published April 20, 2006 ("Nazarian")
1047	U.S. Patent No. 5,243,992 to Eckerle *et al.*, issued September 14, 1993 ("Eckerle")
1048	U.S. Patent No. 4,955,379 to Hall, issued September 11, 1990 ("Hall")
1049	International Patent Application Publication No. WO 2007/122375 to Crowe *et al.*, published November 1, 2007 ("Crowe")
1052	Declaration of Gerard P. Grenier in support of G. Sen Gupta et al., *Design of a Low-cost Physiological Parameter Measurement and Monitoring Device*, Instrumentation and Measurement Technology Conference, IEEE (2007) (Ex. 1045) and Hyonyoung Han et al., *Development of a wearable health monitoring device with motion artifact reduced algorithm*, International Conference on Control, Automation and Systems, IEEE (2007) ("Grenier Declaration 2")

1059	R.G. Lee *et al.* "A Mobile Care System With Alert Mechanism" IEEE Transactions on Information Technology in Biomedicine, Vol. 11, Issue 5, September 2007 ("Lee")
1060	Declaration of Gerard P. Grenier in support of R.G. Lee *et al.* "A Mobile Care System With Alert Mechanism" IEEE Transactions on Information Technology in Biomedicine, Vol. 11, Issue 5, September 2007 ("Grenier Declaration 3")
1062	U.S. Patent No. 5,396,893 to Oberg *et al.*, issued March 14, 1995 ("Oberg")
1063	U.S. Patent No. 6,721,584 to Baker, Jr. *et al.*, issued April 13, 2004 ("Baker")
1065	U.S. Patent Application Publication No. 2008/0154098 to Morris *et al.*, published June 26, 2008 ("Morris")
1066	International Patent Application Publication No. WO 00/44274 to Pougatchev *et al.*, published August 3, 2000 ("Pougatchev")

Patent Owner's specific objections are provided below.

Exhibit 1003 – Sarrafzadeh Declaration

Patent Owner objects to the Sarrafzadeh Declaration as lacking foundation under FRE 702 and 705. For example, Dr. Sarrafzadeh's testimony about obviousness, in paragraphs 87-88, 93, 105, 111, 117, 125, 128, 146, 153, 162, 167, and 184, which purportedly shows the disclosures and motivations to combine the various prior art references, is conclusory and therefore inadmissible. Patent Owner likewise objects to the Sarrafzadeh Declaration under FRE 703 and 705 for failure to disclose any underlying facts or data for his conclusory statements and there is no indication that the declarant based those opinions on facts or data upon which an expert in the relevant field would reasonably rely. Patent Owner further objects to conclusory paragraphs (e.g., ¶¶ 87-88, 93, 105, 111, 117, 125, 128, 146, 153, 162,

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