

Filed on behalf of Valencell, Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FITBIT, INC.,¹
Petitioner,

v.

VALENCELL, INC.,
Patent Owner.

Case IPR2017-00319²
U.S. Patent No. 8,923,941

**PATENT OWNER'S IDENTIFICATION OF NEW ARGUMENTS AND
EVIDENCE IN PETITIONER'S OPENING BRIEF ON REMAND**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

¹ Petitioner Apple Inc. is no longer a party in this proceeding.

² Case IPR2017-01555 has been joined with this proceeding.

Reliance on New Evidence to Show the Disclosure of an Application-Specific

Interface: Pages 5:19-6:1, 6:14-17, 7:2-9, 7:13-8:5 (citing, without support from the Petition, Ex. 1056 (Craw) ¶¶ 4, 48, 149, 202-203, 208, and Figure 9A, and IPR2017-00321, Paper 44 at 51, as evidence of an application-specific interface).

New Argument that Craw Discloses an Application-Specific Interface:

Page 6:7-8 (arguing, without support from the Petition, that Craw’s “interfaces” are an application-specific interface); **Pages 6:8-11, 7:10-12** (arguing, without support from the Petition, that an application-specific interface is the equivalent of an API); **Page 6:14, 6:17-20** (arguing, without support from the Petition, that “Craw’s ‘interfaces’ are also used by specific applications” and “enabl[e] a particular application to utilize data obtained from hardware”); **Page 7:1-2, 7:9-10** (arguing, without support from the Petition, that Craw’s “interfaces” can be tailored to a “particular application”).

New Argument that Claims 4-5 Are Invalid Under the Correct Dependency:

Pages 4:7-8, 8:7-9:17 (arguing, without support from the Petition, that claims 4-5 depend from claim 3).

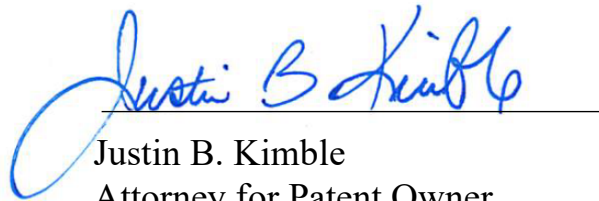
New Argument that Lee Discloses an Application-Specific Interface:

Page 10:12-14 (arguing, without support from the Petition, that “Lee discloses ‘application-specific interface (API)’ because Lee’s ‘mobile phone application program’ is a ‘particular application’ using the data.”).

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Dated: October 26, 2020

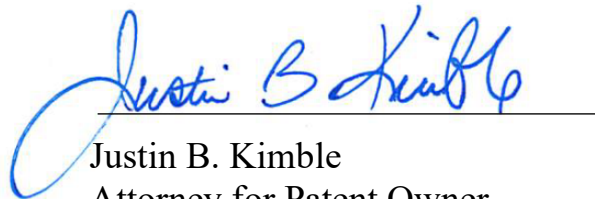
Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document was served via electronic mail on October 26, 2020, to Petitioner via counsel, James M. Glass, Sam Stake, and Ogi Zivojnovic at the email addresses: jimglass@quinnemanuel.com, samstake@quinnemanuel.com, ogizivojnovic@quinnemanuel.com, pursuant to Petitioner's consent in its Updated Mandatory Notices at page 2.



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