Filed on behalf of Valencell, Inc.
By: Justin B. Kimble (JKimble-IPR@bcpc-law.com)
       Nicholas C Kliewer (nkliewer@bcpc-law.com)
       Jonathan H. Rastegar (jrastegar@bcpc-law.com)
       Bragalone Conroy PC
       2200 Ross Ave.
       Suite 4500 – West
       Dallas, TX 75201
       Tel: 214.785.6670
       Fax: 214.786.6680

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

VALENCELL, INC.,
Patent Owner.

Case IPR2017-00321
U.S. Patent No. 8,923,941

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

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

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 11). 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")
1009	Japanese Patent Application Publication No. 2005/040261 A to Numaga *et al.*, published February 17, 2005 ("Numaga")
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")
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")
1026	Excerpts from Merriam Webster's Collegiate Dictionary, Eleventh Edition, 2008; pp. 603 and 1434 ("Merriam Webster")
1030	Certified English-language translation of Japanese Patent Application Publication No. 2005/270544 to Maekawa, published October 6, 2005 ("Maekawa Translation")
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")
1040	U.S. Patent Application Publication No. 2008/0154098 to Morris *et al.*, published June 26, 2008 ("Morris")
1041	U.S. Patent Application Publication No. 2007/0027367 to Oliver *et al.*, published February 1, 2007 ("Oliver")
1042	U.S. Patent Application Publication No. 2007/0197881 to Wolf *et al.*, published August 23, 2007 ("Wolf")
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")
1050	Excerpt from Wiley Electrical and Electronics Engineering Dictionary, 2004; p. 110 ("Wiley")
1051	Excerpt from Dictionary of Computer and Internet Terms, 2009; p. 90 ("Computer and Internet Terms")
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")
1053	U.S. Patent No. 6,801,799 to Mendelson *et al.*, issued October 5, 2004 ("Mendelson")
1054	U.S. Patent No. 6,898,451 to Wuori, issued May 24, 2005 ("Wuori")

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,

DOCKET ALARM

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.