

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

APPLE INC.,  
Petitioner

v.

MASIMO CORPORATION,  
Patent Owners

---

Case IPR2020-01520  
Patent 10,258,265

---

**PETITIONER'S REPLY TO  
PATENT OWNER'S RESPONSE TO PETITION**

**TABLE OF CONTENTS**

I. INTRODUCTION .....1

II. GROUNDS 1A-1E RENDER OBVIOUS THE CHALLENGED CLAIMS .2

    A. Inokawa’s lens enhances the light-gathering ability of Aizawa .....2

        1. Masimo ignores the well-known principle of reversibility .....4

        2. Masimo ignores the behavior of scattered light in a reflectance-  
            type pulse sensor .....7

        3. A lens’s ability to direct light “toward the center” supports  
            Petitioner’s position .....19

    B. A POSITA would have been motivated to add a second LED to  
        Aizawa .....21

    A. A POSITA would have been motivated to modify Aizawa in view of  
        Ohsaki to include a convex protrusion .....23

III. GROUNDS 2A-2C RENDER OBVIOUS THE CHALLENGED CLAIMS  
26

    A. A POSITA would have been motivated to modify Mendelson-1988  
        with Inokawa to add a lens .....26

    B. Mendelson-1988 in view of Inokawa includes the claimed cover .....27

C. Mendelson-1988 in view of Inokawa renders obvious a “circular wall”  
that “creates a gap between the surface and the light permeable cover  
.....30

D. Mendelson-1988 in view of Inokawa renders obvious a “circular” wall  
or housing .....31

E. Nishikawa is a supporting reference .....32

IV. CONCLUSION.....33

**LIST OF EXHIBITS**

Exhibit No.	Description
APPLE-1001	U.S. Patent No. 10,258,265 to Poeze, et al. (“the ’265 patent”)
APPLE-1002	Excerpts from the Prosecution History of the ’265 Patent (“the Prosecution History”)
APPLE-1003	Declaration of Dr. Thomas W. Kenny
APPLE-1004	Curriculum Vitae of Dr. Thomas W. Kenny
APPLE-1005	Masimo Corporation, et al. v. Apple Inc., Complaint, Civil Action No. 8:20-cv-00048 (C.D. Cal.)
APPLE-1006	U.S. Pub. No. 2002/0188210 (“Aizawa”)
APPLE-1007	JP 2006-296564 (“Inokawa”)
APPLE-1008	Certified English Translation of Inokawa and Translator’s Declaration
APPLE-1009	U.S. Pat. No. 7,088,040 (“Ducharme”)
APPLE-1010	U.S. Pat. No. 8,177,720 (“Nanba”)
APPLE-1011	RESERVED
APPLE-1012	U.S. Pat. No. 6,853,304 (“Reisman”)
APPLE-1013	U.S. Pub. No. 2004/0220738 (“Nissila”)
APPLE-1014	U.S. Pub. No. 2001/0056243 (“Ohsaki”)
APPLE-1015	Design and Evaluation of a New Reflectance Pulse Oximeter Sensor,” Y. Mendelson, et al.; Worcester Polytechnic Institute, Biomedical Engineering Program, Worcester, MA 01609; Association for the Advancement of Medical Instrumentation, vol. 22, No. 4, 1988; pp. 167-173 (“Mendelson-1988”)
APPLE-1016	“A Wearable Reflectance Pulse Oximeter for Remote Physiological Monitoring,” Y. Mendelson, et al.; Proceedings of the 28th IEEE EMBS Annual International Conference, 2006; pp. 912-915 (“Mendelson-2006”)

APPLE-1017	Excerpt from Merriam-Webster Dictionary
APPLE-1018	“Acrylic: Strong, stiff, clear plastic available in a variety of brilliant colors,” available at <a href="https://www.curbellplastics.com/Research-Solutions/Materials/Acrylic">https://www.curbellplastics.com/Research-Solutions/Materials/Acrylic</a>
APPLE-1019	U.S. Pat. No. 7,031,728 (“Beyer”)
APPLE-1020	U.S. Pat. No. 7,092,735 (“Osann, Jr.”)
APPLE-1021	U.S. Pat. No. 6,415,166 (“Van Hoy”)
APPLE-1022	QuickSpecs; HP iPAQ Pocket PC h4150 Series
APPLE-1023	U.S. Pat. App. Pub. No. 2007/0145255 (“Nishikawa”)
APPLE-1024	“Measurement Site and Photodetector Size Considerations in Optimizing Power Consumption of a Wearable Reflectance Pulse Oximeter,” Y. Mendelson, et al.; Proceedings of the 25th IEEE EMBS Annual International Conference, 2003; pp. 3016-3019 (“Mendelson-2003”)
APPLE-1025	U.S. Pat. No. 6,801,799 (“Mendelson-’799”)
APPLE-1026	Declaration of Jacob Munford
APPLE-1027	U.S. Pub. No. 2007/0093786 (“Goldsmith”)
APPLE-1028	U.S. Pub. No. 2004/0138568 (“Lo”)
APPLE-1029	Wikipedia: The Free Encyclopedia, “Universal asynchronous receiver-transmitter” at <a href="https://en.wikipedia.org/wiki/Universal_asynchronous_receiver-transmitter">https://en.wikipedia.org/wiki/Universal_asynchronous_receiver-transmitter</a> , last accessed 08/27/2020
APPLE-1030	RESERVED
APPLE-1031	Scheduling Order, Masimo v. Apple et al., Case 8:20-cv-00048, Paper 37 (April 17, 2020)
APPLE-1032	Stipulation by Apple
APPLE-1033	Telephonic Status Conference, Masimo v. Apple et al., Case 8:20-cv-00048, Paper 78 (July 13, 2020)

# 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.