

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

MASIMO CORPORATION,
Patent Owner.

Case IPR2020-01523
Patent No. 8,457,703

PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

TABLE OF CONTENTS

I.	CLAIM CONSTRUCTION	1
	A. “processing characteristics”	1
II.	DIAB IN VIEW OF AMANO RENDERS CLAIMS 9-10, 12-14, 20, AND 22-24 OBVIOUS (GROUND 1A)	4
	A. Diab in view of Amano teaches operating at “a lower power consumption level” and “a higher power consumption level.”	4
	1. A POSITA would have found it obvious to suspend and not execute Diab’s motion artifact suppression module if motion is not detected. .	4
	2. A POSITA would have been motivated to apply Amano’s teachings to suspend and not execute operations of Diab’s motion artifact suppression module if no motion is detected to reduce calculation time and power consumption.	8
	3. Suspending operations of the motion artifact suppression module would result in Diab’s device operating “at a lower power consumption level,” thereby “reducing an amount of processing by a signal processor.”	9
	B. Diab teaches “comparing processing characteristics to a predetermined threshold.”	13
III.	A POSITA WOULD HAVE BEEN MOTIVATED TO COMBINE EDGAR WITH DIAB AND AMANO (GROUND 1B).....	15
IV.	DIAB IN VIEW OF AMANO AND TURCOTT RENDER CLAIMS 1-7 AND 15-18 OBVIOUS (GROUND 1C).....	16
	A. Diab in view of Amano and Turcott teach “reducing/reduce activation of an attached sensor.”	16
	B. A POSITA would have been motivated to apply Turcott’s teachings to Diab’s oximeter.	19
V.	FOUNDATIONS 2A-2C ESTABLISH THAT THE CHALLENGED CLAIMS ARE OBVIOUS.....	23
VI.	AMANO RENDERS CLAIMS 9-10, 12-14, 20, and 22-24 OBVIOUS (GROUND 3A).....	23
	A. Amano teaches determining “measurement values for one or more physiological parameters of a patient.”	23

B. Amano teaches “comparing processing characteristics to a predetermined threshold.”.....24

VII. AMANO IN VIEW OF TURCOTT RENDER CLAIMS 1-3 and 15-17
OBVIOUS (GROUND 3B).....25

VIII. CONCLUSION.....28

EXHIBITS

APPLE-1001	U.S. Patent No. 8,457,703 to Al-Ali (“the ’703 Patent”)
APPLE-1002	Excerpts from the Prosecution History of the ’703 Patent
APPLE-1003	Declaration of Brian W. Anthony, Ph.D.
APPLE-1004	U.S. Patent No. 6,293,915 to Amano et al. (“Amano”)
APPLE-1005	U.S. Patent No. 6,393,311 to Edgar, Jr. et al. (“Edgar”)
APPLE-1006	U.S. Patent No. 6,527,729 to Turcott (“Turcott”)
APPLE-1007	U.S. Patent No. 5,632,272 to Diab et al. (“Diab”)
APPLE-1008	U.S. Patent No. 6,178,343 to Bindszus et al.
APPLE-1009	U.S. Patent No. 5,924,979 to Swedlow et al.
APPLE-1010	Tremper, <i>Pulse Oximetry</i> , <i>Anesthesiology</i> , The Journal of the American Society of Anesthesiologists, Inc., Vol. 70, No. 1 (January 1989)
APPLE-1011	Mendelson, <i>Skin Reflectance Pulse Oximetry: In Vivo Measurements from the Forearm and Calf</i> , <i>Journal of Clinical Monitoring</i> , Vol. 7, No. 1 (January 1991)
APPLE-1012	Excerpts from Bronzino, <i>The Biomedical Engineering Handbook</i> , CRC Press, Inc. (1995)
APPLE-1013	Konig, <i>Reflectance Pulse Oximetry – Principles and Obstetric Application in the Zurich System</i> , <i>Journal of Clinical Monitoring</i> , Vol. 14, No. 6 (August 1998)
APPLE-1014	U.S. Patent No. 5,490,505 to Diab et al.
APPLE-1015	U.S. Patent No. 5,027,410 to Williamson et al.

APPLE-1016 U.S. Patent Application Publication No. 2003/0004428 to Pless et al.

APPLE-1017 U.S. Patent Application Publication No. 2002/0032386 to Sackner et al.

APPLE-1018 U.S. Patent Application Publication No. 2003/0163287 to Vock et al.

APPLE-1019 U.S. Patent No. 6,163,721 to Thompson

APPLE-1020 U.S. Patent No. 5,058,203 to Inagami

APPLE-1021 U.S. Patent No. 6,711,691 to Howard et al.

APPLE-1022-1030 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)

APPLE-1034 Joseph Guzman, “Fauci says second wave of coronavirus is ‘inevitable’”, TheHill.com (Apr. 29, 2020), available at: <https://thehill.com/changing-america/resilience/natural-disasters/495211-fauci-says-second-wave-of-coronavirus-is>

APPLE-1035 “Tracking the coronavirus in Los Angeles County,” LATimes.com (Aug. 20, 2020), available at <https://www.latimes.com/projects/california-coronavirus-cases-tracking-outbreak/los-angeles-county/>

APPLE-1036 Order Amending Scheduling Order, Masimo et al. v. True Wearables et al., Case 8:18-CV-02001 (July 7, 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.