Filed: December 2, 2021

Filed on behalf of:
Patent Owner Masimo Corporation
By: Joseph R. Re (Reg. No. 31,291)
Stephen W. Larson (Reg. No. 69,133)
Jarom D. Kesler (Reg. No. 57,046)
Jacob L. Peterson (Reg. No. 65,096)
Joshua J. Stowell (Reg. No. 64,096)

KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, Fourteenth Floor
Irvine, CA 92614
Tel.: (949) 760-0404
Fax: (949) 760-9502
E-mail: AppleIPR2020-1523-703@knobbe.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.

Petitioner,

v.

MASIMO CORPORATION,

Patent Owner.

Case IPR2020-01523
U.S. Patent 8,457,703

PATENT OWNER'S SUR REPLY TO REPLY

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

TABLE OF CONTENTS

Page No.

I. CLAIM CONSTRUCTION OF "PROCESSING CHARACTERISTICS" 2

A. Petitioner Failed To Construe "Processing Characteristics" 2

B. Masimo's Construction Of "Processing Characteristics" Is Correct 4

II. GROUNDS 1A-1B FAIL TO DEMONSTRATE OBVIOUSNESS 7

A. A POSITA Would Not "Suspend And Not Execute" Diab's Motion Artifact Suppression Module 7

1. The Motion Artifact Suppression Module Operates Continuously 7

2. Figures 20-21 Illustrate A Complete Module 11

B. A POSITA Would Not Have Been Motivated To Combine Diab And Amano 13

C. Suspending and Not Executing Diab's Motion Artifact Suppression Module Would Not Necessarily Result In Lower Power Consumption Or Reduce An Amount Of Processing 15

D. Diab Does Not Disclose Comparing "Processing Characteristics" To A "Predetermined Threshold" 18

III. GROUND 1C FAILS TO DEMONSTRATE OBVIOUSNESS 20

A. Petitioner's References Do Not Disclose Or Suggest "Reducing/Reduce Activation Of An Attached Sensor" 21

B. A POSITA Would Not Have Been Motivated To Combine Diab, Amano, And Turcott 23

DOCKET ALARM

Find authenticated court documents without watermarks at docketalarm.com.

TABLE OF CONTENTS
(*cont'd*)

Page No.

IV. GROUNDS 3A-3B FAIL TO SHOW OBVIOUSNESS 27

A. Amano Does Not Disclose "Measurement Values For One Or More Physiological Parameters Of A Patient" 27

B. Amano Does Not Compare Processing Characteristics To A Predetermined Threshold 29

C. Amano And Turcott Do Not Disclose Or Suggest "Reducing/Reduce Activation Of An Attached Sensor" And A POSITA Would Not Have Combined The References 29

V. CONCLUSION.....31

DOCKET ALARM

Find authenticated court documents without watermarks at docketalarm.com.

TABLE OF AUTHORITIES

Page No(s).

Ariosa Diagnostics v. Verinata Health, Inc.,
805 F.3d 1359 (Fed. Cir. 2015) 4

DSS Tech. Mgmt., Inc. v. Apple Inc.,
885 F.3d 1367 (Fed. Cir. 2018) 27

Intelligent Bio-Systems, Inc. v. Illumina Cambridge Ltd.,
821 F.3d 1359 (Fed. Cir. 2016) 3, 4

KSR Int'l Co. v. Teleflex Inc.,
550 U.S. 398 (2007).....1

Merck & Co. v. Teva Pharm. USA, Inc.,
395 F.3d 1364 (Fec. Cir. 2005).....19

Plas-Pak Indus., Inc. v. Sulzer Mixpac AG,
600 Fed. Appx. 755 (Fed. Cir. 2015).....14

Smith & Nephew, Inc. v. Rea,
721 F.3d 1371 (Fed. Cir. 2013) 25

TQ Delta, LLC v. Cisco Sys., Inc.,
942 F.3d 1352 (Fed. Cir. 2019) .....*passim*

OTHER AUTHORITIES

37 C.F.R. § 42.23 3

37 C.F.R. § 42.104 .....2, 3, 4, 28

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

EXHIBIT LIST

Exhibit No.	Description
2001	Expert Declaration of Vijay K. Madisetti Ph.D.
2002	Curriculum Vitae of Vijay K. Madisetti Ph.D.
2003	Excerpts from the deposition transcript of Brian Anthony, Ph.D.
2004	U.S. Patent No. 5,827,969 to Lee et al.
2005	U.S. Patent No. 6,402,690 to Rhee et al.

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

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.