UNITED STATES PATENT AND TRADEMARK OFFICE  ——————
BEFORE THE PATENT TRIAL AND APPEAL BOARD
APPLE INC.
Petitioner,
V.
MASIMO CORPORATION,
Patent Owner.
Case IPR2020-01538
U.S. Patent 10,588,554

# PETITIONER'S REPLY TO PATENT OWNER RESPONSE

### **TABLE OF CONTENTS**

I.	IN	INTRODUCTION1			
II.	GROUND 1 ESTABLISHES OBVIOUSNESS1				
	В.	Ohsaki does not describe, much less require, its convex translucent board 8 to be "rectangular" in shape			
		<ol> <li>Patent Owner ignores the behavior of scattered light in relation to reflectance-type pulse sensors and oximeters.</li> <li>A POSITA would have implemented the sensor resulting from the combination of Mendelson-799 and Ohsaki to prevent air gaps between the skin and the detectors.</li> </ol>			
	D.	A POSITA would have found the advantages of using a convex cover to			
	E.	outweigh the slight possibility of scratching the cover			
		1. A POSITA would have modified the combined sensor of Mendelson-799 and Ohsaki to guard against saturation based on Schulz's teachings			
		2. Schulz's teachings are applicable to the combined sensor of			
		Mendelson-799 and Ohsaki			
		<ul> <li>detectors</li></ul>			
	F.	A POSITA would have enabled the combined sensor of Mendelson-799, Ohsaki, and Schulz to communicate wirelessly with a handheld			
	G.	computing device, based on the teachings of Mendelson-2006			
	Н.				





III.

#### **EXHIBITS**

APPLE-1001	US Patent No. 10,588,554			
APPLE-1002	File History for U.S. Patent No. 10,588,554			
APPLE-1003	Declaration of Dr. Kenny			
APPLE-1004	Curriculum Vitae of Dr. Kenny			
APPLE-1005	Masimo Corporation, et al. v. Apple Inc., Complaint, Civil Action No. 8:20-cv-00048 (C.D. Cal.)			
APPLE-1006	US Pub. No. 2002/0188210 ("Aizawa")			
APPLE-1007	JP Pub. No. 2006/296564 ("Inokawa")			
APPLE-1008	Certified English Translation of Inokawa and Translator's Declaration			
APPLE-1009	US Pub. No. 2001/0056243 ("Ohsaki")			
APPLE-1010	"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-1011	RESERVED			
APPLE-1012	US Patent No. 6,801,799 ("Mendelson '799")			
APPLE-1013	US Pub. No. 2004/0054291 ("Schulz")			
APPLE-1014-1016 RESERVED				
APPLE-1017	"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-1018	"Skin Reflectance Pulse Oximetry: In Vivo Measurements from the Forearm and Calf," Y. Mendelson, et al.; Journal of Clinical Monitoring, vol. 7, No. 1, January 1991 ("Mendelson 1991)			
APPLE-1019	Design of Pulse Oximeters, J.G. Webster; Institution of Physics Publishing, 1997 ("Webster")			
APPLE-1020	QuickSpecs; HP iPAQ Pocket PC h4150 Series			
APPLE-1021	How to Do Everything with Windows Mobile, Frank McPherson; McGraw Hill, 2006 ("McPherson")			
APPLE-1022	Master Visually Windows Mobile 2003, Bill Landon, et al.; Wiley Publishing, Inc., 2004 ("Landon")			
APPLE-1023	"Stimulating Student Learning with a Novel 'In-House' Pulse Oximeter Design," J. Yao and S. Warren; Proceedings of the 2005 American Society for Engineering Education Annual Conference & Exposition, 2005 ("Yao")			
APPLE-1024	US Pub. No. 2008/0194932 ("Ayers")			
APPLE-1025	U.S. Patent No. 7,031,728 ("Beyer")			
APPLE-1026	US Pub. No. 2007/0145255 ("Nishikawa")			
APPLE-1027	National Instruments LabVIEW User Manual			
APPLE-1028-1030 RESERVED				
APPLE-1031	Scheduling Order, <i>Masimo v. Apple et al.</i> , Case 8:20-cv-00048, Paper 37 (April 17, 2020)			
APPLE-1032	Stipulation by Apple			



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