IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Jeroen Poeze, et al.

U.S. Patent No.: 10,631,765 Attorney Docket No.: 50095-0024IP1

Issue Date: April 28, 2020 Appl. Serial No.: 16/725,478

Filing Date: December 23, 2019

Title: MULTI-STREAM DATA COLLECTION SYSTEM FOR NONIN-

VASIVE MEASUREMENT OF BLOOD CONSTITUENTS

Mail Stop Patent Board

Patent Trial and Appeal Board U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

PETITION FOR INTER PARTES REVIEW OF UNITED STATES PATENT NO. 10,631,765 PURSUANT TO 35 U.S.C. §§ 311–319, 37 C.F.R. § 42



TABLE OF CONTENTS

1.	MΑ	ANDATORY NOTICES UNDER 37 C.F.R § 42.8(a)(1)	.4		
	A.	Real Party-In-Interest Under 37 C.F.R. § 42.8(b)(1)	.4		
	В.	Related Matters Under 37 C.F.R. § 42.8(b)(2)	.4		
	C.	Lead And Back-Up Counsel Under 37 C.F.R. § 42.8(b)(3)	.5		
	D.		.5		
II.	PE'	TITIONER HAS STANDING TO REQUEST IPR6			
III.	OV	'ERVIEW OF THE '765 PATENT	.6		
		Brief Description			
		Level of Ordinary Skill in the Art			
	C.	-			
IV.	ΔP	PLICATION OF PRIOR ART TO THE '765 PATENT CLAIMS1	0		
1 7 .	A.				
	В.		. 0		
	ъ.	Mendelson-799, Ohsaki, Schulz, and Mendelson-2006	1		
		1. Overview of Mendelson-799			
		2. Overview of Ohsaki			
		3. Overview of Schulz			
		4. Overview of Mendelson-2006	21		
		5. Combination of Mendelson-799, Ohsaki, Schulz, and Mendelson	-		
		20062			
		6. Analysis	10		
	C.	GROUND 2: Claim 9 is obvious over Mendelson-799, Ohsaki, Schulz,			
		Mendelson-2006, and Bergey	38		
		1. Overview of Bergey	38		
		2. Combination of Mendelson-799, Ohsaki, Schulz, Mendelson-200	6		
			39		
	D.	GROUND 3: Claim 14 is obvious over Mendelson-799, Ohsaki, Schulz	z,		
		Mendelson-2006, and Goldsmith	1		
		1. Overview of Goldsmith9			
		2. Combination of Mendelson-799, Ohsaki, Schulz, Mendelson-200			
		and Goldsmith9			
	E.	GROUND 4: Claims 17-19 are obvious over Mendelson-799, Ohsaki,			
		Schulz, Mendelson-2006, and Aizawa			
		1. Overview of Aizawa9			
		2. Combination of Mendelson-799, Ohsaki, Schulz, Mendelson-200			
		and Aizawa9)6		



V.	PTAB DISCRETION SHOULD NOT PRECLUDE INSTITUTION	.100
VI.	CONCLUSION	.106
VII.	PAYMENT OF FEES – 37 C.F.R. § 42.103	.106



EXHIBITS

APPLE-1001	U.S. Patent No. 10,631,765
APPLE-1002	File History for the '765 Patent
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	US Pub. No. US 2007/0093786 ("Goldsmith")
APPLE-1012	US Patent No. 6,801,799 ("Mendelson-799")
APPLE-1013	US Pub. No. 2004/0054291 ("Schulz")
APPLE-1014	RESERVED
APPLE-1015	RESERVED
APPLE-1016	US Patent No. 3,789,601 ("Bergey")



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; As- sociation 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	Excerpts from Design of Pulse Oximeters, J.G. Webster; Institution of Physics Publishing, 1997 ("Webster")					
APPLE-1020	QuickSpecs; HP iPAQ Pocket PC h4150 Series					
APPLE-1021	Excerpts from How to Do Everything with Windows Mobile, Frank McPherson; McGraw Hill, 2006 ("McPherson")					
APPLE-1022	Excerpts from 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 to 1030 RESERVED						
APPLE-1031	Scheduling Order, Masimo v. Apple et al., Case 8:20-cv-00048, Paper 37 (April 17, 2020)					



DOCKET

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.

