

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.

Petitioner,

v.

MASIMO CORPORATION,

Patent Owner.

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Case IPR2020-01722  
U.S. Patent 10,470,695

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

## TABLE OF CONTENTS

I.	INTRODUCTION .....	1
II.	CLAIMS 6, 14, AND 21 ARE UNPATENTABLE.....	3
	A. Patent Owner’s invented distinction between “thick tissue” and “thin tissue” devices is not supported by the evidence of record .....	3
	B. Dr. Madisetti’s experimental results are not indicative of the performance of devices with multiple photodetectors.....	6
	C. Ground 1D: Claims 6, 14, and 21 are obvious over Sarantos in view of Mendelson-1991 and Chin.....	9
	1. A POSITA would have been motivated to add Chin’s diffuser to the combined device of Sarantos and Mendelson-1991.....	9
	2. A POSITA would have had a reasonable expectation of success when performing the proposed modification .....	10
	3. Patent Owner's arguments rely on mischaracterizations of the prior art that ignore explicit disclosures in the references .....	11
	D. Ground 2C: Claims 6, 14, 21 are obvious over Ackermans in view of Chin.....	13
	1. A POSITA would have been motivated to add Chin’s diffuser to Ackermans’ device .....	13
	2. A POSITA would have had a reasonable expectation of success when performing the proposed modification .....	14
	3. Patent Owner’s arguments rely on mischaracterizations of the prior art that ignore explicit disclosures in the references .....	15
III.	CONCLUSION.....	16

## EXHIBITS

APPLE-1001	U.S. Patent No. 10,470,695 to Al-Ali (“the ’695 Patent”)
APPLE-1002	Excerpts from the Prosecution History of the ’695 Patent
APPLE-1003	Declaration of Brian W. Anthony, Ph.D.
APPLE-1004	Reserved
APPLE-1005	U.S. Patent No. 8,998,815 to Venkatraman et al. (“Venkatraman”)
APPLE-1006	U.S. Patent No. 6,343,223 to Chin et al. (“Chin”)
APPLE-1007 to APPLE-1013	Reserved
APPLE-1014	U.S. Patent No. 9,392,946 to Sarantos et al. (“Sarrantos”)
APPLE-1015	Mendelson et al., <i>Skin Reflectance Pulse Oximetry: In Vivo Measurements from the Forearm and Calf</i> , Journal of Clinical Monitoring Vol. 7 No. 1, pp. 7-12 (January 1991) (“Mendelson-1991”)
APPLE-1016	PCT Pub. No. WO 2011/051888 to Ackermans et al. (“Ackermans”)
APPLE-1017	Declaration of Jacob Munford
APPLE-1018	U.S. Patent No. 4,295,472 to Adams (“Adams”)
APPLE-1019	U.S. Patent No. 7,415,298 to Casciani et al. (“Casciani”)
APPLE-1020	Order Re Motion to Stay in Masimo Corporation et al. v. Apple Inc., Case 8:20-cv-00048-JVS-JDE, October 13, 2020

APPLE-1021 Design of Pulse Oximeters, J.G. Webster; Institution of Physics  
Publishing, 1997 (“Webster”)

APPLE-1022 Deposition Transcript of Dr. Vijay Madiseti

## I. INTRODUCTION

Apple Inc. (“Petitioner” or “Apple”) submits this Reply to Patent Owner’s Response (“POR”) to the Petition for *Inter Partes* Review (“IPR”) of U.S. Patent No. 10,470,695 (“the ’695 patent”) filed by Masimo Corporation (“Patent Owner” or “Masimo”). As demonstrated below, the POR fails to rebut the positions advanced in the Petition. Apple therefore respectfully submits that the Board should find claims 6, 14, and 21<sup>1</sup> (“the Challenged Claims”) of the ’695 patent unpatentable.

For example, Patent Owner attempts to draw a bright line between pulse oximeters used in body locations having what it terms “thick” tissue (e.g., “the wrist”), and those used in locations having “thin” tissue (e.g., the “nostril”). *See, e.g.*, POR, 16-20. The POR characterizes the pulse oximeter described in Chin as a “thin tissue device” that is so vastly different from “thick tissue” pulse oximeters (e.g., those described in Sarantos and Ackermans) that Chin’s teachings are inapplicable to such devices. *See id.*, 19-20; *see also* APPLE-1022, 23:2-7. But

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<sup>1</sup> The Petition originally challenged claims 1-6, 8, 9, 11-19, and 21-30 of the ’695 patent. Patent Owner subsequently disclaimed claims 1-5, 8, 9, 11-13, 15-19 and 22-30, leaving claims 6, 14, and 21 as the only remaining challenged claims. *See* Ex. 2004.

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