IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Gopalakrishnan

U.S. Patent No.: 10,595,731 Attorney Docket No.: 50095-0033IP1

Issue Date: March 24, 2020 Appl. Serial No.: 16/588,201

Filing Date: September 30, 2019

Title: METHODS AND SYSTEMS FOR ARRHYTHMIA TRACKING

AND SCORING

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. 10,595,731 PURSUANT TO 35 U.S.C. §§ 311–319, 37 C.F.R. § 42



TABLE OF CONTENTS

I.	KE	REQUIREMENTS					
		_	ounds for Standing				
		Challenge and Relief Requested					
	C. Priority Date						
II.			NOLOGY OVERVIEW AND THE '731 PATENT				
11.	A. '731 Patent						
			secution History				
			yel of Ordinary Skill				
III.	THE CHALLENGED CLAIMS ARE UNPATENTABLE						
		. [GROUND 1] – Shmueli Makes Claims 1, 7, 12, 13, 16, 17, 23-26 a					
	11.	_	Obvious				
		1.	Shmueli Overview				
		2.	Claim 1				
		3.	Claim 7				
		4.	Claim 12				
		5.	Claim 13				
		6.	Claim 16				
		7.	Claim 17	35			
		8.	Claim 23				
		9.	Claim 24	36			
		10.	Claim 25	36			
		11.	Claim 26	39			
		12.	Claim 30	39			
	В.	[GF	ROUND 2] – Shmueli and Osorio Make Claims 1, 2, 4, 7, 1	2-14, 16-			
		18,	20, 23-26 and 30 Obvious				
		1.					
		2.	The Shmueli-Osorio Combination				
		3.	Claim 1				
		4.	Claim 2				
		5.	Claim 4				
		6.	Claim 7				
		7.	Claim 12				
		8.	Claim 13				
		9.	Claim 14				
		10.					
		11.					
		12.	Claim 18	65			



Attorney Docket No. 50095-0033IP1 IPR of U.S. Patent No. 10,595,731

	13.	Claim 20	65			
	14.	Claim 23				
	15.	Claim 24	65			
	16.	Claim 25	66			
	17.	Claim 26	66			
	18.	Claim 30	67			
C.	[GROUND 3] - Shmueli in View of Osorio and Li-2012 Render Claims					
	3, 5,	6, 19, 21 and 22 Obvious	67			
	1.	Li-2012 Overview	67			
	2.	The Shmueli-Osorio-Li-2012 Combination	67			
	3.	Claim 3	70			
	4.	Claim 5				
	5.	Claim 6	72			
	6.	Claim 19				
	7.	Claim 21				
	8.	Claim 22				
D.	_	OUND 4] – Shmueli in View of Osorio and Kleiger-2005 R				
	Clai	ms 8-11 and 27-29 Obvious				
	1.	Kleiger-2005 Overview	73			
	2.	The Shmueli-Osorio-Kleiger-2005 Combination				
	3.	Claim 8				
	4.	Claim 9				
	5.	Claim 10				
	6.	Claim 11				
	7.	Claim 27				
	8.	Claim 28				
_	9.	Claim 29				
E.	[GROUND 5] – Shmueli (or Shmueli and Osorio) in View of Chan					
		der Claim 15 Obvious				
	1.	Chan Overview				
	2.	The Shmueli-Chan Combination				
	3.	Claim 15	81			
FE	ES		87			
CC	NCL	USION	87			
M	NDA	ATORY NOTICES UNDER 37 C.F.R § 42.8(a)(1)	88			
A.	Real	Party-In-Interest Under 37 C.F.R. § 42.8(b)(1)	 88			
В.		ted Matters Under 37 C.F.R. § 42.8(b)(2)				
	I ear	d And Back-Up Counsel Under 37 C.F.R. § 42.8(b)(3)	 22			
D.	Service Information					



V.

VI.

VII.

EXHIBITS

APPLE-1001	U.S. Pat. No. 10,595,731 to Gopalakrishnan ("the '731 patent")
APPLE-1002	Excerpts from the Prosecution History of the '731 patent ("the Prosecution History")
APPLE-1003	Declaration of Dr. Bernard A. Chaitman
APPLE-1004	PCT Patent Publication WO2012/140559 ("Shmueli")
APPLE-1005	U.S. Patent Publication 2014/0275840 ("Osorio")
APPLE-1006	Li Q, Clifford GD, "Signal quality and data fusion for false alarm reduction in the intensive care unit," J Electrocardiol. 2012 Nov-Dec; 45(6):596-603 ("Li-2012")
APPLE-1007	U.S. Patent Publication 2008/0004904 ("Tran")
APPLE-1008	U.S. Patent Publication 2014/0107493 ("Yuen")
APPLE-1009	U.S. Patent Publication 2015/0119725 ("Martin")
APPLE-1010	U.S. Provisional Application No. 61/794,540 ("OP")
APPLE-1011	Lee J, Reyes BA, McManus DD, Mathias O, Chon KH. Atrial fibrillation detection using a smart phone. International Journal of Bioelectromagnetism, Vol. 15, No. 1, pp. 26 - 29, 2013 ("Lee 2013")
APPLE-1012	Tsipouras MG, Fotiadis DI. Automatic arrhythmia detection based on time and time-frequency analysis of heart rate variability. Comput Methods Programs Biomed. 2004 May; 74(2):95-108 ("Tsipouras 2004")
APPLE-1013	Lu S, Zhao H, Ju K, Shin K, Lee M, Shelley K, Chon KH. Can photoplethysmography variability serve as an alternative



Attorney Docket No. 50095-0033IP1 IPR of U.S. Patent No. 10,595,731

approach to obtain heart rate variability information? J Clin Monit Comput. 2008 Feb; 22(1):23-9 ("Lu 2008")

APPLE-1014 Selvaraj N, Jaryal A, Santhosh J, Deepak KK, Anand S. Assessment of heart rate variability derived from finger-tip photoplethysmography as compared to electrocardiography. J Med Eng Technol. 2008 Nov-Dec; 32(6):479-84 ("Selvaraj 2008")

APPLE-1015 Lu G, Yang F, Taylor JA, Stein JF. A comparison of photoplethysmography and ECG recording to analyse heart rate variability in healthy subjects. J Med Eng Technol. 2009; 33(8):634-41 ("Lu 2009")

APPLE-1016 Suzuki T, Kameyama K, Tamura T. Development of the irregular pulse detection method in daily life using wearable photoplethysmographic sensor. Annu Int Conf IEEE Eng Med Biol Soc. 2009; 2009:6080-3 ("Suzuki 2009")

APPLE-1017 Reed MJ, Robertson CE, Addison PS. Heart rate variability measurements and the prediction of ventricular arrhythmias. QJM. 2005 Feb; 98(2):87-95 ("Reed 2005")

APPLE-1018 Schäfer A, Vagedes J. How accurate is pulse rate variability as an estimate of heart rate variability? A review on studies comparing photoplethysmographic technology with an electrocardiogram. Int J Cardiol. 2013 Jun 5; 166(1):15-29 ("Schafer 2013")

APPLE-1019 K. Douglas Wilkinson, "The Clinical Use of the Sphygmomanometer," The British Medical Journal, 1189-90 (Dec. 27, 1924) ("Wilkinson")

APPLE-1020 U.S. Pat. No. 6,095,984 ("Amano")

APPLE-1021 B.K. Bootsma et. al, "Analysis of R-R intervals in patients with atrial fibrillation at rest and during exercise." Circulation 1970; 41:783-794



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.

