Filed: November 4, 2022

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

MASIMO CORPORATION,

Patent Owner.

Case IPR2022-01299 U.S. Patent 7,761,127

PATENT OWNER PRELIMINARY RESPONSE



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III.	RUCTION						
	A.	The Petition violates 37 C.F.R. § 42.104(b)(3)					
	B.	Prop	er con	structions			
		1.	"ther	rmal mass" (claims 1, 7, 13, 20, 26)			
		2.	"bull	k temperature" (claims 1, 7, 13, 21, and 26) 25			
			a)	The "bulk temperature" is used to estimate wavelengths for multiple LEDs in every claim 25			
			b)	The temperature sensor measures the temperature of the thermal mass in every claim			
IV.				SHOULD BE DENIED UNDER 35 U.S.C. § 30			
V.	THE	CLAI	MS A	RE PATENTABLE OVER THE CITED ART 33			
	A. Claims 7-12 would not have been obvious over Yamada and Chadwick						
		1.	ada and Chadwick do not disclose or make				



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	2.	Yamada and Chadwick do not disclose or make obvious a "temperature sensor capable of determining a bulk temperature for the thermal mass, the operating wavelengths dependent on the bulk temperature."
	3.	Apple fails to show a motivation to combine or reasonable expectation of success
В.		ns 13-25 would not have been obvious over Yamada, wick, and Cheung
	1.	Yamada, Chadwick, and Cheung do not disclose or make obvious a "thermal mass" as claimed
	2.	Yamada, Chadwick, and Cheung do not disclose or make obvious LED operating wavelengths "dependent on a bulk temperature of the light emitting sources."
	3.	Apple fails to show a motivation to combine or reasonable expectation of success
C.		ns 1-12 and 26-30 would not have been obvious over ada, Chadwick, and Noguchi
	1.	Yamada, Chadwick, and Noguchi do not disclose or make obvious a "thermal mass" as claimed
	2.	Yamada, Chadwick, and Noguchi do not disclose or make obvious LED wavelengths "determinable as a function of" or "dependent on the bulk temperature." 52
	3.	Apple fails to show a motivation to combine or reasonable expectation of success



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