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Filed on behalf of:

Patent Owner Masimo Corporation

By: Irfan A. Lateef (Reg. No. 51,922)

Ted M. Cannon (Reg. No. 55,036)

Jarom D. Kesler (Reg. No. 57,046)

Jacob L. Peterson (Reg. No. 65,096)

KNOBBE, MARTENS, OLSON & BEAR, LLP

2040 Main Street, Fourteenth Floor

Irvine, CA 92614

Tel.: (949) 760-0404

Fax: (949) 760-9502

E-mail: AppleIPR127-2@knobbe.com

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.

Case IPR2022-01300

U.S. Patent 7,761,127

-

#### PATENT OWNER PRELIMINARY RESPONSE



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	B.	The	Claime	ed Invention				
III.	CLAIM CONSTRUCTION							
	A.	The Petition violates 37 C.F.R. § 42.104(b)(3)						
	B.	Proper constructions						
		1.	"ther	mal mass" (claims 1, 7, 13, 20, 26)				
		1.	"bull	x temperature" (claims 1, 7, 13, 21, and 26)				
			a)	The "bulk temperature" is used to estimate wavelengths for multiple LEDs in every claim 26				
			b)	The temperature sensor measures the temperature of the thermal mass in every claim				
IV.				SHOULD BE DENIED UNDER 35 U.S.C. §				
V.				GED CLAIMS ARE PATENTABLE OVER OSED COMBINATIONS				
	A.			2 would not have been obvious over Dietiker and				
		1.		ker and Oldham do not disclose a "thermal"36				



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2.	senso for th	r "cap e theri	d Oldham do not disclose a temperature able of determining a bulk temperature mal mass, the operating wavelengths on the bulk temperature."				
3.	A POSITA would not have been motivated to combine Oldham and Dietiker in a way that would yield the claimed invention. 45						
	a)		proposed combination does not yield the ned invention				
	b)	and I	am's temperature regulation technique Dietiker's self-calibration with wavelength or technique would not be used together46				
	c)	have comb	of Apple's alleged motivations would motivated a POSITA to modify or sine Oldham and Dietiker in a way that d yield the claimed invention				
		(1)	Alleged motivations to implement Oldham's temperature-regulation system with Dietiker				
		(2)	Alleged motivations to use Oldham's metal plate in the combination's substrate				
	d)		OSITA would not have reasonably cted success				
	-		17, and 20-23 would not have been iker. Oldham, and Noguchi				



B.

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		1.	Dietiker, Oldham, and Noguchi do not disclose a "thermal mass."
		2.	Dietiker, Oldham, and Noguchi do not disclose LED wavelengths "determinable as a function of" or "dependent on the bulk temperature."
		3.	Apple fails to show a motivation to combine or reasonable expectation of success
	C.		as 26, 27, and 30 would not have been obvious over ker, Oldham, Noguchi, and Yamada
VI.			ORES PRIOR ART THAT TEACHES AWAY E CLAIMED INVENTION
VII.			NORES KNOWN SECONDARY ATIONS OF NON-OBVIOUSNESS
	A.		re to address known secondary considerations of non- usness warrants denial of institution
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	C.	The r	ainbow® sensors are commercially successful
	D.		ainbow® sensors have received significant industry
	E.		ris a nexus between the commercial success and try praise and the claimed invention
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