

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and
SOUND UNITED, LLC,

Defendants.

MASIMO CORPORATION and
CERCACOR LABORATORIES, INC.,

Counter-Claimants,

v.

APPLE INC.

Counter-Defendant.

C.A. No. 22-1378-MN-JLH

JURY TRIAL DEMANDED

**REBUTTAL EXPERT REPORT OF CRAIG S. ROSENBERG, PH.D. ON
NONINFRINGEMENT OF U.S. PATENT NO. 11,106,352**

[REDACTED]

for controlling one or more device functions” are distinct from the home screen user interface’s “application icons” and the widget screen user interface’s “application content.”

IX. NO DIRECT INFRINGEMENT

46. [REDACTED]

[REDACTED]. I disagree. My analysis and conclusions are explained in further detail below.

47. [REDACTED]

[REDACTED] Therefore, my analysis and conclusions below regarding the W1 apply equally to the W1 Wave Electrode Design.

48. I obtained a physical Masimo W1 device from Masimo that is marked with Bates number MASAD_P_048. As part of my analysis, I performed tests on the device.

A. Independent Claim 1

49. Multiple limitations of claim 1 of the ’352 patent are missing from the Masimo W1. Below, I explain how I reached this conclusion for each of these limitations.

1. “in accordance with a determination that the first input meets first criteria . . . displaying of a home screen user interface that is different from the wake screen user interface”

50. The Masimo W1 does not perform “in accordance with a determination that the first input meets first criteria . . . displaying of a home screen user interface that is different from the wake screen user interface,” as recited by claim 1 of the ’352 patent. Using the plain and ordinary meanings of the terms “home screen” and “wake screen”, the W1’s “home screen user interface” is not different from its “wake screen user interface.”

51. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

52. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] However, in my opinion, such a broad reading of the term “home screen” would be inconsistent with how a POSITA would understand the term, and would effectively eliminate “home screen user interface” from the claim.

53. The home screen of a mobile device serves as the starting point from which users navigate to other features and services. On smartphones, a home screen user interface typically includes icons to access specific features and services of the smartphone. This is consistent with the '352 patent. For example, Figure 4A shows a home screen user interface on an iPhone.

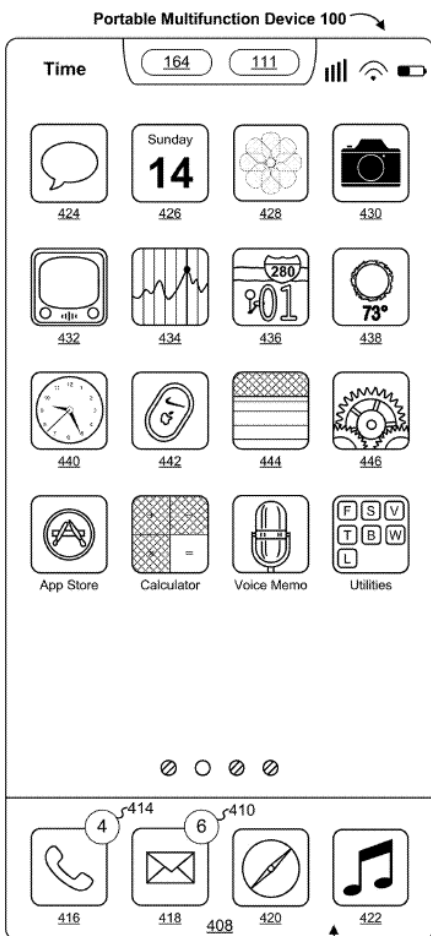


Figure 4A

Touch Screen 112

54. However, the Masimo W1 is not a phone, but rather a health watch. The home screen of a watch is the watch face. *See* Ex. B (Wear OS Home Screen). More specifically, the home screen of a health watch is the screen that displays the time and various health metrics, since displaying that information is the primary purpose of a health watch. Thus, in my opinion, the W1’s home screen is the screen that Dr. Terveen refers to as the “Watch Face screen.”



55. That the W1's home screen is the "Watch Face" is consistent with Masimo's internal documents. For example, the W1User's Guide that Dr. Terveen relies upon (MASAD00010737) confirms that the W1's home screen is the "Watch Face." As shown, the guide states that users can press the "Main Menu/Back Button" to "cycle through menus from Home Screen."



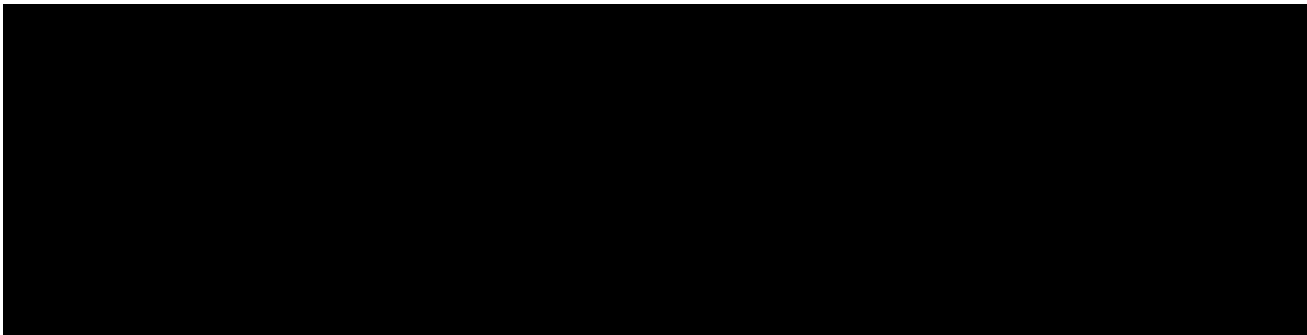
MASAD00010737 at 743.

[REDACTED]

56. I confirmed that pressing the “Main Menu/Back” button from the watch face navigates to the Main Menu. Thus, the “Home Screen” mentioned to in this document refers to the W1’s watch face screen.

57. [REDACTED]

[REDACTED] The W1’s Watch Face is the screen that displays that information. MASAD00010737 at 747. Thus, the customer support document confirms that the W1’s Watch Face is its home screen.



Watch Face



The Watch Face displays Date, Time, Daily Step Count, and *Health Data (Blood Oxygen Content (SpO₂%), Pulse Rate (PR/bpm), and Respiration Rate (RR/bpm)).
See **Change Watch Face** on page 11 to display a different face design.
* Displays when Vitals is enabled. See **Activate Continuous Health Data** on page 9.
Note: The watch face may be difficult to view when in direct sunlight.

MASAD00010737 at 747.

58. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

59.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

60.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The iPhone 15 has a Home

Screen and a App Library screen that are both “different from the wake screen user interface” and that “include[] a plurality of application icons corresponding to different applications.” *See* Ex. C

[REDACTED]

(Organize the Home Screen and App Library on your iPhone – Apple Support). However, Apple’s documentation only calls one of these user interfaces the “Home Screen”; the other user interface is the “App Library.” *Id.* [REDACTED]

Search for an app in the App Library

1. Go to the App Library.



[REDACTED]

[REDACTED]

[REDACTED] W1’s “Watch Face” screen is also its wake screen user interface, the W1 does not include or display “a home screen user interface that is different from the wake screen user interface,” as recited by claim 1 of the ’352 patent. Moreover, the W1’s Watch Face does not include any selectable icons. Thus, because the W1’s “Watch Face” screen is its home screen user interface, the W1’s home screen user interface does not “include[] a plurality of application icons” that “when selected, causes display of an application,” as required by claim 1 of the ’352 patent.