

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

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and
SOUND UNITED, LLC,

Defendants.

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

JURY TRIAL DEMANDED

MASIMO CORPORATION and
CERCACOR LABORATORIES, INC.,

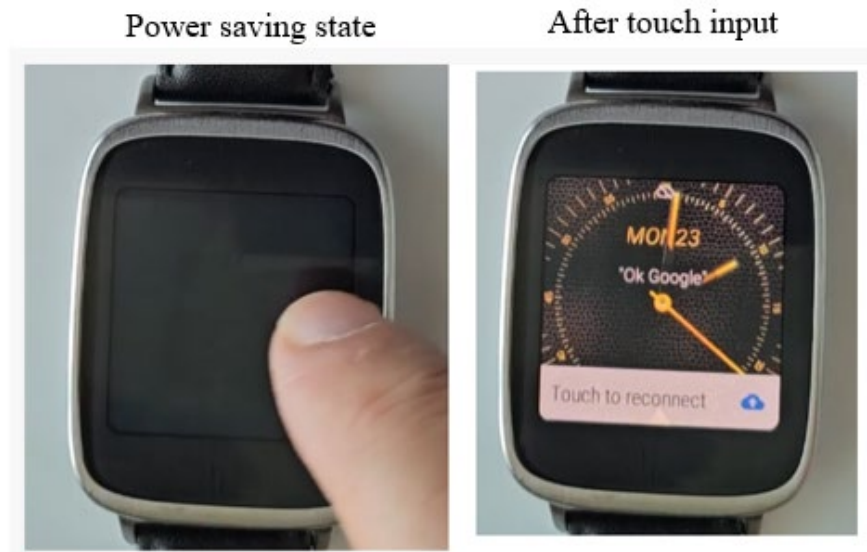
Counter-Claimants,

v.

APPLE INC.

Counter-Defendant.

**OPENING EXPERT REPORT ON PATENT INVALIDITY OF
CRAIG S. ROSENBERG, PH.D.**



Ex. D (ZenWatch Video) at 0:05-0:06.

151. A POSITA would understand that the above “clock screen” user interface is a wake screen user interface because it is the user interface that is displayed upon the device waking. This is consistent with the deposition testimony of William Tyler, the sole inventor of the ’352 patent. Tyler Tr. at 21:1-16 (“A wake screen is the screen that appears when the device wakes up.”). Moreover, Apple alleges that a similar “clock screen,” which also is displayed upon the device waking, is a wake screen user interface. *See* Apple Final Infringement Contentions Ex. E-1 at 18.

152. Thus, the Asus ZenWatch discloses limitation 1[d].

v. Limitation 1[e]

153. Limitation 1[e] recites “while displaying the wake screen user interface, detecting a first input that is directed to a portion of the wake screen user interface and includes first movement.” The Asus ZenWatch discloses this limitation by detecting swipe gesture touch inputs directed to a portion of the wake screen user interface, described in greater detail below.

154. Thus, the Asus ZenWatch discloses limitation 1[e].

vi. Limitation 1[f]

155. Limitation 1[f] recites:

[REDACTED]

in response to detecting the first input that is directed to the portion of the wake screen user interface:

in accordance with a determination that the first input meets first criteria, wherein the first criteria require the first movement to be in a first direction in order for the first criteria to be met:

displaying of a home screen user interface that is different from the wake screen user interface, wherein the home screen user interface includes a plurality of application icons corresponding to different applications, and wherein a respective application icon of the plurality of application icons, when selected, causes display of an application corresponding to the respective application icon;

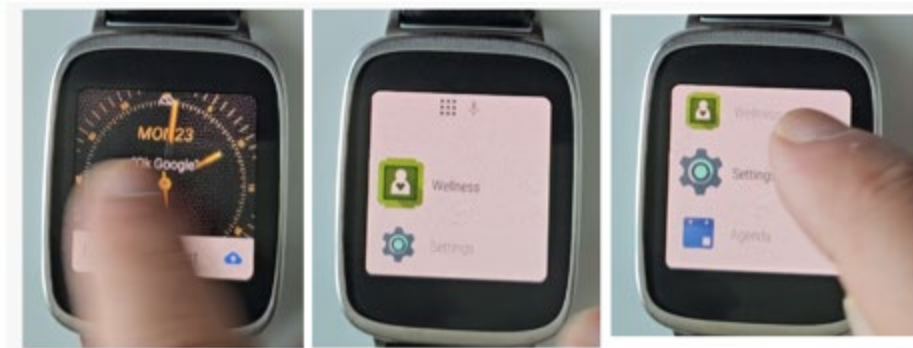
156. The Asus ZenWatch discloses or makes obvious this limitation. For example, the Asus ZenWatch detects a leftward directional input on the wake screen and, in response, displays a main menu user interface including a plurality of application icons. Under Apple's apparent interpretation of the claim, such a main menu user interface constitutes a "home screen user interface." *See* Apple Final Infringement Contentions Ex. E-1 at 25.¹⁰ The main menu user interface is different from the wake screen user interface and includes a plurality of application

¹⁰ My presentation of opinions under Apple's apparent claim construction should not be interpreted as agreement with or acquiescence to Apple's apparent claim construction.

icons corresponding to different applications. For example, the main menu user interface includes icons for a “Wellness” application and an “Agenda” application, among others.

Leftward swipe on
clock screen

Menu screen

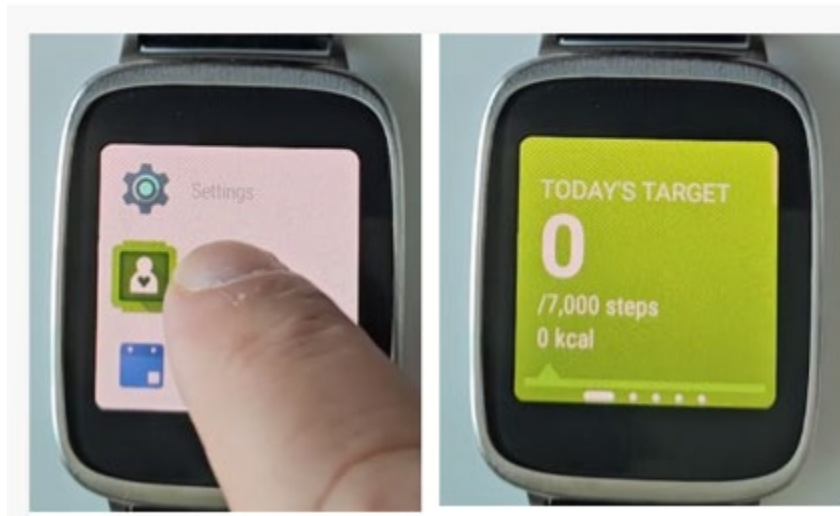


Ex. D (ZenWatch Video) at 0:13-0:19.

157. The icons, when selected, cause the device to display a corresponding application user interface. For example, the “Wellness” icon, when selected, causes the device to display an “Wellness” application.

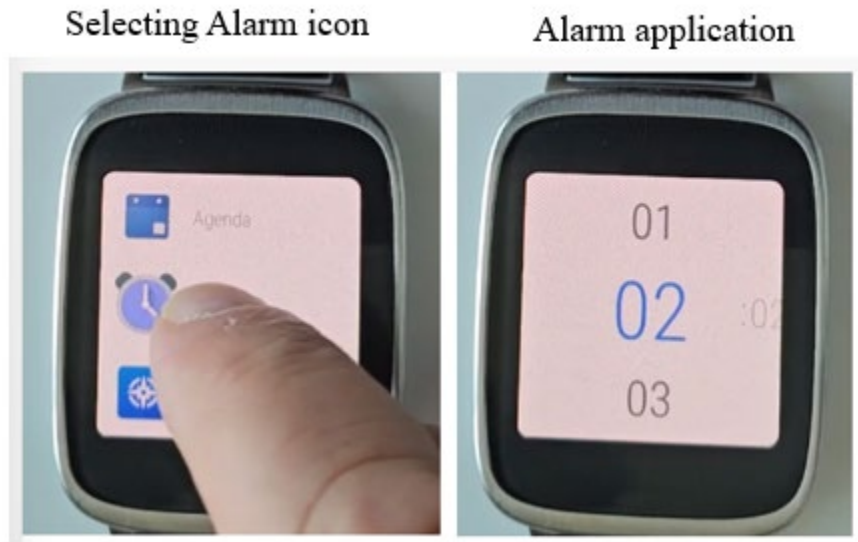
Selecting Wellness icon

Wellness application



Ex. D (ZenWatch Video) at 0:57-0:59.

158. As another example, the “Alarm” icon, when selected, causes the device to display an “Alarm” application.



Ex. D (ZenWatch Video) at 1:14-1:16.

159. Thus, the Asus ZenWatch discloses limitation 1[f].

vii. Limitation 1[g]

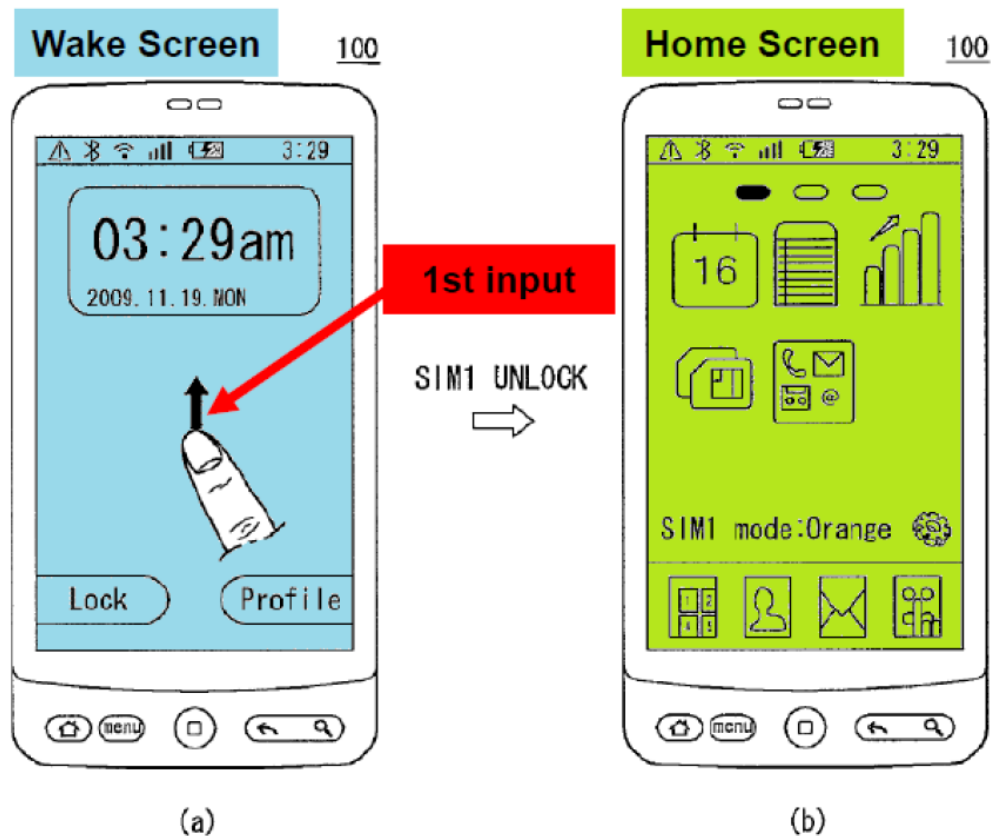
160. Limitation 1[g] recites:

in accordance with a determination that the first input meets second criteria different from the first criteria, wherein the second criteria require the first movement to be in a second direction that is different from the first direction in order for the second criteria to be met:

displaying a widget screen user interface that is different from the wake screen user interface and the home screen user interface, wherein the widget screen user interface includes a plurality of user interface objects corresponding to different applications, wherein a respective user interface object of the plurality of user interface objects contains application content from an application corresponding to the respective user interface object, and when selected, causes display of an application corresponding to the respective user interface object.

“bottom-to-top” swipe “unlocks the first SIM” and “displays a home screen customized to the first SIM.”

FIG. 4



Ex. K (Chae) Figs. 4(a) and 4(b) (annotated).

291. To the extent that the claim language requires the “bottom-to-top” input to occur at a predefined location on the wake screen, Chae still discloses or makes obvious this limitation. For example, Figure 17 of Chae discloses accessing the home screen based on both the “position and direction” of a gesture.

vi. Limitation 1[f]

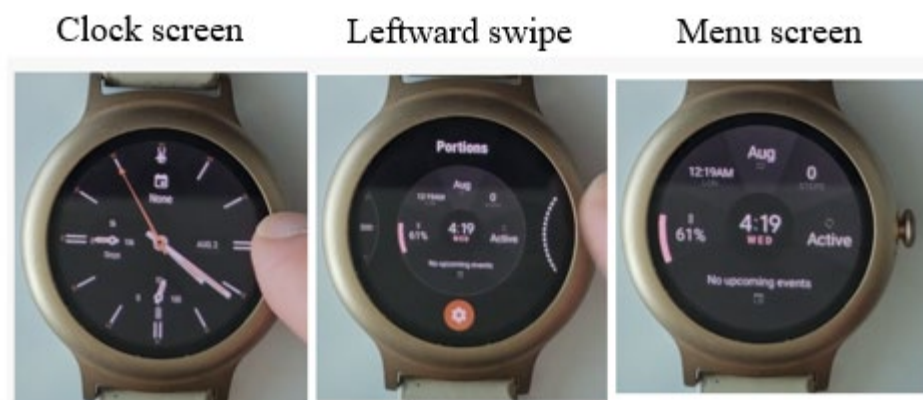
292. Limitation 1[f] recites:

in response to detecting the first input that is directed to the portion of the wake screen user interface:

in accordance with a determination that the first input meets first criteria, wherein the first criteria require the first movement to be in a first direction in order for the first criteria to be met:

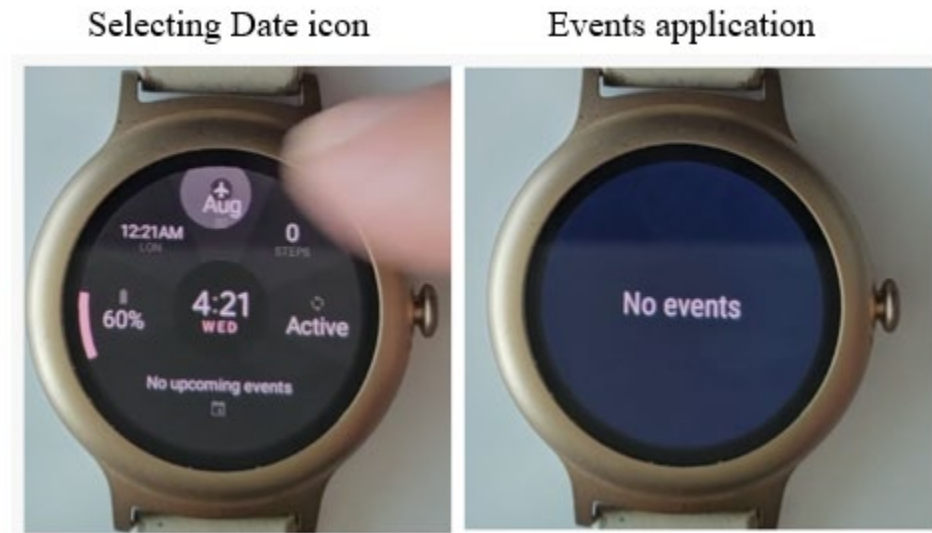
displaying of a home screen user interface that is different from the wake screen user interface, wherein the home screen user interface includes a plurality of application icons corresponding to different applications, and wherein a respective application icon of the plurality of application icons, when selected, causes display of an application corresponding to the respective application icon;

293. The LG Watch Style discloses or makes obvious this limitation. For example, the LG Watch Style detects a leftward directional input on the wake screen and, in response, displays a main menu user interface including a plurality of application icons. Under Apple's apparent interpretation of the claim, such a main menu user interface constitutes a "home screen user interface." *See* Apple Final Infringement Contentions Ex. E-1 at 25. The main menu user interface is different from the wake screen user interface and includes a plurality of application icons corresponding to different applications. For example, the main menu user interface includes icons for an "Events" application and an "Agenda" application, among others.



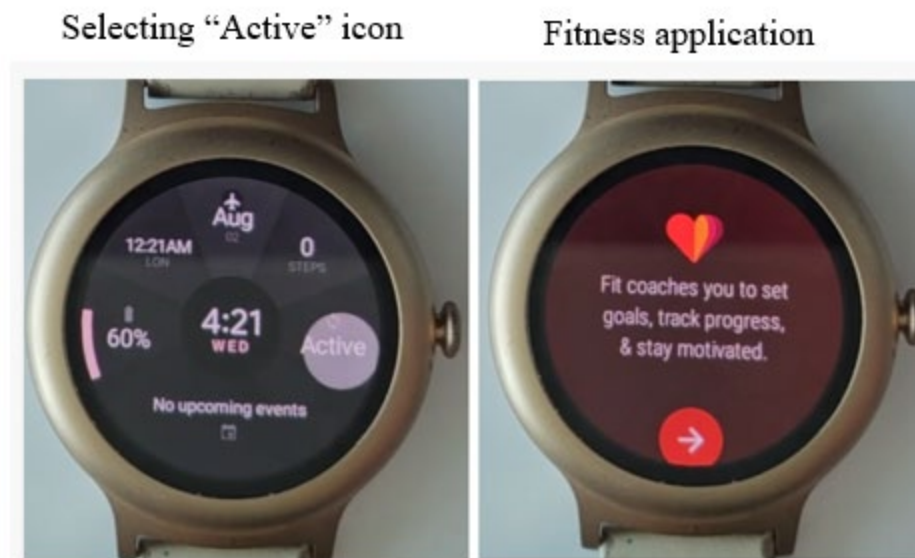
Ex. F (Watch Style Video) at 0:44-0:47.

294. The icons, when selected, cause the device to display a corresponding application user interface. For example, selection of a first icon causes the device to display an “Events” application.



Ex. F (Watch Style Video) at 0:50-0:52.

295. As another example, selection of a second icon causes the device to display a “Fitness” application.

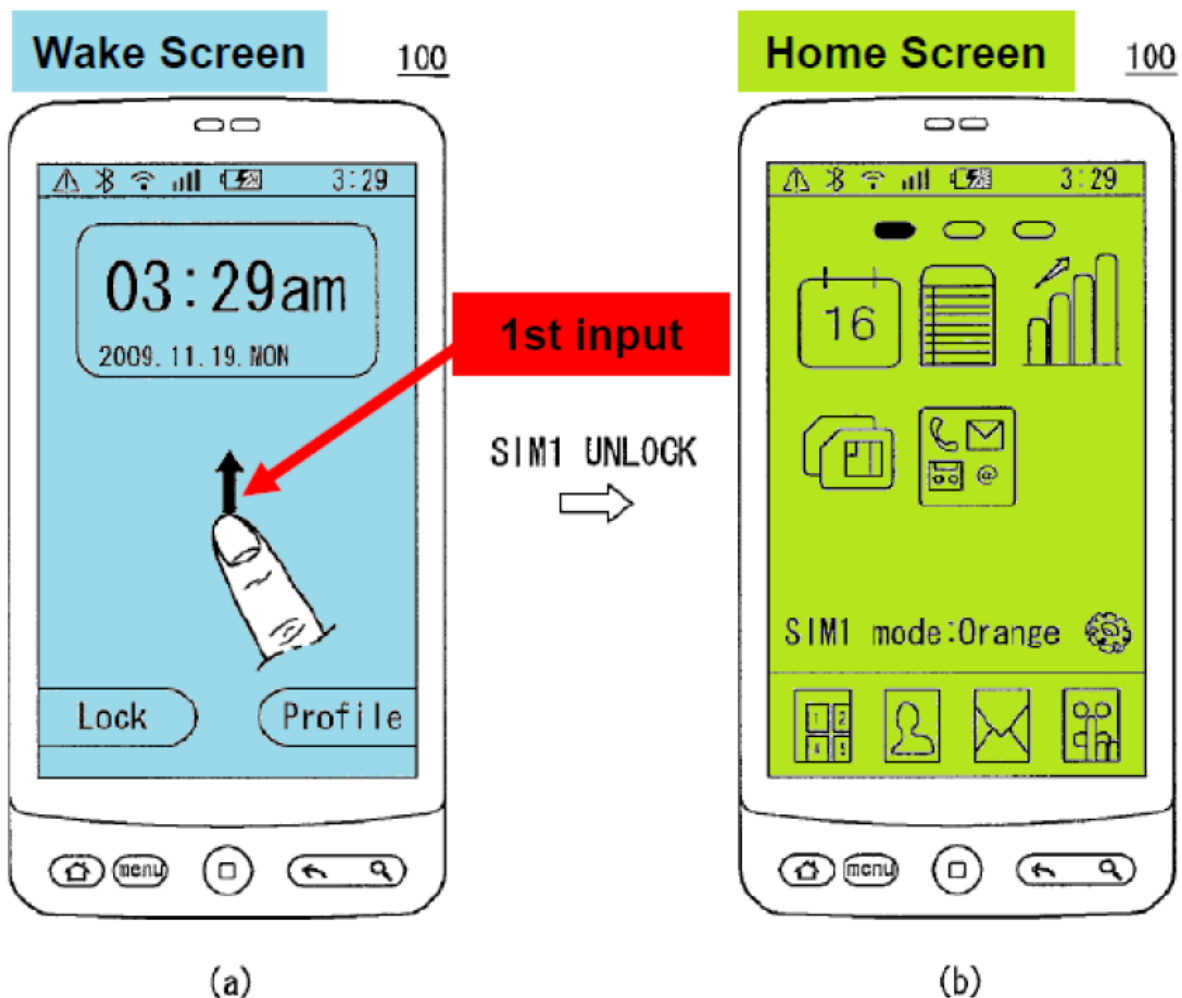


Ex. F (Watch Style Video) at 1:01-1:03.

296. Thus, the LG Watch Style discloses limitation 1[f].

297. Chae also discloses this limitation. For example, Figures 4(a) and 4(b) illustrate a bottom-to-top swipe for displaying a home screen. A POSITA would understand the “bottom-to-top” direction to be a “first direction” and part of a “first criteria.” A POSITA would further understand these figures to illustrate that “in accordance with a determination that the [touch] input meets first criteria . . . displaying of a home screen user interface,” as recited in limitation 1[f].

FIG. 4



Ex. K (Chae) Figs. 4(a) and 4(b) (annotated).