Masimo Corporation (Petitioner)
v.
Apple Inc. (Patent Owner)

Patent Owner Demonstratives

Case No. IPR2023-00664
U.S. Patent No. 11,106,352

Before Hon. Ken B. Barrett, Josiah C. Cocks, and Robert L. Kinder
Administrative Patent Judges

FISH.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Exhibit 2011
Masimo v. Apple
IPR2023-00664

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DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Overview Of The ’352 Patent

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Overview of the ’352 Patent

1. A method, comprising:

at computer system that is in communication with a display generation component and one or more input devices:

while the computer system is in a power saving state, detecting an input that meets display-waking criteria;

in response to detecting the input that meets the display-waking criteria, displaying, via the display generation component, a wake screen user interface;

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; and

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; and

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.

EX1001 (’352 Patent), Claim 1.

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DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Overview of the ’352 Patent

The ’352 Patent

In some embodiments, device **100** includes the touch-screen display, menu button **204** (sometimes called home button **204**), push button **206** for powering the device on/off and locking the device, volume adjustment button(s) **208**, Subscriber Identity Module (SIM) card slot **210**, head set jack **212**, and docking/charging external port **124**. Push

FIGS. **5**CI-**5**CJ illustrate an input (e.g., a rightward swipe) that is initiated by a contact on touch screen **112**, as indicated by focus selector **5144**. In response to the input, wake screen user interface **504** slides to the right and mini application user interface **5140** is revealed, as shown in FIG. **5**CI-**5**CK.

FIG. **5**CO illustrates an input by a contact on touch screen **112** that is initiated at a lower edge of touch screen **112**, as indicated by focus selector **5146**. In response to the input, display of wake screen user interface **504** is replaced by display of home screen user interface **522**, as shown in FIGS. **5**CO-**5**CQ.

notifications. Such methods and interfaces reduce the number, extent, and/or nature of the inputs from a user and produce a more efficient human-machine interface. For battery-operated devices, such methods and interfaces conserve power and increase the time between battery charges.

EX1001, 29:11-16, 44:34-50, 1:59-63; POR, 3-6.

wake screen user interface

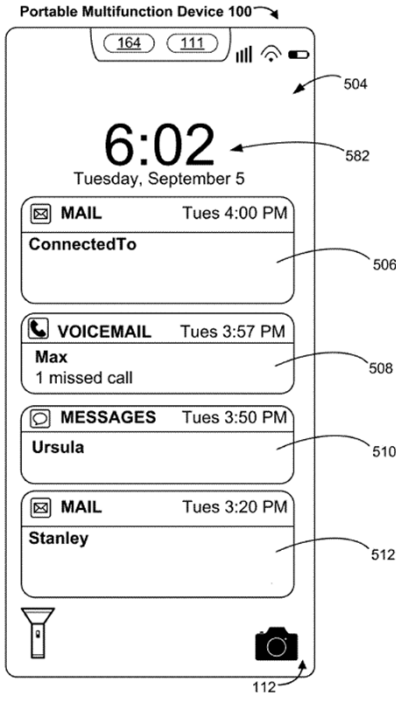


Figure 5B

home screen user interface

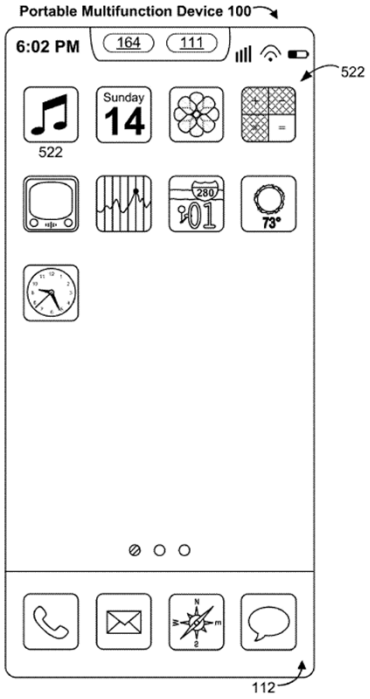


Figure 5H

widget screen user interface

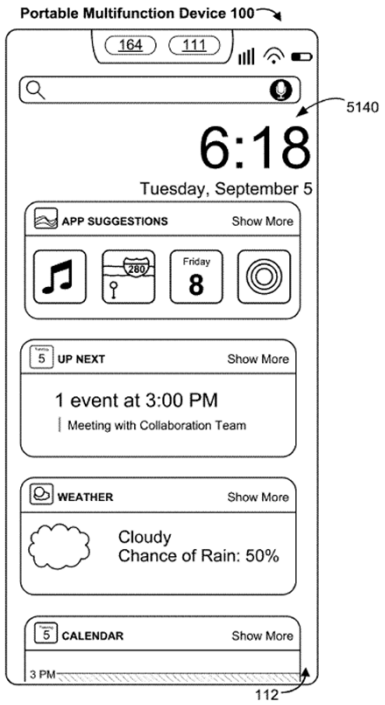


Figure 5CK

EX1001, FIGS. 5B, 5H, 5CK; POR, 3-5.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

A POSITA Would Not Have Combined Chae And Narendra

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

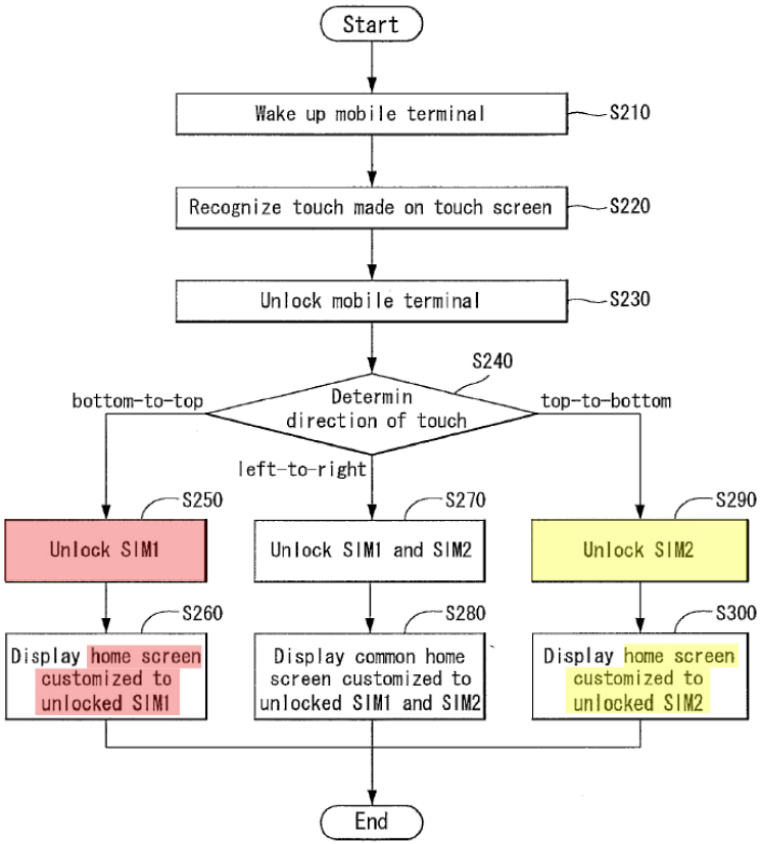
Overview of Chae

[0003] This document relates to a mobile terminal including a plurality of user-identification modules and an operating method thereof.

[0101] FIG. **3** is a flowchart that illustrates one example of the method for operating a mobile terminal of FIG. **2**. The flowchart of FIG. **3** illustrates a method for unlocking SIMs based on a direction of a touch made on a touch screen when a mobile terminal **100** includes a first SIM (SIM**1**) and a second SIM (SIM**2**). Here, the touch may be a line that is drawn by a user on a touch screen. Hereinafter, the method for operating a mobile terminal will be described with reference to FIGS. **1** to **3**.

EX1005, [0003], [0101]; POR, 6-7.

FIG. 3



EX1005, FIG. 3 (annotated); POR, 8.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Overview of Narendra

(57) **ABSTRACT**

A mobile device includes a user interface that has a plurality of non-password-protected desktop screens and at least one password protected desktop screen. The mobile device includes a touch sensitive display device that accepts gestures used to navigate between the desktop screens. Applications may be installed to password protected desktop screens.

[0024] Mobile device **300** may detect multiple different types of gestures. For example, mobile device **300** may detect a first gesture **312** used to navigate between non-password protected desktop screens and may detect a second gesture **314** used to navigate from a non-password-protected desktop screen to a password protected desktop screen. This is described in more detail below.

EX1006, Abstract, [0024]; POR, 8-9.

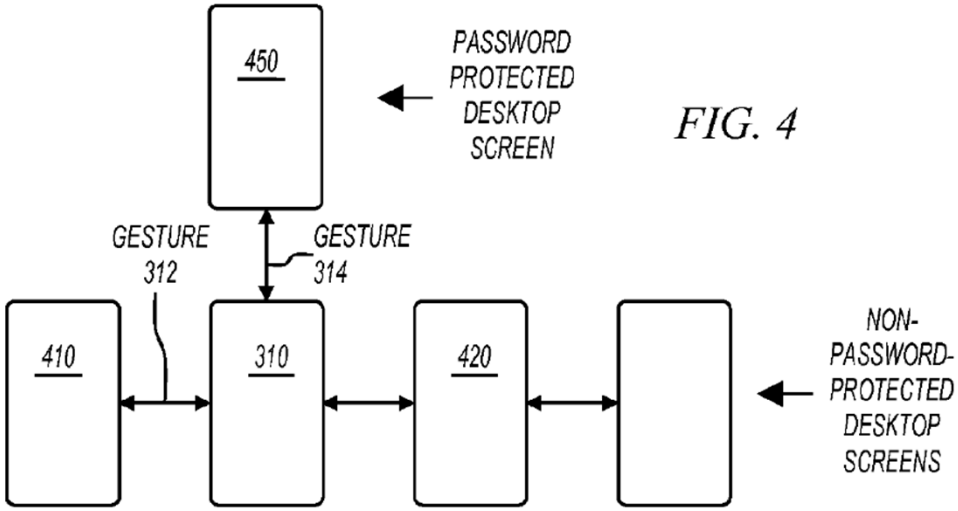


FIG. 4

EX1006, FIG. 4; POR, 9.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Chae and Narendra are directed to entirely different purposes and implementations

Chae

[0101] FIG. **3** is a flowchart that illustrates one example of the method for operating a mobile terminal of FIG. **2**. The flowchart of FIG. **3** illustrates a method for unlocking SIMs based on a direction of a touch made on a touch screen when a mobile terminal **100** includes a first SIM (SIM**1**) and a second SIM (SIM**2**). Here, the touch may be a line that is drawn by a user on a touch screen. Hereinafter, the method for operating a mobile terminal will be described with reference to FIGS. **1** to **3**.

EX1005, [0101]; POR, 6-7.

Narendra

[0024] Mobile device **300** may detect multiple different types of gestures. For example, mobile device **300** may detect a first gesture **312** used to navigate between non-password protected desktop screens and may detect a second gesture **314** used to navigate from a non-password-protected desktop screen to a password protected desktop screen. This is described in more detail below.

EX1006, [0024]; POR, 10-11.

Dr. Cockburn

31. Chae and Narendra are directed to entirely different purposes and implementations. Chae's primary purpose is to provide a method by which a user can navigate to *a desired home screen associated with one or more SIM cards*, and uses gestures as means to retrieve the home screen associated with the desired SIM card(s). EX1005, FIG. 3.

32. *Narendra has nothing to do with navigating screens associated with SIM cards*. Rather, Narendra is focused on how gestures can be used to *navigate between non-password protected desktop screens and password-protected desktop screens*. EX1006, [0024], FIGS. 3, 4. In fact, as acknowledged by the Petitioner, Narendra's mobile device only includes a single SIM card. Petition, 6 ("Narendra specifically discloses a single SIM smartphone"), 63. Accordingly, a POSITA would not have turned to Narendra when using Chae's system at least because Narendra provides no guidance on operating a mobile device user interface that has multiple SIM cards.

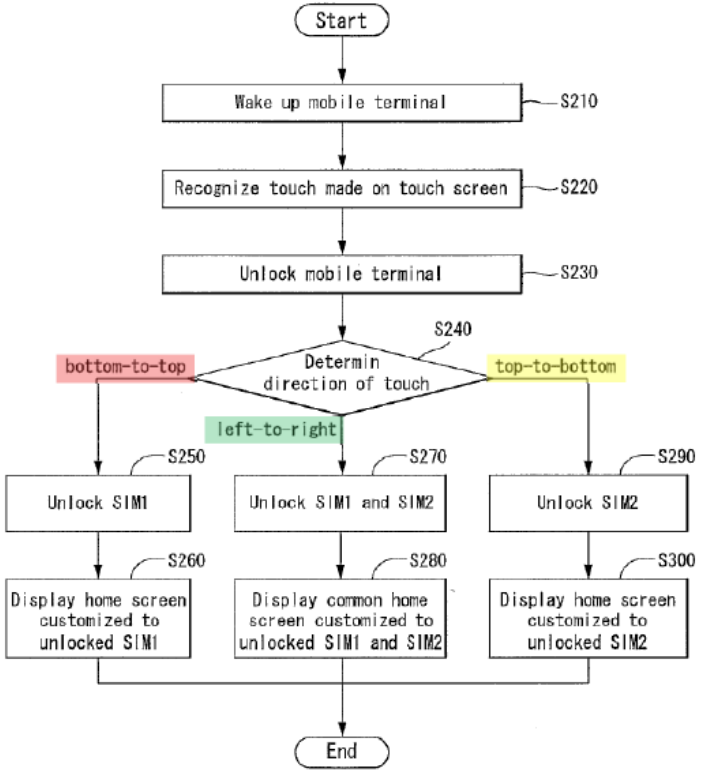
APPLE-2003, ¶¶31-32; POR, 10-11.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Petitioner's proposed combination would render Chae unsatisfactory for its intended purpose

Chae

FIG. 3



EX1005, FIG. 3; APPLE-2003, ¶33; POR, 12.

Narendra

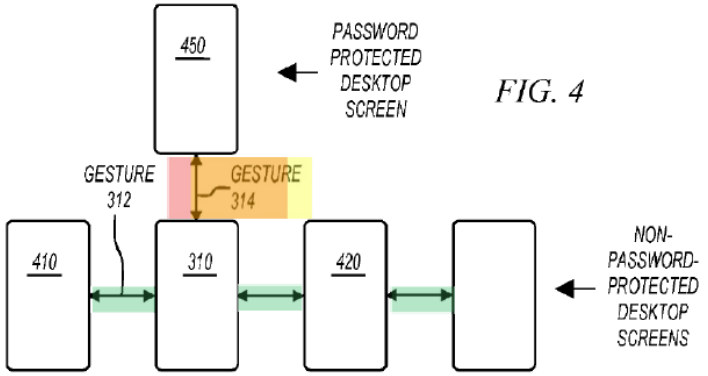


FIG. 4

EX1006, FIG. 4; APPLE-2003, ¶33; POR, 12.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Petitioner's proposed combination would render Chae unsatisfactory for its intended purpose.

Dr. Cockburn

33. Indeed, Petitioner's proposed combination not only neglects the primary purpose of Chae, but would also render Chae unsatisfactory for its intended purpose. In particular, by incorporating the teachings Narendra into the teachings of Chae, a user may navigate between password protected desktop screens and non-password protected desktop screens, but would not be able to navigate between the home screens of two different SIM cards—the primary purpose of Chae. For instance, as shown in Chae and Narendra's figures below, an home screen common to both SIM1 and SIM2. Accordingly, if Narendra's teachings were incorporated or even substituted into Chae's system, Chae's primary purpose of a method of navigating between screens associated with different SIMs would be lost.

APPLE-2003, ¶33; POR, 11-12.

***DePuy Spine, Inc. v. Medtronic Sofamor Danek, Inc.*, 567 F.3d 1314, 1326 (Fed. Cir. 2009)**

Although predictability is a touchstone of obviousness, the "predictable result" discussed in KSR refers not only to the expectation that prior art elements are capable of being physically combined, but also that the combination would have worked for its intended purpose. KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398, 127 S.Ct. 1727, 1739-40, 167 L.Ed.2d 705 (2007). As the Supreme Court explained,

***IBM Corp. v. Rigetti & Co., Inc.*, IPR2020-00496, Paper 10, 22 (PTAB Aug. 7, 2020) (Denying institution)**

Vissers. Given this complexity, it was incumbent upon Petitioner to provide sufficient factual evidence to support its contentions regarding modifying the capacitor in Hatridge's resonator. It is insufficient to simply show that the first capacitor pad *could* be extended to surround the second capacitor pad. We do not doubt that. Petitioner also needs to sufficiently explain why a person skilled in the art *would* have done that, and why, when the capacitor in Hatridge's resonator is so modified, the resonator would still perform the function of programming data into and reading data out of a transmon qubit.

POR, 10; PO Sur-reply, 3, 7.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Chae already teaches navigating among screens in two dimensions using swipes

Chae

[0103] At step S**240**, the controller **180** determines the direction of the touch. For example, the controller **180** of the mobile terminal **100** determines the directivity of a line when a user of the mobile terminal **100** draws the line on the touch screen. At step S**250**, the controller **180** unlocks the first SIM (SIM**1**) when the directivity of the line is from bottom-to-top. At step S**260**, the controller **180** displays a home screen customized to the first SIM (SIM**1**) on the touch screen.

[0108] When the user draws a line in a top-to-bottom direction, the controller **180** unlocks the second SIM (SIM**2**) at step S**290** and displays a home screen customized to the second SIM (SIM**2**) on the touch screen at step S**300**.

[0148] Referring to FIG. **19**, the controller **180** of the mobile terminal **100** unlocks a SIM corresponding to a direction of a line drawn by a user on the touch screen. For example, when a user draws a line on the touch screen in a right-to-left direction, the controller **180** unlocks the first SIM (SIM**1**). When a user draws a line on the touch screen in a left-to-right direction, the controller **180** unlocks the second SIM (SIM**2**).

EX1005, [0103], [0108], [0148]; PO Sur-reply, 2.

Dr. Rosenberg

40. In one embodiment, Chae uses a bottom-to-top swipe to unlock SIM1 and display its associated customized home screen, a top-to-bottom swipe to unlock SIM2 and display its associated customized home screen, and a left-to-right swipe to unlock both SIM1 and SIM2 and display a combined customized home screen associated with both SIMs. EX1005 ¶¶103-104, 108-111. In a second embodiment, Chae uses a right-to-left swipe to unlock SIM1 and display its customized home screen and a left-to-right swipe to unlock SIM2 and display its customized home screen. EX1005 ¶¶142, 144, 148, Fig. 19. In third and fourth embodiments, Chae uses a bottom-to-top swipe to unlock SIM1 and display its customized home screen and a top-to-bottom swipe to unlock SIM2 and display its customized home screen. EX1005 ¶¶142, 144, 150-151, Figs. 20-21. In addition, Chae discloses that the manufacturer or user may change the swipe directions associated with unlocking each SIM and displaying its associated customized home screen. EX1005 ¶112.

EX1056, ¶40; PO Sur-reply, 2.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Chae already teaches navigating among screens in two dimensions using swipes

***Sony Corp. v. Fujifilm Corp.*, IPR2018-01751, Paper 14, 11 (PTAB April 12, 2019) (Denying institution)**

> Petitioner does not explain adequately why modifying Ejiri in view of the teachings of Hokkyo and Chen would have been an improvement on what Ejiri already provides, or why Ejiri is deficient in any respect, such that a POSA would have looked to references like Hokkyo and Chen. In other words, Ejiri already addresses the problem of improving performance properties of magnetic recording media. *See* Pet. 48 ("Ejiri teaches media having satisfactory noise performance assessed by CNR."). Moreover, to the extent that Petitioner is arguing that a desire to minimize magnetic cluster size would have been the motivating reason to modify Ejiri, Ejiri already teaches how to minimize particle aggregation in the magnetic layer it describes. Ex. 1006 ¶ 60. Thus, it is not evident why Ejiri's magnetic recording medium would have benefitted from modifications based on Hokkyo and Chen.

PO Sur-reply, 3.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Masimo's "General Motivation to Combine" is Insufficient

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

The Petition lacks particularity and detail on the combinations

Petition

B. A POSITA would have been motivated to combine, and would reasonably have expected success in combining, any two or more of Chae, Narendra, Android, Shuttleworth, Hong, and Karunamuni.

Chae, Narendra, Android, Shuttleworth, Hong, and Karunamuni are all in the same field of touchscreen user interfaces for smartphones. Further, each of these prior-art references discloses one or more user-interface features that would enhance the ease-of-use and user-friendliness of a touchscreen user interface for a smartphone. A POSITA would have understood that the advantages of the disclosed features are compatible with and additive of each other, such that providing a combination of the disclosed features in a single smartphone user interface would further enhance ease-of-use and user-friendliness beyond providing just one of the disclosed features. A POSITA would have been motivated, by the enhancement to the ease-of-use and user-friendliness of the user interface that each feature would have provided, to combine any two or more of the disclosed features to maximize the ease-of-use and user-friendliness of the user interface. Moreover, each of these features would have been easy to implement in software without needing to overcome any technical barrier or to make any changes to the hardware configuration of any smartphone. Thus, a POSITA would have reasonably expected success in combining the features to achieve the additive advantages of the combined features. A POSITA would have understood such a combination to be a simple combination of familiar user-interface features to perform their established functions to achieve the predictable result of additional ease-of-use and user-friendliness. EX1003 ¶71.

Petition, 32-33; POR, 13-15.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Enhancing convenience, efficiency, ease of use, and user-friendliness are insufficient motivations to combine

Petition

Chae, Narendra, Android, Shuttleworth, Hong, and Karunamuni are all in the same field of touchscreen user interfaces for smartphones. Further, each of these prior-art references discloses one or more user-interface features that would enhance the ease-of-use and user-friendliness of a touchscreen user interface for a smartphone. A POSITA would have understood that the advantages of the disclosed features are compatible with and additive of each other, such that providing a combination of the disclosed features in a single smartphone user interface would further enhance ease-of-use and user-friendliness beyond providing just one of the disclosed features. A POSITA would have been motivated, by the enhancement to the ease-of-use and user-friendliness of the user interface that each feature would have provided, to combine any two or more of the disclosed features to maximize the ease-of-use and user-friendliness of the user interface. Moreover, each of these

gestures). Convenience, efficiency, and ease of use would have motivated a POSITA to implement directional-swipe-gesture navigation, as taught by Chae and Narendra, on either single-SIM or multi-SIM touchscreen devices. EX1003 ¶98.

Petition, 32, 63.

***ActiveVideo Networks, Inc. v. Verizon Commc'ns, Inc.*, 694 F.3d 1312, 1327 (Fed. Cir. 2012)**

The opinion by Verizon's expert regarding the motivation to combine references was likewise insufficient. Verizon's expert testified that:

> The motivation to combine would be because you wanted to build something better. You wanted a system that was more efficient, cheaper, or you wanted a system that had more features, makes it more attractive to your customers, because by combining these two things you could do something new that hadn't been able to do before.

J.A. 4709-10. This testimony is generic and bears no relation to any specific combination of prior art elements. It also fails to explain why a person of ordinary skill in the art would have combined elements from specific references *in the way the claimed invention does*. *See KSR*, 550 U.S. at 418, 127 S.Ct. 1727 ("[I]t can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does ... because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known."); *Innogenetics*, 512 F.3d at 1373 (Fed.Cir.2008) ("[K]nowledge of a problem and motivation to solve it are entirely different from motivation to combine particular references...."). Because

PO Sur-reply, 12.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

The Petition does not explain how the various combinations would have worked

Petition

smartphone. A POSITA would have understood that the advantages of the disclosed features are compatible with and additive of each other, such that providing a combination of the disclosed features in a single smartphone user interface would further enhance ease-of-use and user-friendliness beyond providing just one of the disclosed features. A POSITA would have been motivated, by the enhancement to

the ease-of-use and user-friendliness of the user interface. Moreover, each of these features would have been easy to implement in software without needing to overcome any technical barrier or to make any changes to the hardware configuration of any smartphone. Thus, a POSITA would have reasonably expected success in combining the features to achieve the additive advantages of the combined features. A POSITA would have understood such a combination to be a simple combination of familiar user-interface features to perform their established functions to achieve the predictable result of additional ease-of-use and user-friendliness. EX1003 ¶71.

Petition, 32-33.

***PersonalWeb Techs., LLC v. Apple, Inc.*, 848 F.3d 987, 993-94 (Fed. Cir. 2017)**

But that reasoning seems to say no more than that a skilled artisan, once presented with the two references, would have understood that they *could be* combined. And that is not enough: it does not imply a motivation *994 to pick out those two references and combine them to arrive at the claimed invention. *See* *Belden Inc. v. Berk-Tek LLC*, 805 F.3d 1064, 1073 (Fed. Cir. 2015) ("[O]bviousness concerns whether a skilled artisan not only *could have made* but *would have been motivated to make* the combinations or modifications of prior art to arrive at the claimed invention."); *InTouch Techs., Inc. v. VGO Communications, Inc.*, 751 F.3d 1327, 1352 (Fed. Cir. 2014).

If the Board's statement were read more broadly, it would not be adequately explained and grounded in evidence. Indeed, the Board nowhere clearly explained, or cited evidence showing, *how* the combination of the two references was supposed to work. At least in this case, such a clear, evidence-supported account of the contemplated workings of the combination is a prerequisite to adequately explaining and supporting a conclusion that a relevant skilled artisan would have been motivated to make the combination and reasonably expect success in doing so.

POR, 16; PO Sur-reply, 8.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Claims 1, 9, And 17 Are Not Rendered Obvious By Chae Alone Or Any Combination Of Chae, Narendra, Hong, And Android (Grounds 1 And 4)

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DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Chae, Alone And In Combination With Android, Does Not Render Obvious "The Computer System Is In A Power Saving State" (Limitations 1c, 9c, 17c)

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Chae does not render obvious "the computer system is in a power saving state"

Chae

[0044] FIG. **1** is a block diagram that illustrates a mobile terminal according to an embodiment of the present invention. FIG. **1** shows the mobile terminal as an example of electronic device. The mobile terminal **100** can include a wireless communication unit **110**, an audio/video (A/V) input unit **120**, a user input unit **130**, a sensing unit **140**, an output unit **150**, a memory **160**, an interface unit **170**, a controller **180**, and a power supply unit **190**. The components shown in

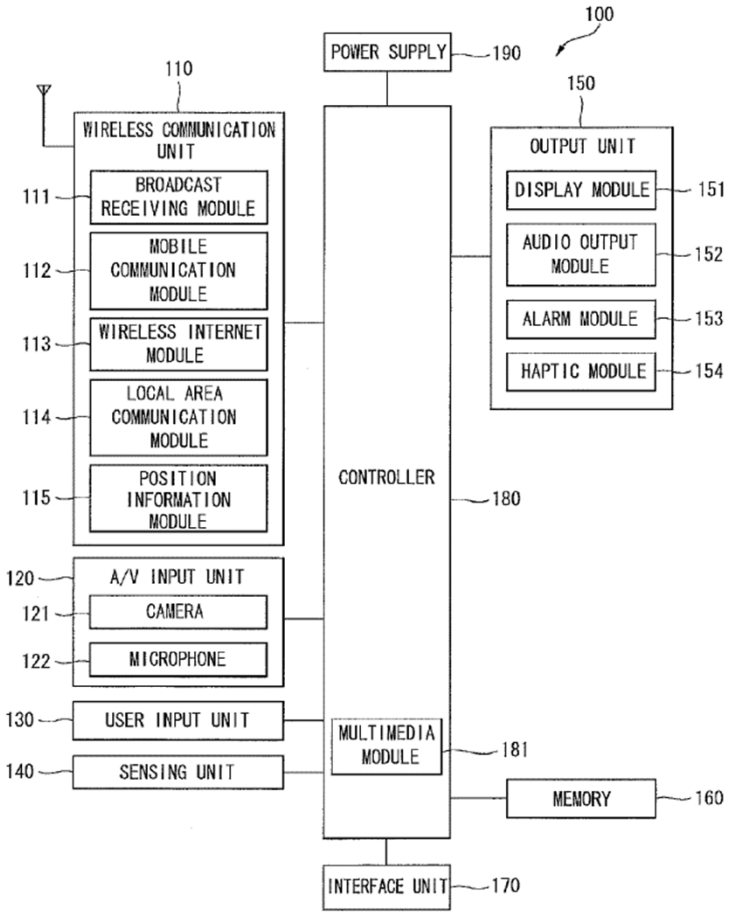
EX1005, [0044], FIG. 1; POR, 19-20.

Dr. Cockburn

when in a power saving state. *See* Petition, 36-39. The Petition does not address that Chae's mobile terminal includes wireless communication unit 110, an audio/video (A/V) input unit 120, a user input unit 130, a sensing unit 140, an output unit 150, a memory 160, interface unit 170, a controller 180, and power supply unit 190, any of which could be consuming power while the display is turned off. EX1005, [0044]-[0062]. The Petition does not point to any disclosure

APPLE-2003, ¶42; POR, 20.

FIG. 1



DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Petitioner provides no evidence that wake up mode equates to a device being in power saving state

Chae

[0094] At step **S110**, the controller **180** of the mobile terminal **100** wakes up the mobile terminal **100** in response to a control signal that is generated based on a user's action such as clicking a button (not shown).

[0140] When the mobile terminal **100** is waked up the controller **180** of the mobile terminal **100** displays a plurality of regions corresponding to a plurality of SIMs on the touch screen at step **S510**. The plurality of regions may be a home

EX1005, [0094], [0140]; Pet., 37-38; POR, 19-20; PO Sur-reply, 10.

Dr. Rosenberg

potentially one could have a program running on the computer that causes the phone to use more power when the display is off.

someone could program the system to purposely use more power when the display was off than it was on.

APPLE-2005, 28:4-6, 31:2-5; PO Sur-reply, 10-11.

Android



EX1007, 0:24-0:28; Pet., 37-38.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

The Asserted References Do Not Render Obvious "A Respective User Interface Object … Contains Application Content … And When Selected, Causes Display Of An Application Corresponding To The Respective User Interface Object," (Limitations 1g, 9g, 17g)

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Language of Limitation 1g

1. A method, comprising:

at computer system that is in communication with a display generation component and one or more input devices:

while the computer system is in a power saving state, detecting an input that meets display-waking criteria;

in response to detecting the input that meets the display-waking criteria, displaying, via the display generation component, a wake screen user interface;

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; and

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; and

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.

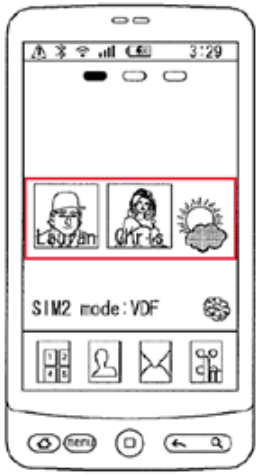
EX1001 ('352 Patent), Claim 1.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Chae does not render obvious the claimed "user interface objects" of the widget screen user interface

Petition

For example, a POSITA would have understood the three objects shown in the red box below to be "user interface objects" as claimed:



(b)

Petition, 52-53; EX1005, FIG. 6(b).

Dr. Rosenberg

Q Does Chae call these three graphics of Lauren, Chris, and the weather icon widgets?

A Let me go there. They're not called out specifically. They're not a numbered element, so they're not spoken about specifically those three ones. It does say in paragraph 100 of Chae -- let

APPLE-2005, 56:9-14; PO Sur-reply, 12.

Dr. Cockburn

46. However, nothing in Chae indicates that the icons displayed in Figure 6(b) are dynamic or change in any way in response to content in the corresponding applications, and that the icons when selected causes display of the corresponding applications. Petitioner argues, for example, that "the right-most object includes a

APPLE-2003, ¶46; POR, 23.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Narendra does not render obvious the claimed "user interface objects" of the widget screen user interface

Narendra

[0025] Mobile device **300** is capable of displaying multiple desktop screens. Desktop screens on mobile device **300** display content such as application icons, widgets, and the like. Application icons that display on desktop screens are used to launch applications. For example, a user might launch a music player application by tapping on icon **330**. Also for example, the user might launch an email application by tapping on icon **332**. Both application icons **330** and **332** are displayed on desktop screen **310**.

EX1006, [0025]; Petition, 56; POR, 23.

Dr. Cockburn

47. Chae in combination with Narendra, Hong, and/or Android is similarly deficient. Narendra mentions the word "widgets" only once with no other details suggesting that widgets correspond to applications, contain application content, and cause display of applications. EX1006, [0025]. Hong's

APPLE-2003, ¶47; POR, 23.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Hong does not render obvious the claimed "user interface objects" of the widget screen user interface

Hong

[0009] In accordance with another aspect of the present disclosure, there is provided a method of displaying a widget, the method including: displaying a widget; displaying an application list of a plurality of applications within the widget; detecting a user selection on one of the plurality of applications within the widget; and displaying a preview screen of the selected application in the widget without executing the selected application.

[0076] Referring to FIG. **5**C, in response to a user touch on the settings, the controller **170** displays, on a widget **290**, a settings screen **295** which is one of the applications that are displayable on a widget. The settings screen **295** includes a

EX1010, [0009], [0076]; POR, 23.

Dr. Cockburn

application content, and cause display of applications. EX1006, [0025]. Hong's widget provides a preview of a selected application without executing the selected application, but Hong does not teach or suggest displaying the application when the widget is selected as required by limitation 1g. EX1010, [0004]-[0005], [0009]-[0011], [0050], [0066]-[0068], [0071]-[0077], [0082]-[0092]. Android also

APPLE-2003, ¶47; POR, 23.

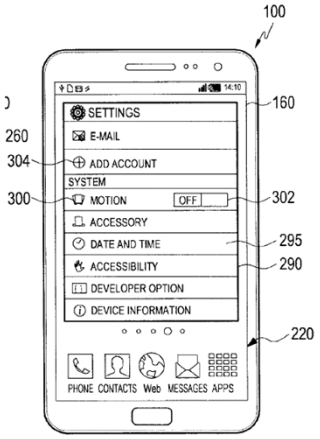


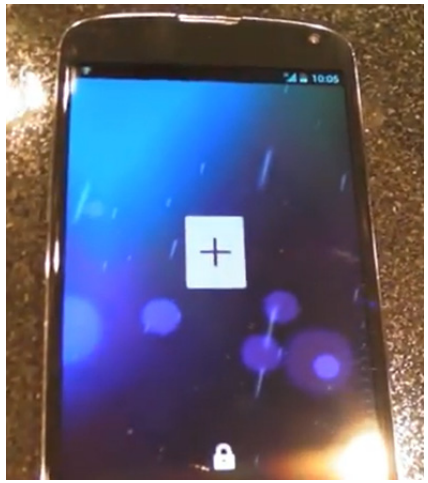
FIG.5C

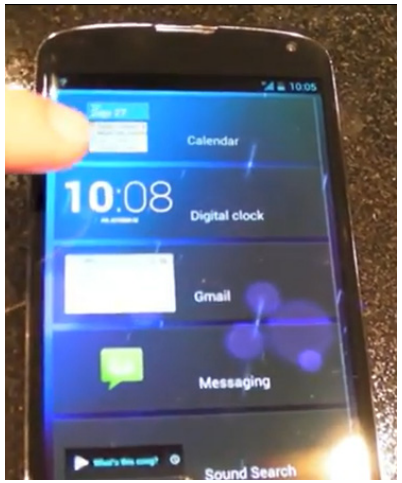
EX1010, FIG. 5C; PO Sur-reply, 14.

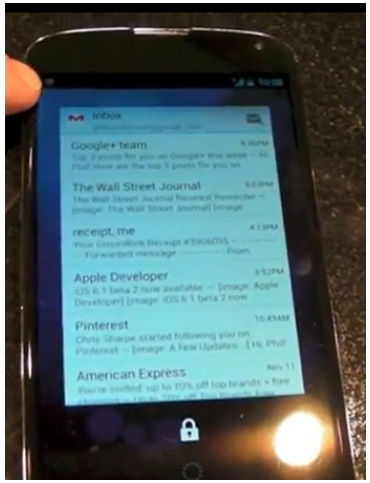
DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

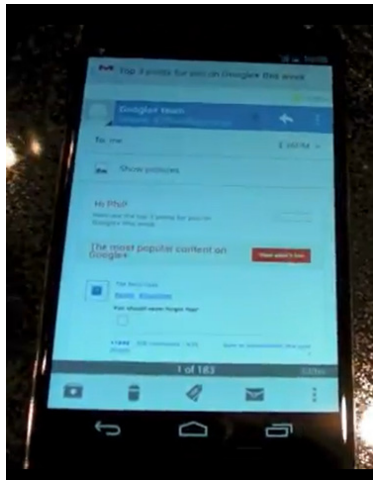
Android does not render obvious the claimed “user interface objects” of the widget screen user interface

Android









EX1007, 00:49-00:50, 02:05-2:14; Pet., 61; POR, 23.

Dr. Cockburn

> [0009]-[0011], [0050], [0066]-[0068], [0071]-[0077], [0082]-[0092]. Android also provides no indication that the application is displayed when the widget is selected, rather than providing a preview of the selection within the widget without executing the application as similarly described in Hong. *See* EX1007.

APPLE-2003, ¶47; POR, 23.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Claims 6, 14, And 22 Are Not Rendered Obvious By The Asserted References (Grounds 1 And 4)

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Representative Claim 6

6. The method of claim 1, including:

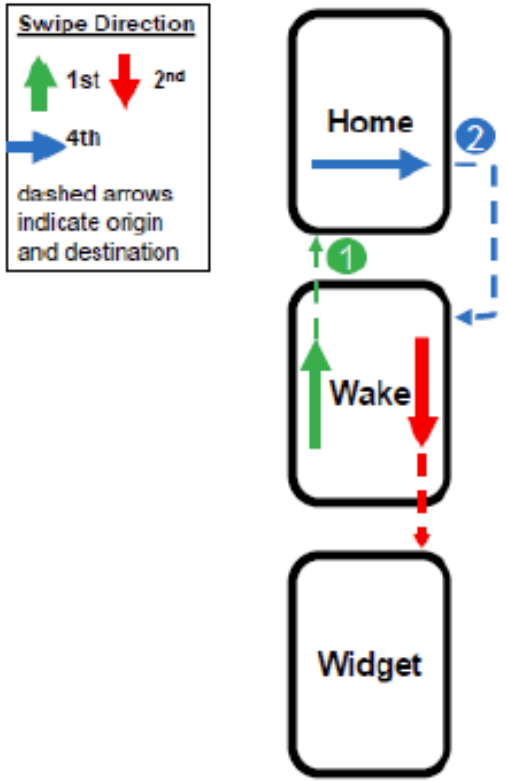
while the home screen user interface is displayed in response to detection of the first input, detecting a fifth input that is directed to a portion of the home screen user interface and includes fifth movement; and

in response to detecting the fifth input that is directed to the portion of the home screen user interface:

in accordance with a determination that the fifth input meets sixth criteria, wherein the sixth criteria require the fifth movement to be in a fourth direction that is different from the first direction and the second direction in order for the sixth criteria to be met, redisplaying the wake screen user interface.

EX1001 ('352 Patent), Claim 6.

Petition

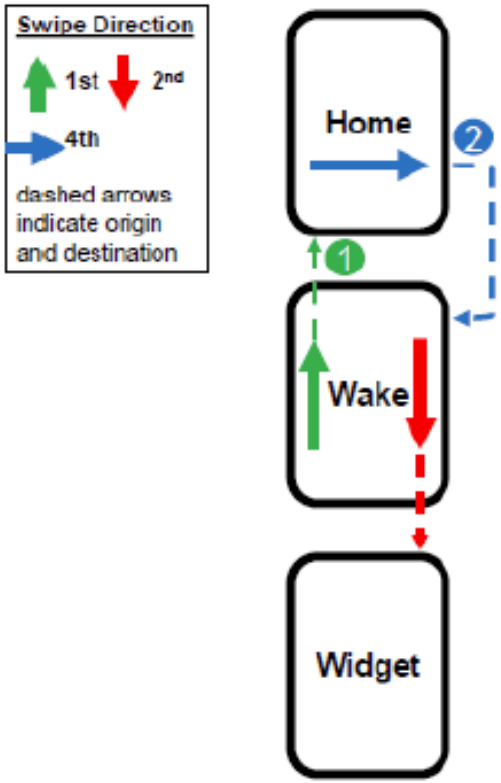


Petition, 68; POR, 26.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

The navigational path of claims 6, 14, and 22 would not have been obvious in view of Chae and Narendra

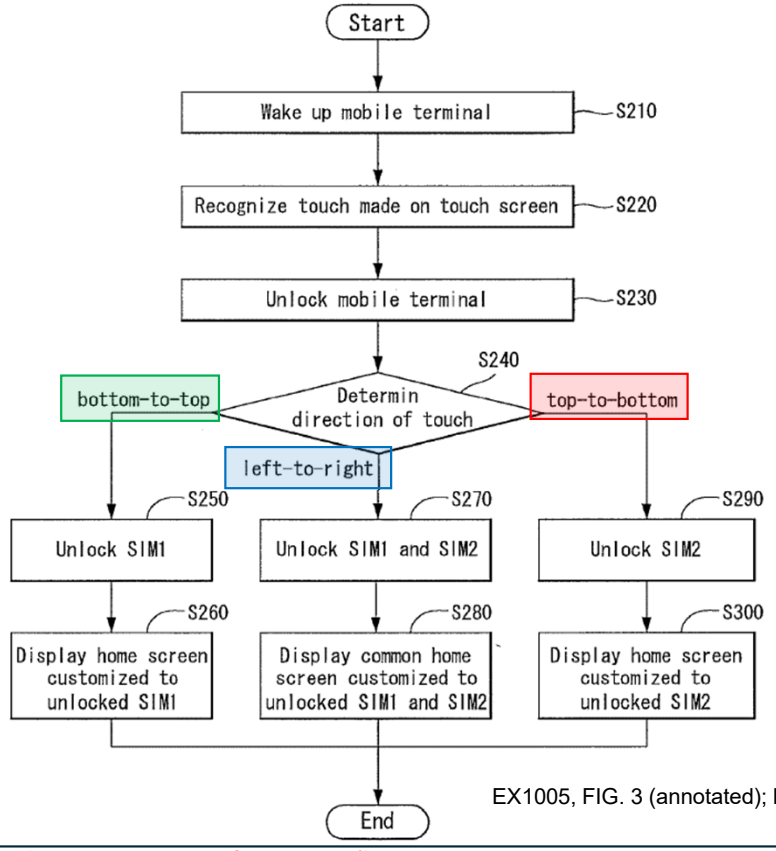
Petition



Petition, 68; POR, 26.

Chae

FIG. 3

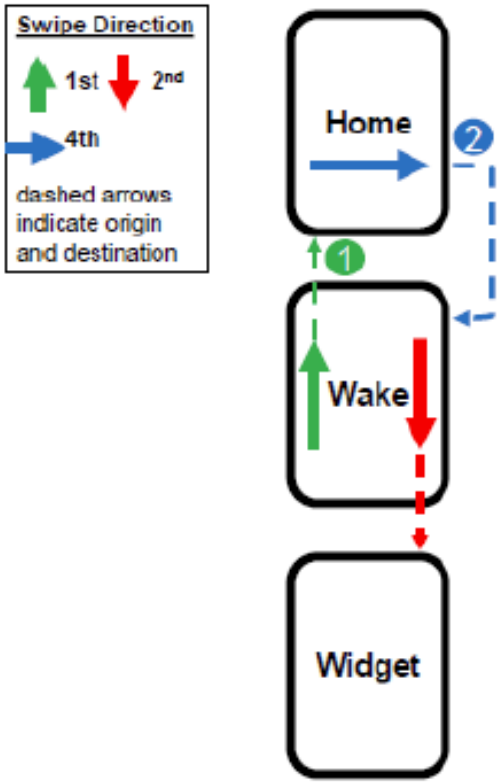


EX1005, FIG. 3 (annotated); POR, 26-27; PO Sur-reply, 17-18.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

The navigational path of claims 6, 14, and 22 would not have been obvious in view of Chae and Narendra

Petition



Petition, 68; POR, 26.

Narendra

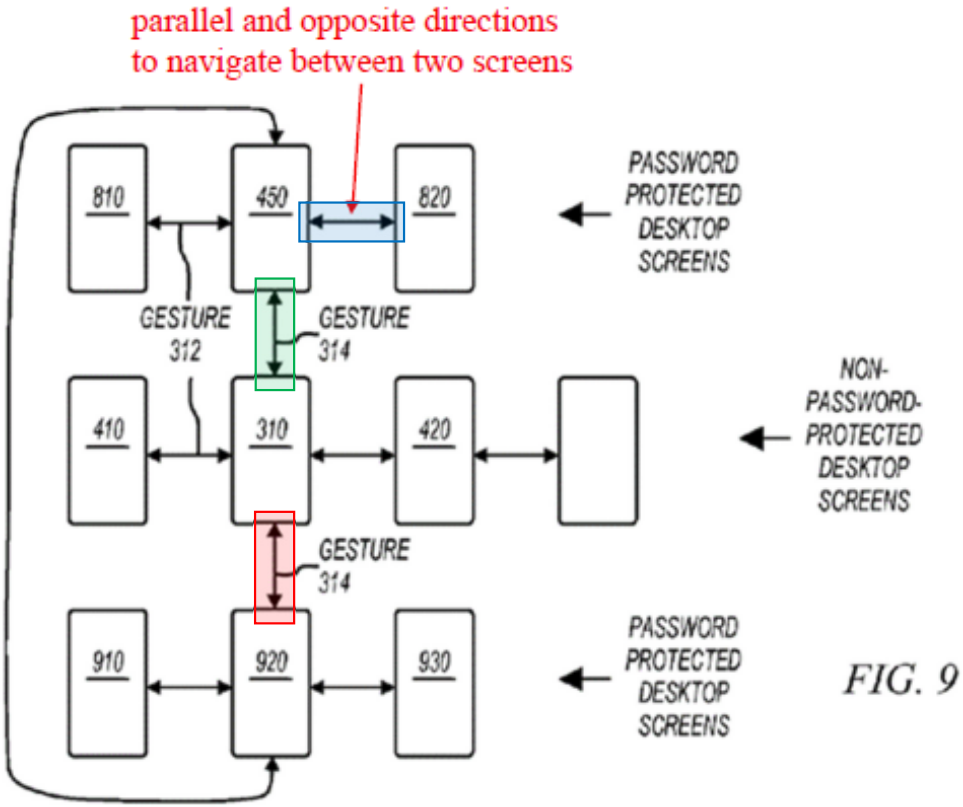


FIG. 9

EX1006, FIG. 9 (annotated); POR, 28.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

A POSITA would not have been motivated to modify Chae to arrive at navigational path of claims 6, 14, and 22

Dr. Rosenberg

Karunamuni. It would have been intuitive to a POSITA (and to smartphone users generally) that, if swiping in one direction results in moving from an origin screen to a destination screen, then swiping in the opposite direction should result in moving from the destination screen back to the origin screen. Indeed, the traditional navigational path illustrated by prior-art Figure 2 of Narendra behaves in this intuitive manner.

151. Accordingly, to enhance ease of use and comport with the intuitive notion described above, a POSITA would have been motivated to allow the user to return to the wake screen from the control panel by swiping in the opposite direction from that used to navigate from the wake screen to the control panel, as recited by claim 8. Such directional swipe gesture is input the user provides by a movement of

EX1003, ¶¶150, 151; POR, 30.

Dr. Cockburn

66. Further, a POSITA would have understood it to be much more user friendly to navigate between two screens using parallel and opposite directions, as shown by Narendra (EX1006, [0027], FIG. 9), than to confuse a user with a different direction for returning to the wake screen. Petitioner and Dr. Rosenberg

APPLE-2003, ¶66 ; POR, 30.

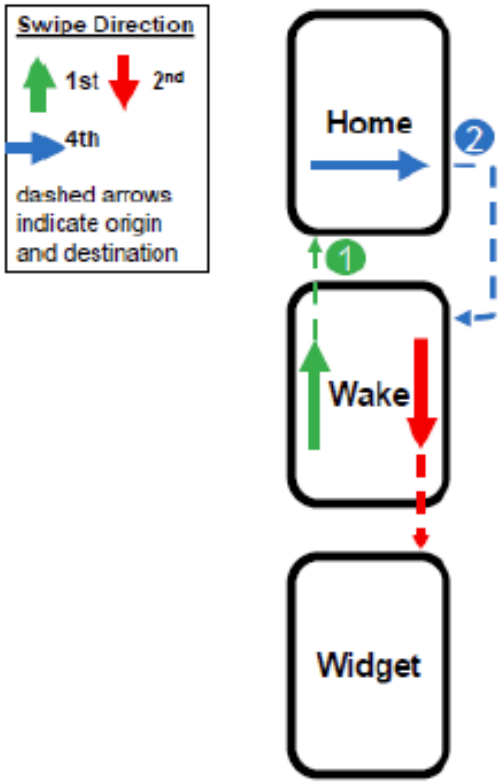
swipe gesture to return to the wake screen. A POSITA would have understood that a user can lock the device or return to the wake screen by pressing a button on the device, as shown in Android. *See* EX1007; Petition, 37-38; EX1003, ¶77. A POSITA would have understood it to be much more user friendly to simply include a button to return to a wake screen or lock the device in Chae than to confuse a user with a different direction for returning to the wake screen.

APPLE-2003, ¶65 ; POR, 30.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

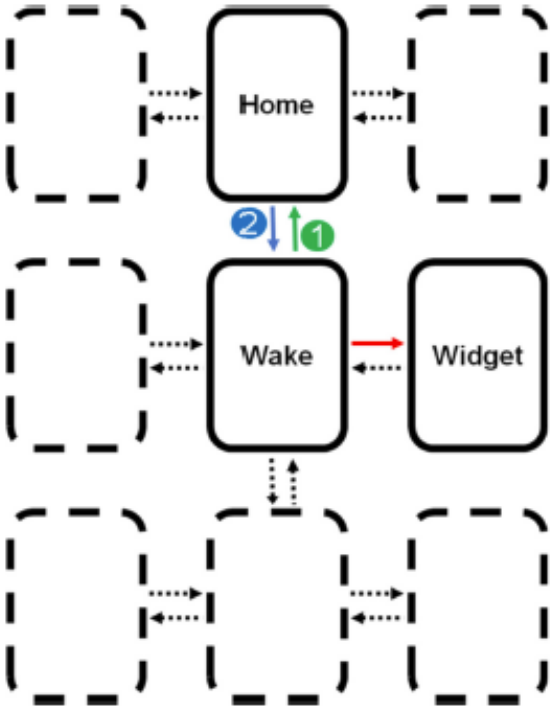
Masimo's Reply presents a new theory relying on a different navigational path that also is not rendered obvious by Chae and Narendra

Petition's First Theory



Petition, 68; POR, 26.

Petitioner's Reply New Theory

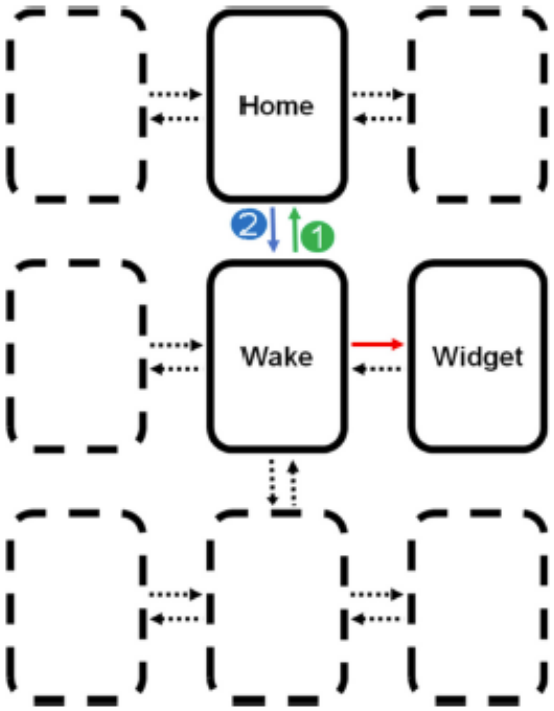


Reply, 22.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Masimo's Reply presents a new theory relying on a different navigational path that also is not rendered obvious by Chae and Narendra

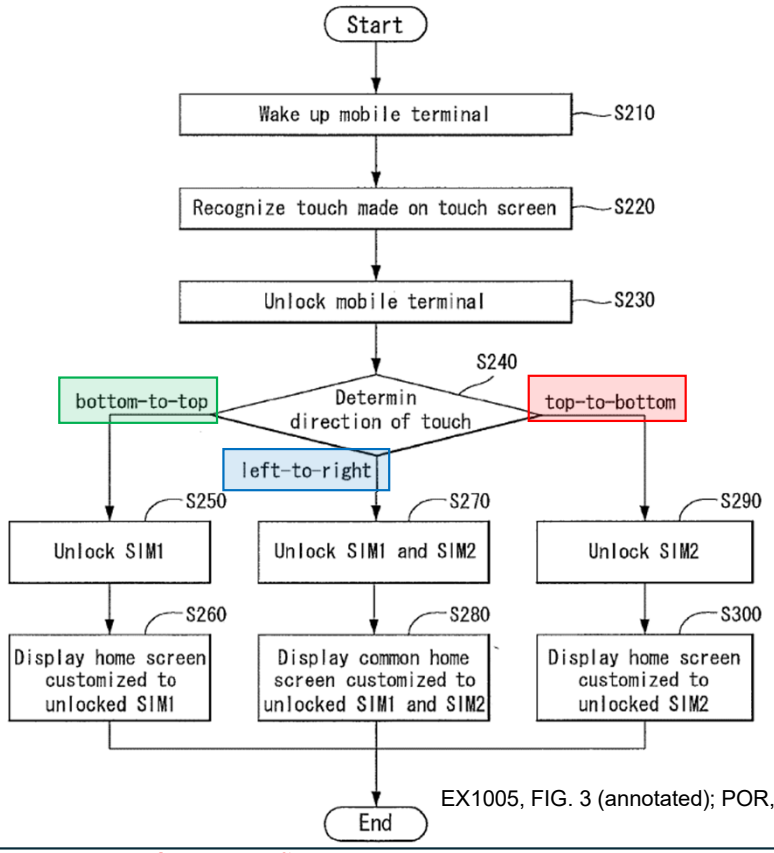
Petitioner's Reply



Reply, 22.

Chae

FIG. 3



EX1005, FIG. 3 (annotated); POR, 26-27; PO Sur-reply, 17-18.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Masimo's Reply presents a new theory relying on a different navigational path that also is not rendered obvious by Chae and Narendra

Dr. Rosenberg

> 10. The prior art does not expressly disclose the exact navigational paths between certain user-interface screens of some dependent claims. However,

> The graphic above depicts an implementation of Chae's and Narendra's fundamental concept of navigating between the wake, home, and widget screens using swipes and the two-dimensional navigational map of Narendra's Figure 9. In the graphic above,

EX1056, ¶¶10, 45; Petitioner's Reply, 2, 23; PO Sur-reply, 16, 19.

***Knauf Insulation, Inc. v. Rockwool Int'l A/S*, 788 Fed. Appx. 728, 2019 U.S. App. LEXIS 30634, 2019 U.S.P.Q.2D (BNA) 392768, *10 (Fed. Cir. 2019)**

> invention. It is not enough, even after *KSR*, to support a determination of obviousness that a reference includes a broad generic disclosure and a common utility to that in the claims and other prior art references—there must be some reason to select a species from the genus. *See* *In re Jones*, 958 F.3d 347, 350-51 (Fed. Cir. 1992); *Takeda Chem. Indus., Ltd. V. Alphapharm Pty., Ltd.*, 492 F.3d 1350, 1356-57 (Fed. Cir. 2007) (noting that *KSR* "acknowledged the importance of identifying `a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does'" (discussing and quoting *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007)).

PO Sur-reply, 19.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Claims 4, 12, And 20 Are Not Rendered Obvious By The Asserted References (Grounds 2 And 5)

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Representative Claim 4

4. The method of claim **3**, including:

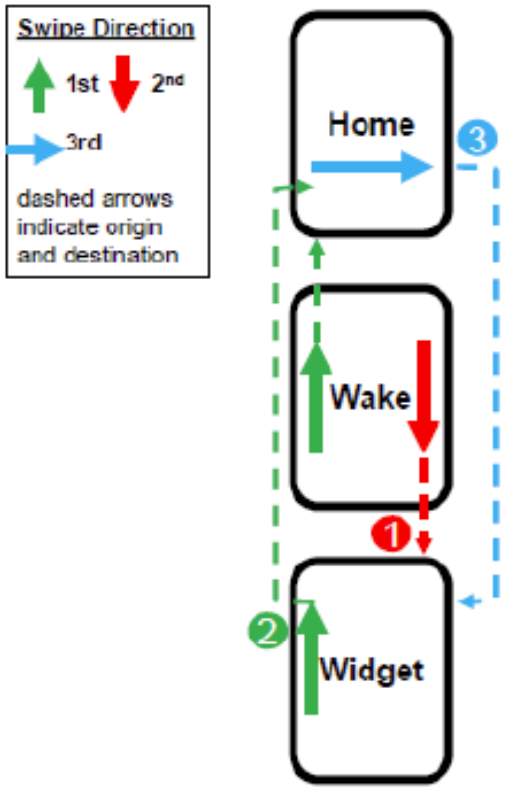
while the home screen user interface is displayed in response to detection of the second input, detecting a third input that is directed to a portion of the home screen user interface and includes third movement; and

in response to detecting the third input that is directed to the portion of the home screen user interface:

in accordance with a determination that the third input meets fourth criteria, wherein the fourth criteria require the third movement to be in a third direction that is different from the first direction and the second direction in order for the fourth criteria to be met, redisplaying the widget screen user interface.

EX1001 ('352 Patent), Claim 4.

Petition

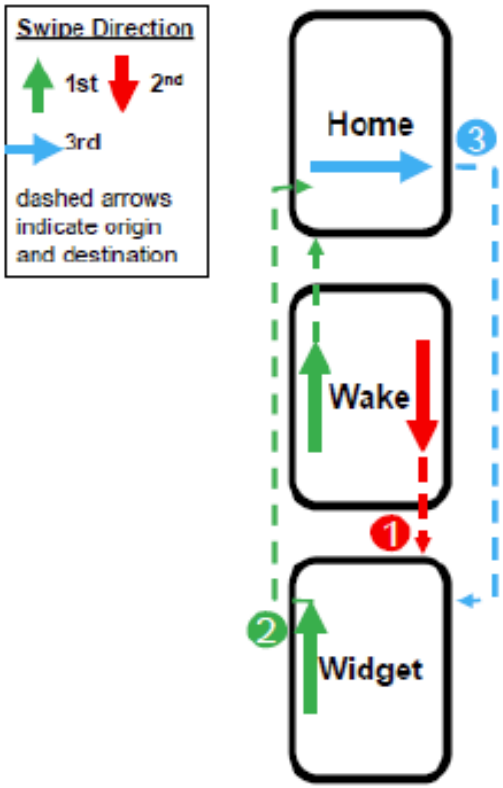


Petition, 77; POR, 37.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

The navigational path of claims 4, 12, and 20 would not have been obvious in view of Chae and Narendra

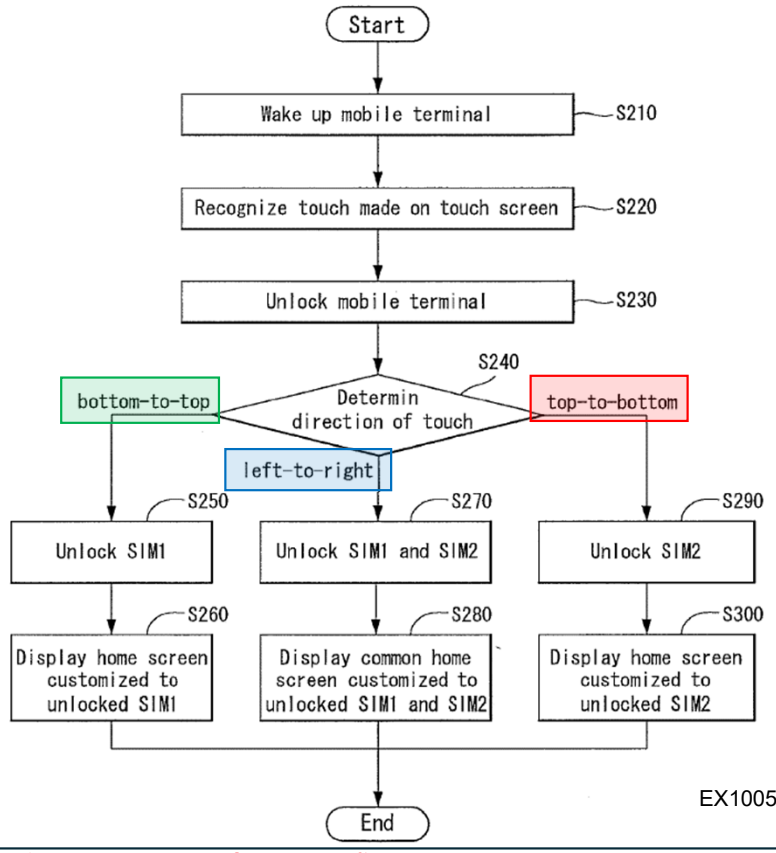
Petition



Petition, 77; POR, 37.

Chae

FIG. 3

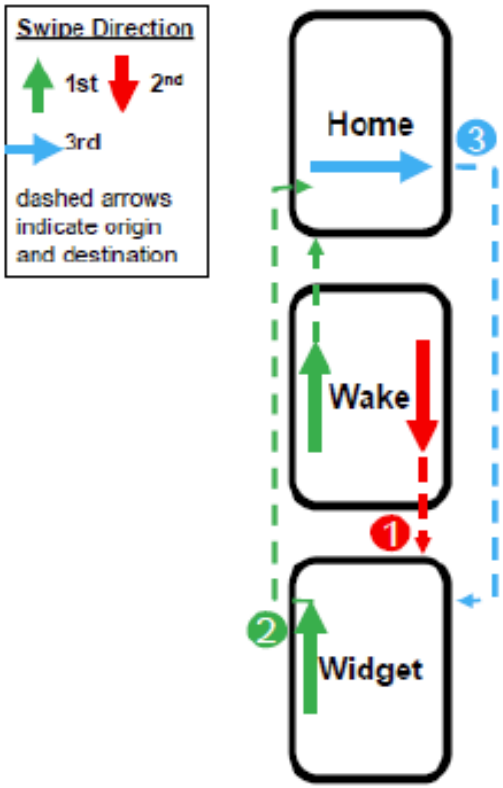


EX1005, FIG. 3 (annotated); POR, 37-38.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

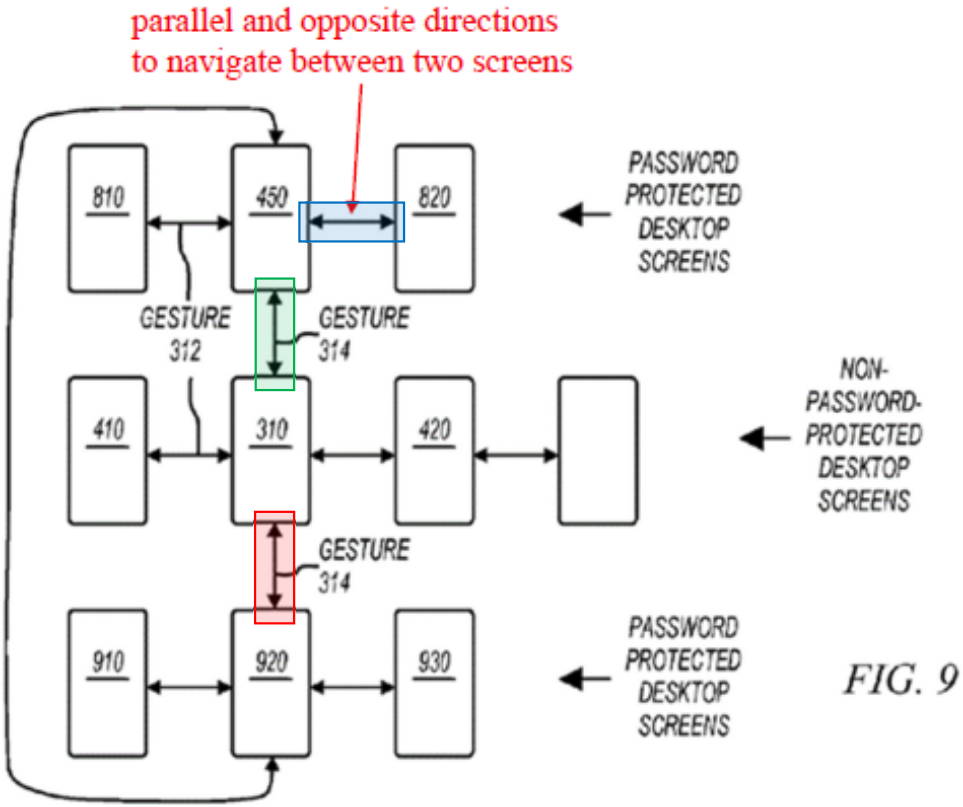
The navigational path of claims 4, 12, and 20 would not have been obvious in view of Chae and Narendra

Petition



Petition, 77; POR, 37.

Narendra



EX1006, FIG. 9 (annotated); POR, 39.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

A POSITA would not have been motivated to modify Chae to arrive at navigational path of claims 4, 12, and 20

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a POSITA would have been motivated to allow the user to return to the widget screen from the home screen *using a different directional swipe gesture than the user would use to access either the home screen or the widget screen from the wake screen*. EX1003 ¶¶134-135.

Pet., 77.

Dr. Cockburn

POSITA would have understood it to be much more user friendly to navigate between two screens using parallel and opposite directions, as shown by Narendra (EX1006, [0027], FIG. 9), than to confuse a user with a different perpendicular direction for returning to the widget screen. Petitioner and Dr. Rosenberg agree.

APPLE-2003, ¶56 ; POR, 30.

Dr. Rosenberg

Karunamuni. It would have been intuitive to a POSITA (and to smartphone users generally) that, if swiping in one direction results in moving from an origin screen to a destination screen, then swiping in the opposite direction should result in moving from the destination screen back to the origin screen. Indeed, the traditional navigational path illustrated by prior-art Figure 2 of Narendra behaves in this intuitive manner.

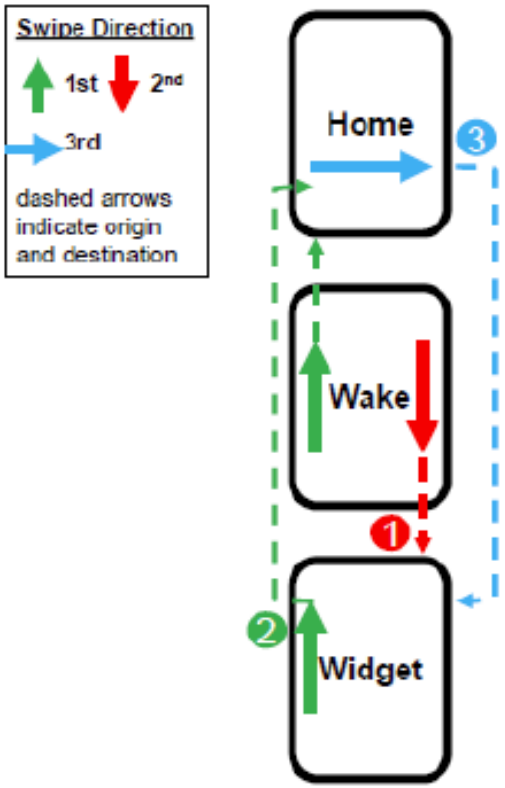
151. Accordingly, to enhance ease of use and comport with the intuitive notion described above, a POSITA would have been motivated to allow the user to return to the wake screen from the control panel by swiping in the opposite direction from that used to navigate from the wake screen to the control panel, as recited by claim 8. Such directional swipe gesture is input the user provides by a movement of

EX1003, ¶¶150, 151; POR, 41.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

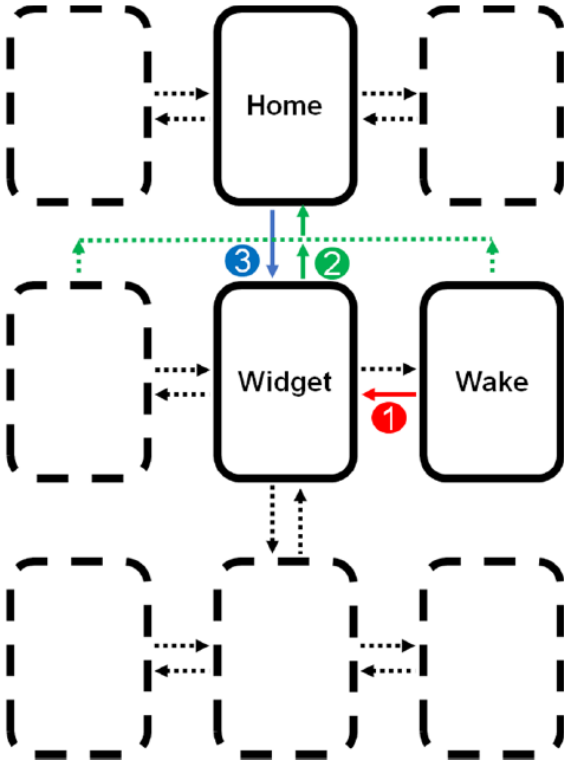
Masimo's Reply presents a new theory relying on a different navigational path that also is not rendered obvious by Chae and Narendra

Petition's First Theory



Petition, 77; POR, 37.

Petitioner's Reply New Theory

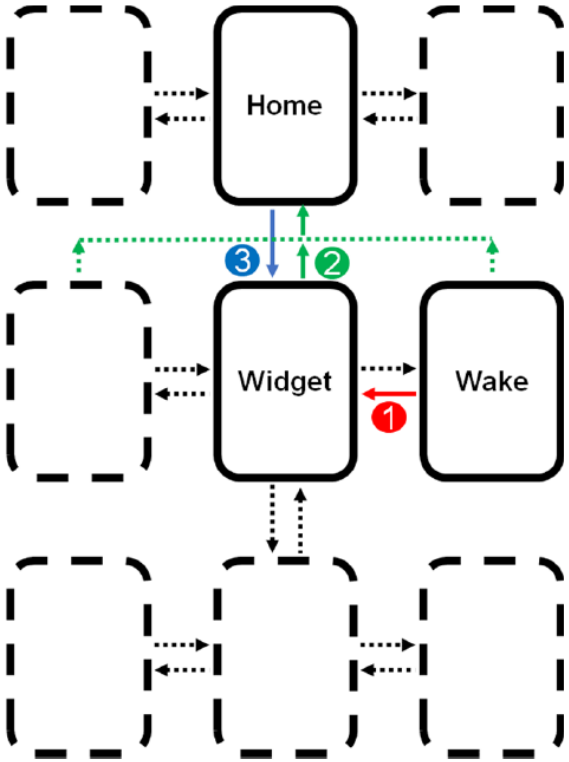


Reply, 25.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Masimo's Reply presents a new theory relying on a different navigational path that also is not rendered obvious by Chae and Narendra

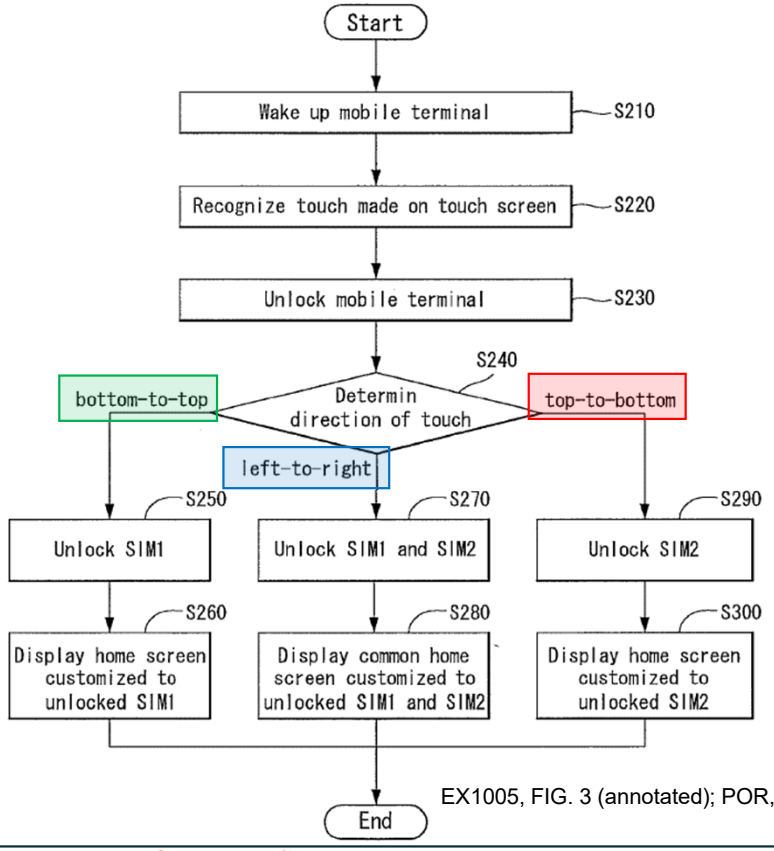
Petitioner's Reply



Reply, 25.

Chae

FIG. 3



EX1005, FIG. 3 (annotated); POR, 26-27; PO Sur-reply, 17-18.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Masimo's Reply presents a new theory relying on a different navigational path that also is not rendered obvious by Chae and Narendra

Dr. Rosenberg

10. The prior art does not expressly disclose the exact navigational paths between certain user-interface screens of some dependent claims. However,

The graphic above depicts an implementation of Chae's and Narendra's fundamental concept of navigating between the wake, home, and widget screens using swipes and the two-dimensional navigational map of Narendra's Figure 9. In the graphic above,

EX1056, ¶¶10, 45; Petitioner's Reply, 2, 23; PO Sur-reply, 16, 19, 24.

***Knauf Insulation, Inc. v. Rockwool Int'l A/S*, 788 Fed. Appx. 728, 2019 U.S. App. LEXIS 30634, 2019 U.S.P.Q.2D (BNA) 392768, *10 (Fed. Cir. 2019)**

invention. It is not enough, even after *KSR*, to support a determination of obviousness that a reference includes a broad generic disclosure and a common utility to that in the claims and other prior art references—there must be some reason to select a species from the genus. *See* *In re Jones*, 958 F.3d 347, 350-51 (Fed. Cir. 1992); *Takeda Chem. Indus., Ltd. V. Alphapharm Pty., Ltd.*, 492 F.3d 1350, 1356-57 (Fed. Cir. 2007) (noting that *KSR* "acknowledged the importance of identifying `a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does'" (discussing and quoting *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007)).

PO Sur-reply, 19, 24.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Claims 5, 13, And 21 Are Not Rendered Obvious By The Asserted References (Grounds 2 And 5)

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Representative Claim 5

5. The method of claim **3**, including:

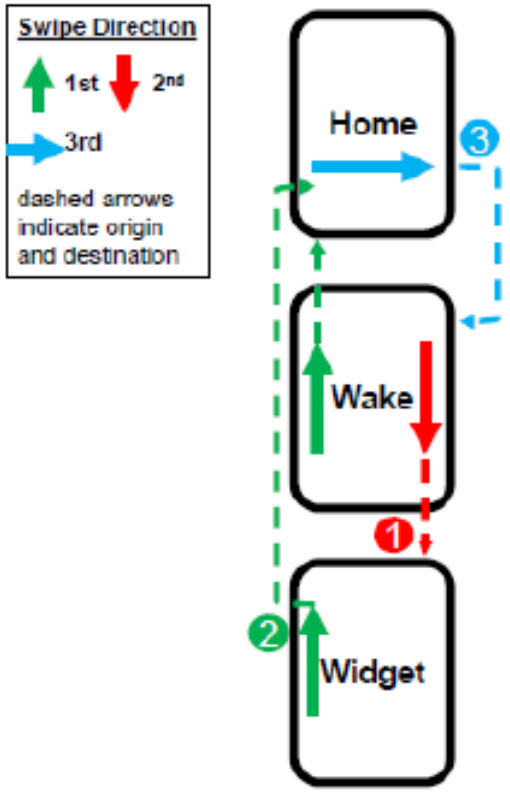
while the home screen user interface is displayed in response to detection of the second input, detecting a fourth input that is directed to a portion of the home screen user interface and includes fourth movement; and

in response to detecting the fourth input that is directed to the portion of the home screen user interface:

in accordance with a determination that the fourth input meets fifth criteria, wherein the fifth criteria require the fourth movement to be in a third direction that is different from the first direction and the second direction in order for the fifth criteria to be met, redisplaying the wake screen user interface.

EX1001 ('352 Patent), Claim 5.

Petition

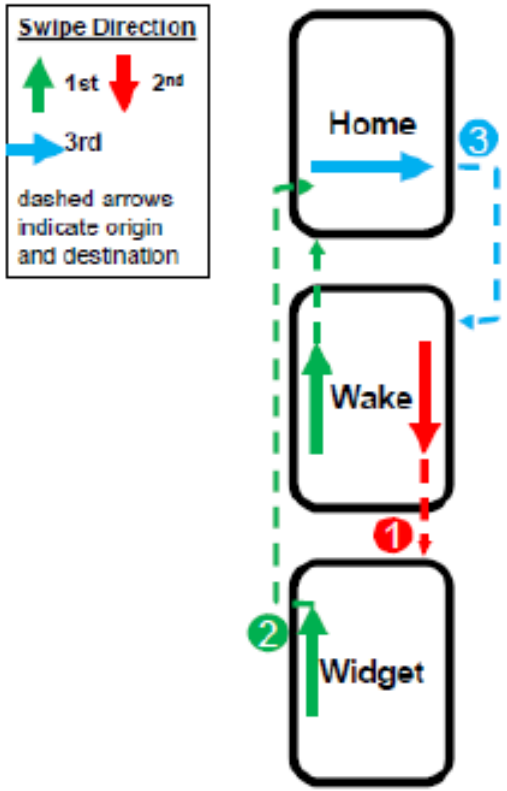


Petition, 81; POR, 44.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

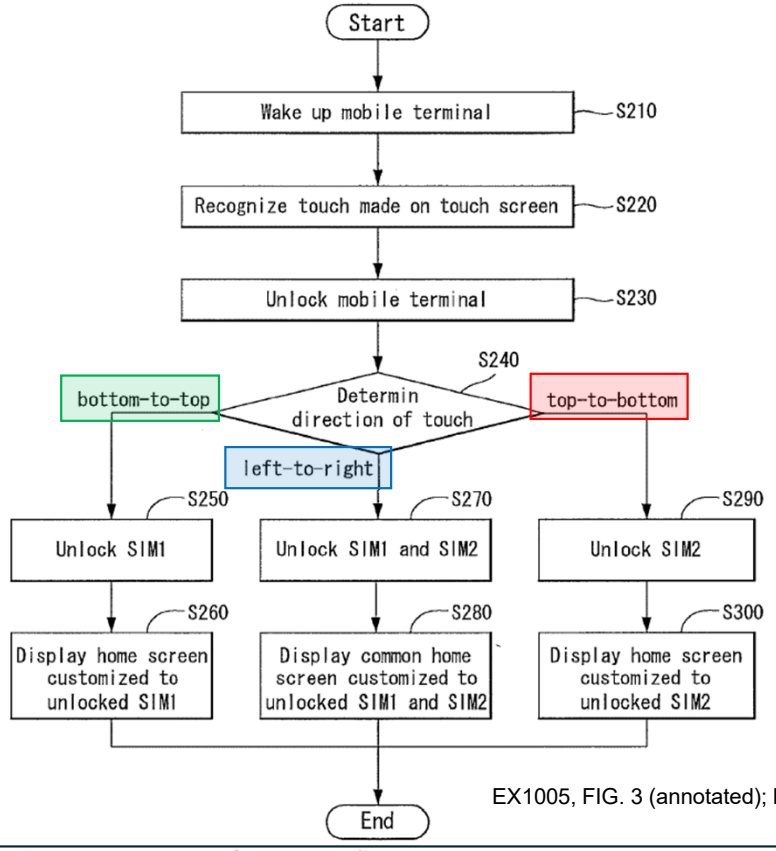
The navigational path of claims 5, 13, and 21 would not have been obvious in view of Chae and Narendra

Petition



Chae

FIG. 3



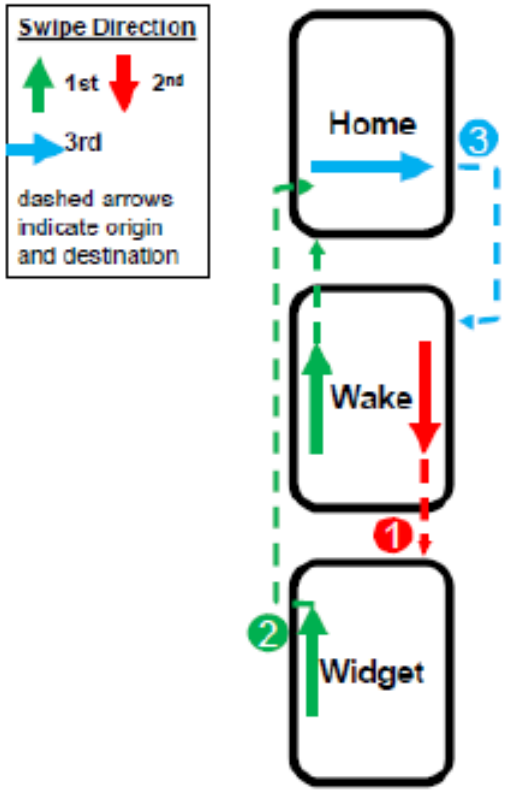
Petition, 81; POR, 44.

EX1005, FIG. 3 (annotated); POR, 44-45; PO Sur-reply, 26-27.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

The navigational path of claims 5, 13, and 21 would not have been obvious in view of Chae and Narendra

Petition



Petition, 81; POR, 44.

Narendra

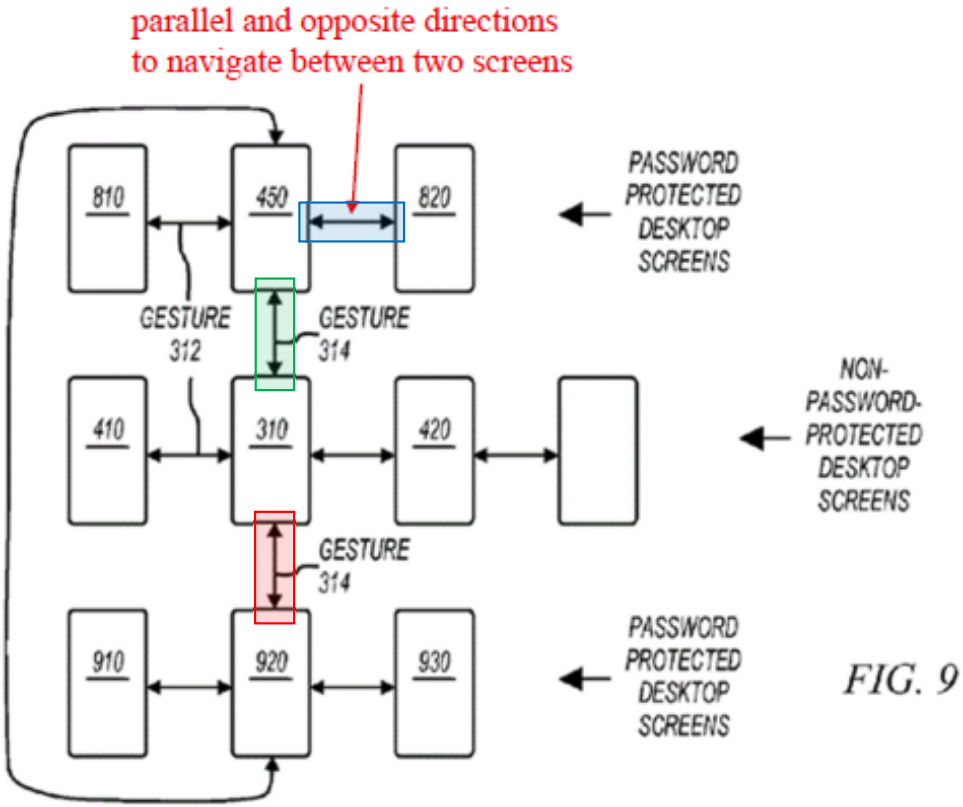


FIG. 9

EX1006, FIG. 9 (annotated); POR, 45-46.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

A POSITA would not have been motivated to modify Chae to arrive at navigational path of claims 5, 13, and 21

Dr. Rosenberg

Karunamuni. It would have been intuitive to a POSITA (and to smartphone users generally) that, if swiping in one direction results in moving from an origin screen to a destination screen, then swiping in the opposite direction should result in moving from the destination screen back to the origin screen. Indeed, the traditional navigational path illustrated by prior-art Figure 2 of Narendra behaves in this intuitive manner.

151. Accordingly, to enhance ease of use and comport with the intuitive notion described above, a POSITA would have been motivated to allow the user to return to the wake screen from the control panel by swiping in the opposite direction from that used to navigate from the wake screen to the control panel, as recited by claim 8. Such directional swipe gesture is input the user provides by a movement of

EX1003, ¶¶150, 151; POR, 48.

Dr. Cockburn

61. Further, a POSITA would have understood it to be much more user friendly to navigate between two screens using parallel and opposite directions, as shown by Narendra (EX1006, [0027], FIG. 9), than to confuse a user with a different direction for returning to the wake screen. Petitioner and Dr. Rosenberg

APPLE-2003, ¶61 ; POR, 48.

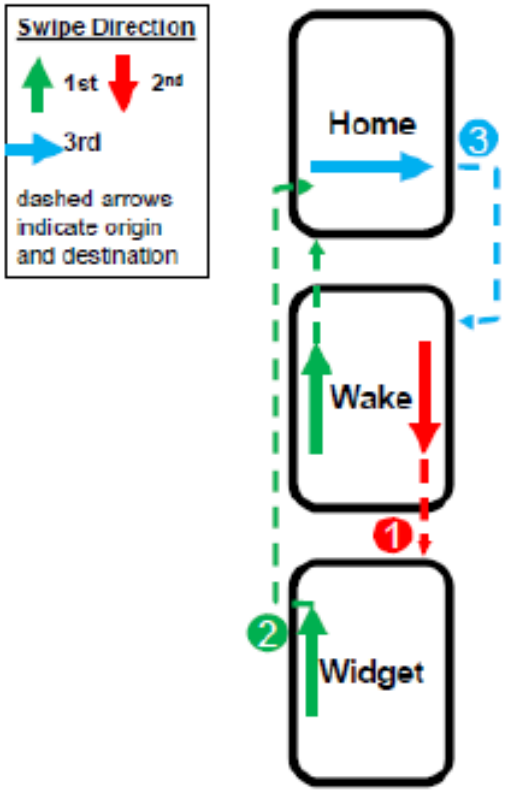
swipe gesture to return to the wake screen. A POSITA would have understood that a device can be locked or a wake screen can be reached by pressing a button on the device, as shown in Android. *See* EX1007; Petition, 37-38; EX1003, ¶77. A POSITA would have understood it to be much more user friendly to simply include a button to return to a wake screen or lock the device in Chae than to confuse a user with a different direction for returning to the wake screen.

APPLE-2003, ¶60 ; POR, 30.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

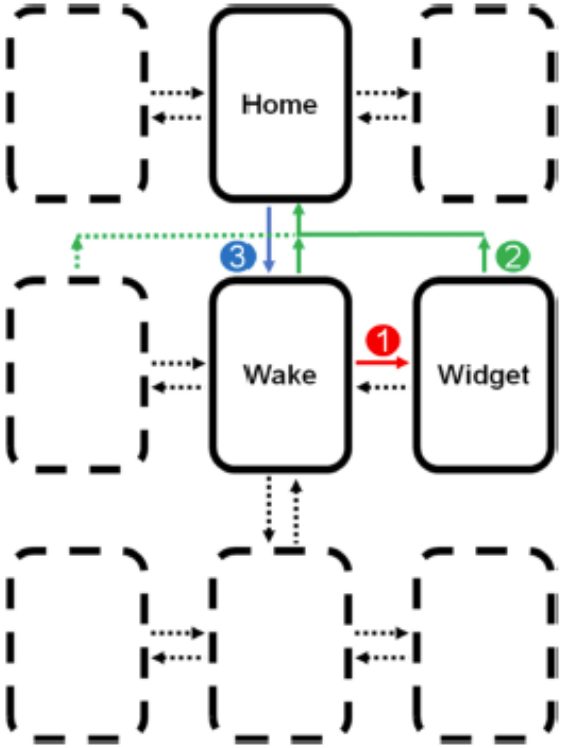
Masimo's Reply presents a new theory relying on a different navigational path that also is not rendered obvious by Chae and Narendra

Petition's First Theory



Petition, 81; POR, 44.

Petitioner's Reply New Theory

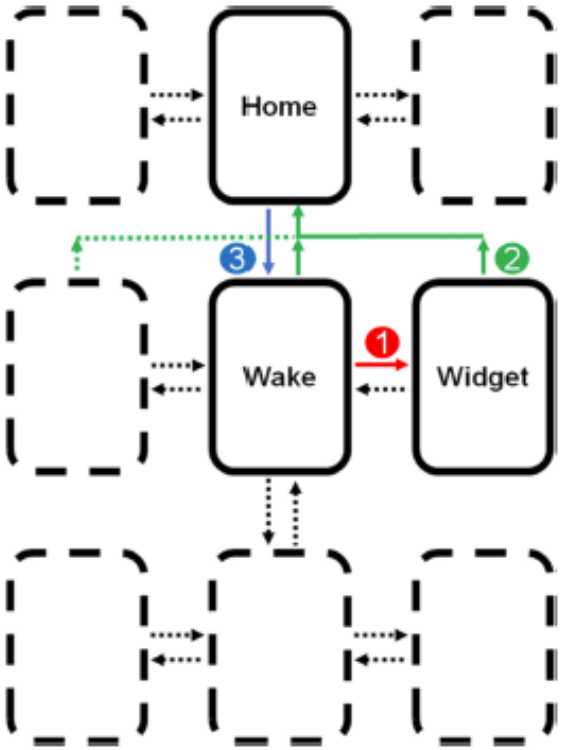


Reply, 27.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Masimo's Reply presents a new theory relying on a different navigational path that also is not rendered obvious by Chae and Narendra

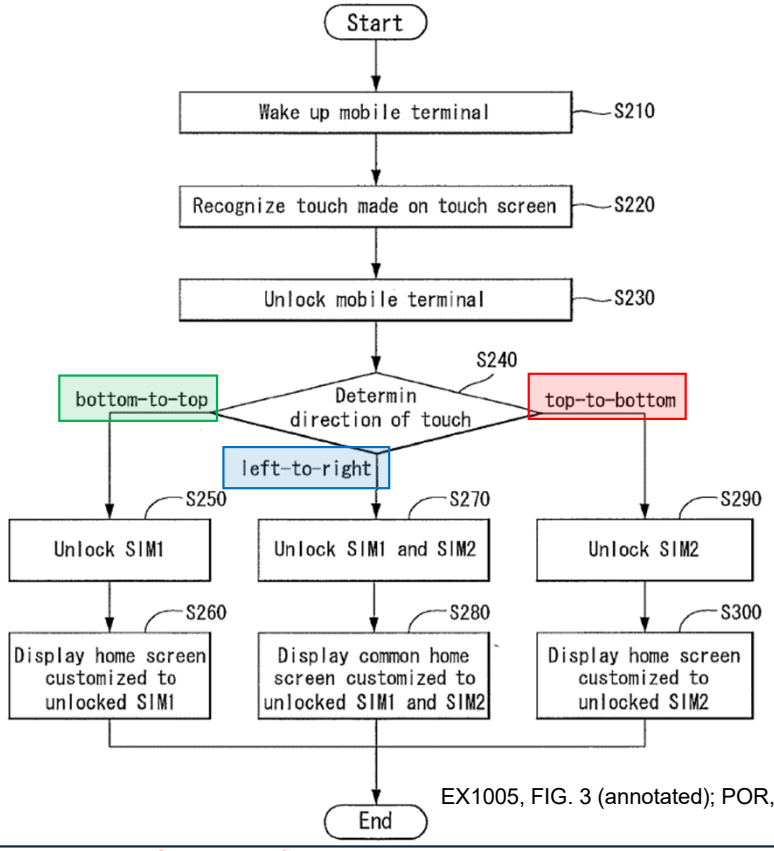
Petitioner's Reply



Reply, 27.

Chae

FIG. 3



EX1005, FIG. 3 (annotated); POR, 26-27; PO Sur-reply, 17-18.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Masimo's Reply presents a new theory relying on a different navigational path that also is not rendered obvious by Chae and Narendra

Dr. Rosenberg

10. The prior art does not expressly disclose the exact navigational paths between certain user-interface screens of some dependent claims. However,

The graphic above depicts an implementation of Chae's and Narendra's fundamental concept of navigating between the wake, home, and widget screens using swipes and the two-dimensional navigational map of Narendra's Figure 9. In the graphic above,

EX1056, ¶¶10, 45; Petitioner's Reply, 2, 23; PO Sur-reply, 16, 19, 27.

***Knauf Insulation, Inc. v. Rockwool Int'l A/S*, 788 Fed. Appx. 728, 2019 U.S. App. LEXIS 30634, 2019 U.S.P.Q.2D (BNA) 392768, *10 (Fed. Cir. 2019)**

invention. It is not enough, even after *KSR*, to support a determination of obviousness that a reference includes a broad generic disclosure and a common utility to that in the claims and other prior art references—there must be some reason to select a species from the genus. *See* *In re Jones*, 958 F.3d 347, 350-51 (Fed. Cir. 1992); *Takeda Chem. Indus., Ltd. V. Alphapharm Pty., Ltd.*, 492 F.3d 1350, 1356-57 (Fed. Cir. 2007) (noting that *KSR* "acknowledged the importance of identifying `a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does'" (discussing and quoting *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007)).

PO Sur-reply, 19, 27.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Revised Contingent Motion To Amend

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Masimo Fails To Establish A Legally Sufficient Rationale To Combine The Prior Art

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

The Opposition lacks particularity and detail on the combinations

Reply

> For independent claims 1, 9, and 17, the Petition advances no fewer than 8 distinguishable prior art combinations based on Chae, Narendra, Hong, and/or Android. For portions of substitute claims 25-29 that retain all features of corresponding original dependent claims, Petitioner adds either Shuttleworth or Karunamuni to the combinations—effectively resulting in at least 16 distinct prior art combinations for each dependent claim. Moreover, for portions of each substitute claim that include amended claim features, the Opposition adds two more references to the combinations—constituting no fewer than 24 distinct prior art combinations—all while failing to explain why or how a POSITA would have combined the numerous references thereby placing an undue burden on both the Board and Apple

PO Reply, 1.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

The Opposition lacks particularity and detail on the combinations

Petition Grounds	Opposition Grounds
Claims 3, 5, 11, 13, 19, and 21 would have been obvious in view of Chae, Narendra, and Shuttleworth	Claims 25, 27, 30, 32, 35, and 37 would have been obvious in view of Chae, Narendra, Shuttleworth, **and Tu**
Claims 3, 5, 11, 13, 19, and 21 would have been obvious in view of Chae, Narendra, and Shuttleworth and in further view of Hong and/or Android	Claims 25, 27, 30, 32, 35, and 37 would have been obvious in view of Chae, Narendra, Shuttleworth, Hong, and/or Android, **and Tu**
Claims 4, 12, and 20 would have been obvious in view of Chae, Narendra, and Shuttleworth	Claims 26, 31, and 36 would have been obvious in view of Chae, Narendra, Shuttleworth, **Tu, Tsukamoto, and Le Grand**
Claims 4, 12, and 20 would have been obvious in view of Chae, Narendra, and Shuttleworth and in further view of Hong and/or Android	Claims 26, 31, and 36 would have been obvious in view of Chae, Narendra, Shuttleworth, Hong, and/or Android, **Tu, Tsukamoto, and Le Grand**
Claims 7, 15, and 23 would have been obvious in view of Chae, Narendra, and Karunamuni	Claims 28, 33, and 38 would have been obvious in view of Chae, Narendra, Karunamuni, **Dascola, and Brinda**
Claims 7, 15, and 23 would have been obvious in view of Chae, Narendra, and Karunamuni and in further view of Hong and/or Android	Claims 28, 33, and 38 would have been obvious in view of Chae, Narendra, Karunamuni, Hong, and/or Android, **Dascola, and Brinda**
Claims 8, 16, and 24 would have been obvious in view of Chae, Narendra, Karunamuni	Claims 29, 34, and 39 would have been obvious in view of Chae, Narendra, Karunamuni, **Dascola, Brinda, and Lee**
Claims 8, 16, and 24 would have been obvious in view of Chae, Narendra, Karunamuni and in further view of Hong and/or Android	Claims 29, 34, and 39 would have been obvious in view of Chae, Narendra, Karunamuni, Hong, and/or Android, **Dascola, Brinda, and Lee**

Pet., Ground Listing, pdf pg. 10

See generally, Opposition

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

The Opposition does not explain how the various combinations would have worked

Opposition

user-friendliness of a user interface for a mobile electronic device. *Id.* A POSITA would have understood that the advantages of the disclosed features are compatible with and additive of each other, such that providing a combination of the disclosed features in a single mobile device user interface would further enhance ease-of-use and user-friendliness beyond providing just one of the disclosed features. *Id.*

Moreover, each of these features would have been easy to implement in software and hardware without needing to overcome any technical barrier. *Id.* For example, the Substitute Claims recite software functionality that would have used mobile computing components that were routine prior to the '352 patent, such as touch and motion sensors. *Id.*

Opposition, 2-3.

PersonalWeb Techs., LLC v. Apple, Inc., 848 F.3d 987, 994 (Fed. Cir. 2017)

But that reasoning seems to say no more than that a skilled artisan, once presented with the two references, would have understood that they *could be* combined. And that is not enough: it does not imply a motivation *994 to pick out those two references and combine them to arrive at the claimed invention. *See* *Belden Inc. v. Berk-Tek LLC*, 805 F.3d 1064, 1073 (Fed. Cir. 2015) ("[O]bviousness concerns whether a skilled artisan not only *could have made* but *would have been motivated to make* the combinations or modifications of prior art to arrive at the claimed invention."); *InTouch Techs., Inc. v. VGO Communications, Inc.*, 751 F.3d 1327, 1352 (Fed. Cir. 2014).

If the Board's statement were read more broadly, it would not be adequately explained and grounded in evidence. Indeed, the Board nowhere clearly explained, or cited evidence showing, *how* the combination of the two references was supposed to work. At least in this case, such a clear, evidence-supported account of the contemplated workings of the combination is a prerequisite to adequately explaining and supporting a conclusion that a relevant skilled artisan would have been motivated to make the combination and reasonably expect success in doing so.

PO Reply, 3.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Enhancing ease of use and user-friendliness are insufficient motivations to combine

Opposition

A POSITA would have been motivated to combine and would reasonably have expected success in combining the above-mentioned prior-art references with the prior art identified in the Petition. EX1064 ¶¶26-28. Each of these references discloses one or more user-interface features that would enhance the ease-of-use and user-friendliness of a user interface for a mobile electronic device. *Id.* A POSITA would have understood that the advantages of the disclosed features are compatible with and additive of each other, such that providing a combination of the disclosed features in a single mobile device user interface would further enhance ease-of-use and user-friendliness beyond providing just one of the disclosed features. *Id.*

Opposition, 2.

***ActiveVideo Networks, Inc. v. Verizon Commc'ns, Inc.*, 694 F.3d 1312, 1327-28 (Fed. Cir. 2012)**

The opinion by Verizon's expert regarding the motivation to combine references was likewise insufficient. Verizon's expert testified that:

> The motivation to combine would be because you wanted to build something better. You wanted a system that was more efficient, cheaper, or you wanted a system that had more features, makes it more attractive to your customers, because by combining these two things you could do something new that hadn't been able to do before.

J.A. 4709-10. This testimony is generic and bears no relation to any specific combination of prior art elements. It also fails to explain why a person of ordinary skill in the art would have combined elements from specific references *in the way the claimed invention does*. *See KSR*, 550 U.S. at 418, 127 S.Ct. 1727 ("[I]t can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does ... because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known."); *Innogenetics*, 512 F.3d at 1373 (Fed.Cir.2008) ("[K]nowledge of a problem and motivation to solve it are entirely different from motivation to combine particular references...."). Because

PO Reply, 2.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Masimo Fails To Establish Obviousness Of The Additional Elements Of Claims 25-27, 30-32, And 35-37

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Masimo Fails To Show That Tu Discloses Or Renders Obvious A “Tilt Angle Threshold”

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Tu fails to disclose accelerometer readings that include any angle measurement for determining that the device is "tilted at an angle" greater than a "tilt angle threshold"

Language of Claims 25, 30, 35

wherein:

detecting the input that meets the display-waking criteria comprises:

determining, using one or more sensors, whether a change in an orientation of the computer system satisfies a tilt angle threshold; and

in response to determining that the change in the orientation of the computer system satisfies the tilt angle threshold by determining that the computer system is tilted at an angle that is greater than the tilt angle threshold:

transitioning the computer system from a screen-off state to a screen-on state; and

displaying, via the display generation component, the display wake screen user interface.

Motion, 30.

Opposition Grounds

Claims 25, 27, 30, 32, 35, and 37 would have been obvious in view of Chae, Narendra, Shuttleworth, **and Tu**
Claims 25, 27, 30, 32, 35, and 37 would have been obvious in view of Chae, Narendra, Shuttleworth, Hong, and/or Android, **and Tu**

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Tu fails to describe a "tilt angle threshold"

'352 Patent

state. In some embodiments, the device uses one or more sensors (e.g., accelerometer, gyro, audio sensor, heat sensor, and/or light sensor) to determine whether an orientation of the device has changed. For example, the device determines whether the device has been rotated by more than a threshold angle (e.g., rotated along an axis of the device, such as tilted from a position in which the device is substantially horizontal to a position in which the device is substantially vertical). In FIG. **5A1**, the device is in a screen-off state while it is held flat in a user's hand **502**, such that the device display is substantially horizontal. In FIG. **5A2**, the device is tilted such that the display is more vertical than in FIG. **5A1**. Because a tilt angle of the device has not increased above a threshold tilt angle in FIG. **5A2**, the display is not activated. In FIG. **5A3**, the device is tilted such that the display is more vertical than in FIG. **5A2**. Because a tilt angle of the device has increased above a threshold tilt angle in FIG. **5A3**, the display has transitioned from a screen-off state to a screen-on state and wake screen user interface **504** is displayed by the display **112**. In FIG. **5A4**, the display **112** is substantially vertical.

EX1001, 37:64-38:31; RMTA Sur-reply, 4.

Tu

wrist-wearable device, whose display is not always on. For example, a device can include motion sensors such as an accelerometer and/or gyroscope, which can detect movement of the device in real time and can also infer information about the spatial orientation of the device (e.g., by detecting gravitational acceleration acting on the device). Based on signals from the motion sensors, algorithms executing on the wearable computing device can detect a "raise gesture," which can be defined as a motion pattern indicating that the user is moving or has moved the device's display into his line of sight. (It is understood that the device state might not always

EX1065, [0033]; RMTA Sur-reply, 4

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Tu fails to disclose accelerometer readings that include any angle measurement for determining that the device is "tilted at an angle" greater than a "tilt angle threshold"

Tu

interval. In some embodiments, the accelerometer readings include gravitational acceleration (1 g, in a direction that depends on the orientation of the device). Accordingly, when other accelerations are relatively small, the orientation of the device relative to gravity can be determined based on accelerometer data. For instance, in the hanging-arm position of FIG. **1**A, accelerometer **210** may detect a_x of approximately 1 g, and a_y and a_z of approximately zero. In the typing position of FIG. **1**C, accelerometer **210** may detect a_x of approximately 0, a_y between 0 and 1 g, and a_z between 0 and –1 g.

EX1065, [0065]; PO Reply, 3-4.

Dr. Cockburn

between 0 and 1 g, and a_z between 0 and -1 g." *Id.* Based on Tu's disclosure, Tu's accelerometer provides gravitational acceleration data a_x, a_y, and a_z that are between -1 g and 1 g. *Id.* I agree with Rosenberg that Tu does not describe a specific number of degrees associated with a threshold. EX2009, 17:21-18:12. Because the accelerometer data is measured in "g's" not angles, Tu does not describe using a "tilt angle threshold."

APPLE-2010, ¶6; PO Reply, 4.

Dr. Rosenberg

Q. So, Tu doesn't mention in the written description any specific number of degrees that corresponds to Figures 1C and 1D; is that right?

A. Not a specific angle degree, no. But there are -- the Figure 1C and 1D, or one moment -- let me see something else.

I think your pending question is does Tu have, talk about a specific number of degrees associated with the threshold I assume.

And, no. Tu doesn't describe it in that way. It doesn't describe a specific number

APPLE-2009, 17:21-18:12; PO Reply, 4.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Masimo Relies On Multiple Incompatible Embodiments From Tu

FISH.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

A POSITA would not have looked to FIG. 13 for tilt angle threshold

Dr. Cockburn

> 9. A POSITA would not have combined these two incongruous embodiments because they are directed to entirely different purposes and results. Indeed, Tu's FIGS. 4 and 13 are directed to different embodiments because detecting a raise gesture requires a different algorithm and different response than detecting a loss of focus. For example, Tu discloses that *early detection* is desirable for raise gestures:

> EX1065, [0180]. In contrast, Tu discloses *delayed detection* is desirable for a loss-of-focus event:

APPLE-2010, ¶9; PO Reply, 4-5.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Tu's FIGS. 4 and 13 are directed to different embodiments, different purposes, and different results

Tu's FIG. 4

[0018] FIG. **4** is flow diagram for a raise-gesture detection process according to an embodiment of the present invention.

[0009] A variety of techniques can be used to detect raise gestures. In some embodiments, the detection algorithms can be heuristically developed and can take into account both the assumed characteristics of a "focus pose" (which can be an orientation of the wrist-worn computing device that would allow the user wearing the device to look at its display) and the particular starting pose (which can be the orientation of the wrist-worn computing device prior to being brought into the focus pose). Thus, for example, a raise gesture can be

the device). Based on signals from the motion sensors, algorithms executing on the device can detect a "raise gesture," which can be defined as a motion pattern indicating that the user is moving or has moved the device's display into his line of sight. In response to detecting such a gesture, the device can activate its display and/or other components (e.g., a touch screen overlay, speech-processing subsystem, or the like). In

EX1065, [0018], [0009], [0008]; Opp., 6; PO Reply, 4-5.

Tu's FIG. 13

[0027] FIG. **13** is a flow diagram of a process for detecting a loss-of-focus event according to an embodiment of the present invention.

[0129] Automatic detection of loss-of-focus gestures (also referred to herein as "loss-of-focus events") can be facilitated using motion-based algorithms. FIG. **13** is a flow diagram of a process **1300** for detecting a loss-of-focus event according to an embodiment of the present invention. Process **1300** can be executed, e.g., in loss-of-focus detection module **228** of FIG. **2**A. In this example, process **1300** can be performed while the device is in a focus state (e.g., after detecting and/or confirming a raise gesture using any of processes **400**, **800**, or **1100** described above). Loss of focus can be detected based on changes in tilt angle or rotation of the device, particularly changes in y-tilt. Process **1300** can report a detected loss-of-focus event, e.g., to wake control logic **230** of FIG. **2**A. As described below, wake control logic **230** can use the reported event to determine whether to inactivate user interface **202**.

EX1065, [0027], [0129]; PO Reply, 4-5.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Detecting a raise gesture requires a different algorithm and different response than detecting a loss of focus

Early Detection for Tu's FIG. 4

state. The preheat event can be detected early enough that, by the time the user completes the raise gesture, the applications processor is in the wake state and ready to process user input. In some embodiments, early detection of preheat and waking of the applications processor can help to reduce or eliminate user-perceptible delay in the device's response to a natural raise gesture. Earlier detection may result in more false positives, and the sensitivity can be tuned such that a preheat event is detected as late in the gesture as possible while still allowing sufficient time for the applications processor to transition to the wake state.

activate the user interface at an earlier stage (e.g., when a possible raise gesture or detected raise gesture is reported); this can result in more false positives but fewer false negatives and may provide a more responsive and satisfying user experience. In addition, activation of the user interface can occur

EX1065, [0152], [0009], [0180]; PO Reply, 4-5.

Delayed Detection for Tu's FIG. 13

[0137] Further, in some embodiments, it may be desirable to avoid a false loss-of-focus detection due to transitory motions. Accordingly, loss-of-focus detection can incorporate hysteresis, such that loss of focus is not detected until the device goes out of the focus pose and remains there for some minimum time period. If the device re-enters focus pose before the time expires, the loss-of-focus detection algorithm can reset. The minimum time period can depend on how long the device has been in the focus pose, with a longer dwell time in focus pose correlating with a longer required time out of focus to trigger a loss-of-focus event. It should be noted that delayed detection of a loss-of-focus event (and deactivating the display) is expected to be less disruptive to the user than prematurely detecting a loss-of-focus event (and deactivating the display) when the user is, in fact, still looking at the display. Accordingly, the loss-of-focus algorithm can be tuned to err on the side of being slow to detect loss of focus.

EX1065, [0137]; PO Reply, 4-5.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Masimo Fails To Show A Motivation To Combine Tu With The Petition's Prior Art (Chae, Narendra, Shuttleworth)

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Masimo does not sufficiently explain why "tilt-to-wake" would promote power efficiency and improve ease-of-use, convenience, and user-friendliness over a button press

Masimo's Sur-reply

these power-saving and convenience advantages. EX1065 ¶¶5-8. For example, Tu expressly explains that raising a device to wake a display is more natural and convenient than a button press. *Id.* ¶6 ("[E]xisting wearable devices generally require some sort of preliminary user input, such as touching a button" which "can make use of the device feel unnatural or inconvenient, especially in contrast with more natural, intuitive interactions familiar from older technology."). Moreover, the

RMTA Sur-reply, 6.

Chae

[0094] At step S**110**, the controller **180** of the mobile terminal **100** wakes up the mobile terminal **100** in response to a control signal that is generated based on a user's action such as clicking a button (not shown).

EX1005, [0094]; Pet., 36-37; RMTA Opp., 8.

Tu

[0005] One obstacle to widespread adoption of wearable technology is that most existing wearable devices are not more convenient to use than a smart phone. For example,

familiar from older technology. For example, anyone who has ever worn a wristwatch is familiar with the gesture of raising and/or rotating a wrist to check the time. For wristwatch-wearers, raising the wrist quickly becomes a natural, automatic motion. But this natural motion only works in a conventional wristwatch because the watch face is "always on," so that all the user has to do to see the displayed information (generally the time) is to bring the watch face into the line of sight. In a more advanced electronic device, such as a wear-

[0007] Accordingly, it may be desirable for a wrist-wearable computing device to detect when a user is raising the wrist on which the device is worn and to automatically activate its display (and/or other components) in response to this motion. This can allow the user to obtain visual information from the wrist-wearable computing device as easily and intuitively as from a conventional wristwatch.

EX1065, [0005]-[0007]; RMTA Sur-reply, 6.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Masimo does not sufficiently explain why "tilt-to-wake" would promote power efficiency and improve ease-of-use, convenience, and user-friendliness over a button press

Dr. Rosenberg

32. A POSITA would have specifically been motivated to implement the "tilt to wake" functionality disclosed by Tu with prior art smartphones to manage the device's power consumption more efficiently and improve ease-of-use. For example, Chae and Android disclose waking up a smartphone in response to an input, such as a button press. A POSITA would have understood that, in addition to pressing a button, tilting the device would be an alternative way to wake up a device's display. A POSITA would have further understood that implementing "tilt to wake" would enhance power efficiency, because activating the display when a user is moving the device into the user's line of sight would ensure that the display only consumes power when the user is actively looking at it. Activating the display on a tilt would also have been user-friendly by eliminating any need for the user to perform the extra step of pressing a button (or performing some other affirmative input to wake the device).

EX1064, ¶32; Opp., 8.

Dr. Cockburn

smartphone. Implementing the "tilt-to-wake" functionality disclosed by Tu with Chae's device would not promote power efficiency and would not improve ease-of-use, convenience, and user-friendliness over a button press. Considering Tu's early (and more false positives) raise gesture detection (EX1065, [0152], [0180]), implementing Tu's "tilt-to-wake" would consume more power than a button press, and the device would wake up when placed upright in a pocket or purse. A POSITA would have understood that a device's needless power consumption would negatively influence ease-of-use, convenience, and user-friendliness because the device would require more frequent charging and it may be unavailable when needed due to battery depletion. Chae's smartphone button would eliminate the needless power consumption associated with false positive raise gesture detection. As such, Chae already provides for the features and

APPLE-2010, ¶10; PO Reply., 6.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Masimo does not sufficiently explain why "tilt-to-wake" would promote power efficiency and improve ease-of-use, convenience, and user-friendliness over a button press

Dr. Cockburn

> Opp., 8. As Masimo admits, Chae discloses a button press to wake up a smartphone. Implementing the "tilt-to-wake" functionality disclosed by Tu with

> raise gesture detection. As such, Chae already provides for the features and benefits that is Masimo's alleged motivation to combine, and the alleged modification to Chae would not have been an improvement on what Chae already provides. Thus, a POSITA would not have been motivated to combine Tu with Chae to promote power efficiency and improve ease-of-use, convenience, and user-friendliness.

APPLE-2010, ¶10; PO Reply., 6.

***Microsoft Corp. v. Koninklijke Philips N.V.*, IPR2018-00026, Paper 7, 15 (PTAB April 27, 2018)**

> Based on the record before us, we find that Petitioner does not explain sufficiently *why* a skilled artisan would have considered combining Korhonen and Westerman *to arrive at the claimed invention*. For example, regarding the recited "substantially stationary finger touch," Petitioner does not explain why a skilled artisan would have modified Korhonen to include Westerman's feature of stopping a motion continuation mode (i.e., a scrolling action) upon sensing a touch, when Korhonen already provides for stopping a scrolling action upon sensing a touch. *See* Ex. 1009, 5:32–38 (In

PO Reply, 6.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Masimo Fails To Establish Obviousness Of The Additional Elements Of Claims 28-29, 33-34, And 38-39

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Dascola And Brinda Do Not Disclose Or Render Obvious “Sliding The Wake Screen User Interface In The Longitudinal Direction From A Lower Edge Of The Display” And Displaying “An Underlying User Interface That Was Covered By The Wake Screen User Interface”

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Dascola and Brinda does not disclose a wake screen that covers the control UI and slides up to reveal the control UI

Language of Claims 28, 33, 38

while displaying the wake screen user interface, detecting a second input on the wake screen user interface along a longitudinal direction of the computer system;

in response to detecting the second input, sliding the wake screen user interface in the longitudinal direction from a lower edge of the display generation component; and

displaying, by the display generation component, an underlying user interface that was covered by the wake screen user interface.

Motion, 33.

Opposition Grounds

Claims 28, 33, and 38 would have been obvious in view of Chae, Narendra, Karunamuni, **Dascola, and Brinda**
Claims 28, 33, and 38 would have been obvious in view of Chae, Narendra, Karunamuni, Hong, and/or Android, **Dascola, and Brinda**

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Dascola does not disclose a wake screen that covers the control UI and slides up to reveal the control UI

Dascola

panel that is currently displayed. In some embodiments, control user interface is displayed partially or fully overlaying another user interface (e.g., an initial screen such as a lock screen and/or wake screen, a display including a plurality of application initiation icons, and/or an application user interface) at which input to display the control user interface is detected. In some embodiments, the appearance of a user interface that is partially overlaid by the control user interface **608** is altered, as indicated at **638**. For example, the partially overlaid user interface is blurred and/or has reduced brightness compared with a prior appearance of the user interface.

EX1051, [0401]; PO Reply, 7.

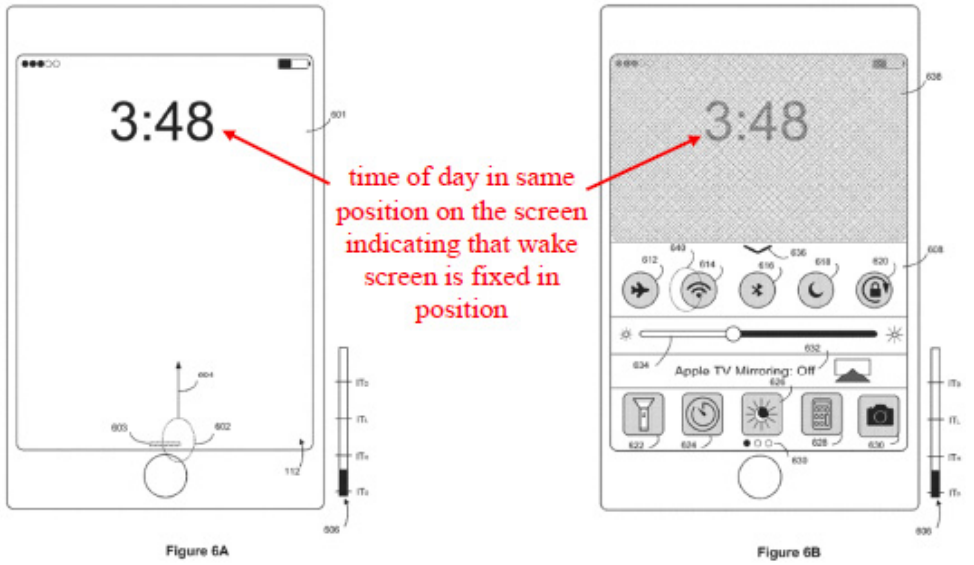
Dr. Rosenberg

And, as I slide the -- as I grab hold of the very top bar that was visible, and I slide it north, I am revealing what was hidden before, what was hidden behind the bezel or off the display.

APPLE-2009, 53:2-6; PO Reply, 7.

Dr. Cockburn

[0401]. Consistent with Dascola's disclosure, Dascola's FIGS. 6A and 6B below illustrate that the time of day is in the same position on the wake screen when the control UI is hidden and revealed, indicating that control UI is revealed by sliding up to partially cover a wake screen that is fixed in position.



APPLE-2010, ¶12; EX1051, FIGS. 6A, 6B; PO Reply, 7.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Brinda does not disclose a wake screen that covers an underlying user interface and slides up to reveal the underlying user interface

Brinda

> Referring to FIG. **3**(*b*), when the user touches the touch screen moving from a point A to a point B, the electronic device correspondingly moves the protection layer **310** along a direction from point A to point B to reveal a part of the original layer **320** originally covered by the protection layer **310**.

EX1072, 5:34-39; Opp., 15-16.

> the touch screen is to be unlocked (S**214**). For example, the protection layer is moved downwards into a lower edge of the touch screen to remove the protection layer.

EX1072, 4:65-67; PO Reply, 7.

Dr. Cockburn

> and underlying user interface. Brinda's protection layer *slides down* into the lower edge: "the protection layer is *moved downwards* into a lower edge of the touch screen to remove the protection layer." EX1072, 4:65-67, 6:35-38. In contrast, the claims require the wake screen to *slide up* "from a lower edge of the display generation component." Masimo also does not explain how Brinda's protection layer (that slides down) and original layer (that is fixed) correspond to Dascola's wake screen (that is fixed) and control UI (that slides up) or what that combination would even look like.

APPLE-2010, ¶13; PO Reply, 7.

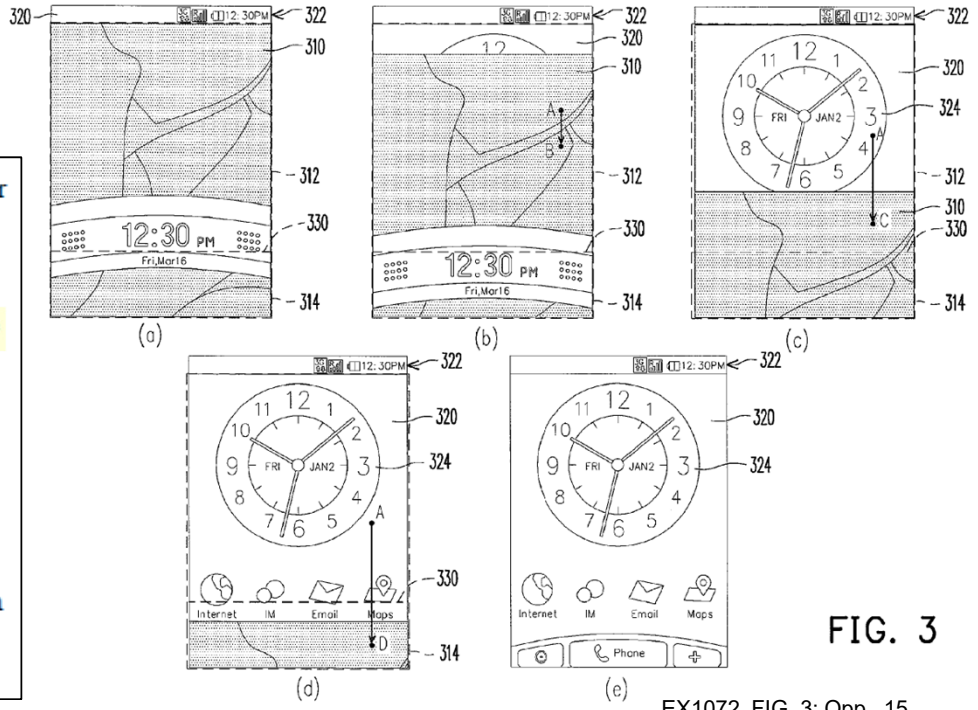


FIG. 3

EX1072, FIG. 3; Opp., 15.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Masimo does not explain how Dascola and Brinda would be combined

PersonalWeb Techs., LLC v. Apple, Inc.,
848 F.3d 987, 993-94 (Fed. Cir. 2017)

But that reasoning seems to say no more than that a skilled artisan, once presented with the two references, would have understood that they *could be* combined. And that is not enough: it does not imply a motivation *994 to pick out those two references and combine them to arrive at the claimed invention. *See* Belden Inc. v. Berk-Tek LLC, 805 F.3d 1064, 1073 (Fed. Cir. 2015) ("[O]bviousness concerns whether a skilled artisan not only *could have made* but *would have been motivated to make* the combinations or modifications of prior art to arrive at the claimed invention."); InTouch Techs., Inc. v. VGO Communications, Inc., 751 F.3d 1327, 1352 (Fed. Cir. 2014).

If the Board's statement were read more broadly, it would not be adequately explained and grounded in evidence. Indeed, the Board nowhere clearly explained, or cited evidence showing, *how* the combination of the two references was supposed to work. At least in this case, such a clear, evidence-supported account of the contemplated workings of the combination is a prerequisite to adequately explaining and supporting a conclusion that a relevant skilled artisan would have been motivated to make the combination and reasonably expect success in doing so.

TriVascular, Inc. v. Samuels,
812 F.3d 1056, 1066 (Fed. Cir. 2016)

(2007). Although the *KSR* test is flexible, the Board "must still be careful not to allow hindsight reconstruction of references ... without any explanation as to *how* or *why* the references would be combined to produce the claimed invention." Kinetic Concepts, Inc. v. Smith & Nephew, Inc., 688 F.3d 1342, 1368 (Fed. Cir.2012) (emphases added) (internal quotations omitted).

PO Reply, 8.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Masimo Fails To Show A Motivation To Combine Dascola and Brinda With The Petition's Prior Art (Chae, Narendra, Kuranamuni)

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Karunamuni already provides for the features and benefits that is Masimo's alleged motivation to combine

Karunamuni

[0015] FIG. **3** is a diagram that shows an example **300** of a control center interface **302** that at least partially overlays and obscures content that was being displayed prior to the control center interface's invocation. Control center interface **302** can obscure much, but potentially less than all, of the content over which it is laid. As shown in FIG. **3**, the uppermost regions of the springboard are still visible even while control center interface **302** is overlaid on top of the springboard. Control

EX1011, [0015]; PO Reply, 8.

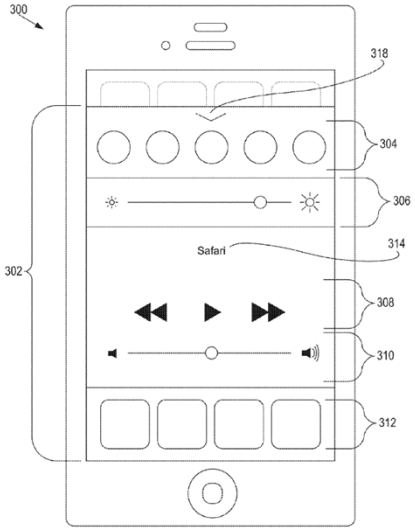


FIG. 3

Dascola

panel that is currently displayed. In some embodiments, control user interface is displayed partially or fully overlaying another user interface (e.g., an initial screen such as a lock screen and/or wake screen, a display including a plurality of application initiation icons, and/or an application user interface) at which input to display the control user interface is detected. In some embodiments, the appearance

EX1051, [0401]; PO Reply, 7.

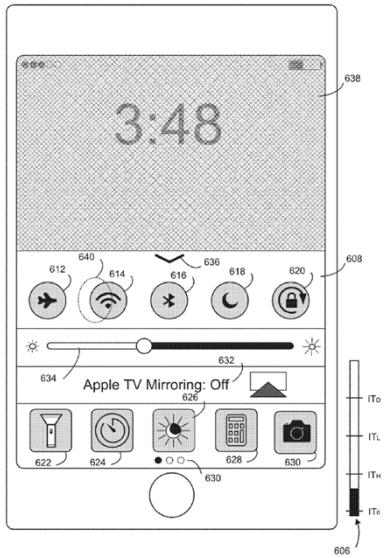


Figure 6B

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Karunamuni already provides for the features and benefits that is Masimo's alleged motivation to combine

Dr. Cockburn

14. Masimo relies on Karunamuni for the control panel UI limitations of claims 28, 33, and 38. Pet., 82-87. Like Dascola, Karunamuni discloses "a control center interface… that at least partially overlays and obscures content that was being displayed prior to the control center interface's invocation." EX1011, [0015]. Masimo offers only one specific motivation for adding Dascola and Brinda—"to improve the aesthetics." Opp., 16. But Karunamuni already provides for the features and benefits that is Masimo's alleged motivation to combine, and the alleged modification to Karunamuni would not have been an improvement on what Karunamuni already provides. Thus, a POSITA would not have been motivated to combine Dascola and Brinda with Karunamuni to improve the aesthetics.

APPLE-2010, ¶14; PO Reply, 8.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

The ’352 Specification Provides Written Description Support For Claims 27, 32, And 37

FISH.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

The ’352 Patent specification provides written description support for claims 27, 32, and 37

Language of Claims 27, 32, and 37

in response to determining that the change in the orientation of the computer system does not satisfy the tilt angle threshold, controlling the display generation component to not be activated.

Motion, 32.

’352 Specification

a user’s hand 502, such that the device display is substantially horizontal. In Figure 5A2, the device is tilted such that the display is more vertical than in Figure 5A1. Because a tilt angle of the device has not increased above a threshold tilt angle in Figure 5A2, the display is not activated. In Figure 5A3, the device is tilted such that the display is more vertical than in Figure 5A2. Because a tilt angle of the device has increased above a threshold tilt angle in Figure 5A3, the display has transitioned from a screen-off state to a screen-on state and wake screen user interface 504 is displayed by the display 112. In Figure 5A4, the display 112 is

EX2007, [00162]; PO Reply, 11.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

The ’352 Specification Provides Written Description Support For Claims 26, 31, And 36

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

The ’352 Patent specification explicitly describes an example that is almost word-for-word the claim language

Language of Claims 26, 31, And 36

wherein determining whether the change in the orientation of the computer system satisfies the tilt angle threshold comprises determining whether the computer system is tilted from a position in which the computer system is substantially horizontal to a position in which the computer system is substantially vertical.

Motion, 31.

’352 Specification

device has changed. For example, the device determines whether the device has been rotated by more than a threshold angle (e.g., rotated along an axis of the device, such as tilted from a position in which the device is substantially horizontal to a position in which the device is substantially vertical). In Figure 5A1, the device is in a screen-off state while it is held flat in

EX2007, [00162]; EX1001, 37:67-38:5; PO Reply, 10.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Substitute Claims 26, 31, And 36 Are Definite

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

The ’352 specification and figures provide examples of “substantially horizontal” and “substantially vertical”

Claims 26, 31, And 36

wherein determining whether the change in the orientation of the computer system satisfies the tilt angle threshold comprises determining whether the computer system is tilted from a position in which the computer system is substantially horizontal to a position in which the computer system is substantially vertical.

Motion, 31.

’352 Specification

substantially vertical). In Figure 5A1, the device is in a screen-off state while it is held flat in a user’s hand 502, such that the device display is substantially horizontal. In Figure 5A2, the

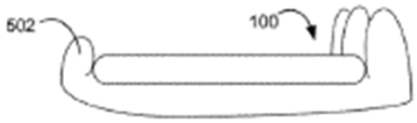


Figure 5A1

EX2007, [00162]; EX1001, 37:67-38:5; PO Reply, 11-12.

Dr. Cockburn

Rosenberg confirmed and I agree that a POSITA would have known how to hold the device in their hand so that it is substantially horizontal as depicted in FIG. 5A1. EX2009, 34:8-15.

APPLE-2010, ¶19; PO Reply, 11-12.

Dr. Rosenberg

Q. So, 5A1 represents when the device is substantially horizontal; is that right?

A. That is what they are describing is Figure 5A1, yes.

Q. And a POSITA would know how to hold the device in their hand so that it looks like Figure 5A1?

A. I would say so, yes.

EX2009, 34:8-15; PO Reply, 11-12.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

The ’352 specification and figures provide examples of “substantially horizontal” and “substantially vertical”

Claims 26, 31, And 36

wherein determining whether the change in the orientation of the computer system satisfies the tilt angle threshold comprises determining whether the computer system is tilted from a position in which the computer system is substantially horizontal to a position in which the computer system is substantially vertical.

Motion, 31.

’352 Specification

screen user interface 504 is displayed by the display 112. In Figure 5A4, the display 112 is substantially vertical.

EX2007, [00162]; EX1001, 37:67-38:5; PO Reply, 11-12.

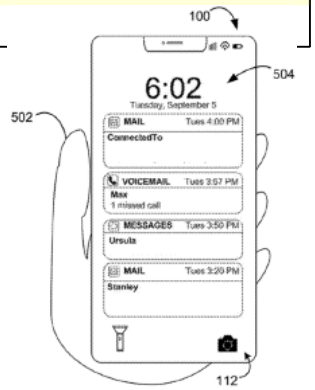


Figure 5A4

Dr. Cockburn

37:67-38:5. Rosenberg confirmed and I agree that a POSITA would have known how to hold the device in their hand so that it is substantially vertical as depicted in FIG. 5A4. EX2009, 36:5-12.

APPLE-2010, ¶19; PO Reply, 11-12.

Dr. Rosenberg

But my question was just whether 5A4 is substantially vertical and you answered that yes.

So, would a POSITA know how to hold a device so that it looks like what is depicted in Figure 5A4?

A. I would think so, yes. I agree with that.

EX2009, 36:5-12; PO Reply, 11-12.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Substitute Claims 29, 34, And 39 Are Definite

FISH.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

A POSITA would have understood the meaning of "remains displayed"

Claim 29, 34, And 39

while displaying the wake screen user interface and while two or more notifications remains displayed on the wake screen user interface, detect a third input, at a power button of the computer system, for dismissing the wake screen user interface;

Motion, 34.

Dr. Cockburn

understood what "remains displayed" means. Opp., 24-25. Considering the entirety of the claim language "while displaying the wake screen user interface and *while two or more notifications remains displayed* on the wake screen user interface, detect a third input, at a power button of the computer system, for dismissing the wake screen user interface," it is irrelevant whether any claims recite initially displaying notifications. A POSITA reading the claim language would have understood that "detect a third input" occurs "while two or more notifications remains displayed," e.g., the notifications have not been dismissed.

APPLE-2010, ¶20; PO Reply, 12.

EX2007, [00162]; EX1001, 37:67-38:5; PO Reply, 11-12.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Substitute Claims 27, 32, And 37 Are Definite

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Claims 27, 32, and 37 added limitations are not part of "detecting the input that meets display-waking criteria"

Claims 27, 32, 37

wherein:

in response to determining that the change in the orientation of the computer system does not satisfy the tilt angle threshold, controlling the display generation component to not be activated.

Motion, 32.

Dr. Cockburn

Claims 27, 32, and 37 do not recite that "determining that the change in the orientation of the computer system does not satisfy the tilt angle threshold" and "controlling the display generation component to not be activated" is part of "detecting the input that meets display-waking criteria," and thus is not a part of "detecting the input that meets display-waking criteria," as Masimo alleges. Specifically, the phrase "detecting the input that meets display-waking criteria comprises" is present in claims 25, 30, and 35 while being clearly absent from claims 27, 32, and 37.

APPLE-2010, ¶21; PO Reply, 12.

Claims 25, 30, 35

wherein:

detecting the input that meets the display-waking criteria comprises:

determining, using one or more sensors, whether a change in an orientation of the computer system satisfies a tilt angle threshold; and

in response to determining that the change in the orientation of the computer system satisfies the tilt angle threshold by determining that the computer system is tilted at an angle that is greater than the tilt angle threshold:

transitioning the computer system from a screen-off state to a screen-on state; and

displaying, via the display generation component, the display wake screen user interface.

Motion, 29-30.

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

THANK YOU

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE