

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALIVECOR, INC.,
Petitioner

v.

APPLE INC.,
Patent Owner

Case No. IPR2023-01434

U.S. Patent No. 10,270,898 B2

PETITION FOR *INTER PARTES* REVIEW
UNDER 35 U.S.C. §312 AND 37 C.F.R. §42.104

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LIST OF EXHIBITS

Exhibit	Short Name	Description
Ex. 1001	'898 Patent	U.S. Patent No. 10,270,898 B2
Ex. 1002	'898 File History	Prosecution History of U.S. Patent No. 10,270,898 B2
Ex. 1003	Rosenberg Declaration	Declaration of Dr. Craig Rosenberg
Ex. 1004	Rosenberg CV	Curriculum vitae of Dr. Craig Rosenberg
Ex. 1005	Molettiere	U.S. Patent No. 8,849,610
Ex. 1006	Cohen	U.S. Patent No. 9,730,621
Ex. 1007	Yuen	U.S. Patent No. 9,173,576
Ex. 1008	Riley	U.S. Patent No. 7,771,320
Ex. 1009	Hoffman	U.S. Patent Appl. Publ. No. 2012/0116550
Ex. 1010	Srinivasan	U.S. Patent No. 8,152,694
Ex. 1011	DiBenedetto	U.S. Patent No. 8,200,323
Ex. 1012	mHealth Devices	AARATHI PRASAD, JACOB SORBER, TIMOTHY STABLEIN, DENISE ANTHONY, AND DAVID KOTZ, <i>UNDERSTANDING SHARING PREFERENCES AND BEHAVIOR FOR MHEALTH DEVICES</i> , ASSOCIATION FOR COMPUTER MACHINERY (2012) (“mHealth Devices”)
Ex. 1013	mHealth Devices Publication Info.	Publication Information for mHealth Devices – https://dl.acm.org/doi/pdf/10.1145/2381966.2381983?accessTab=true
Ex. 1014	Hoyme	U.S. Patent Appl. Publ. No. 2010/0063840
Ex. 1015	Faulkner	U.S. Patent Appl. Publ. No. 2012/0310674

Exhibit	Short Name	Description
Ex. 1016	Apple's Complaint	Complaint, <i>Apple Inc. v. AliveCor, Inc.</i> , Case No. 4:22-cv-07608-HSG, Dkt. No. 1 (N.D. Cal., Dec. 12, 2022)
Ex. 1017	Apple's Infringement Contentions	Apple's Infringement Contentions Served July 25, 2023 in <i>Apple Inc. v. AliveCor, Inc.</i> , Case No. 4:22-cv-07608-HSG
Ex. 1018	National Judicial Caseload Profile	U.S. District Courts – National Judicial Caseload Profile (accessed via https://www.uscourts.gov/sites/default/files/cms_na_distprofile0331.2022.pdf)

AliveCor, Inc. (“Petitioner”) seeks IPR under 35 U.S.C. §§ 311-319 and 37 C.F.R. §42 of Claims 1-11, 16, 18, 20-23, 25-34, 41, and 43-45 (“the Challenged Claims”) of Patent No. 10,270,898 (“the ’898 Patent”).

I. STANDING UNDER 37 C.F.R. §42.104(a)

Petitioner certifies that the ’898 Patent is available for IPR and that Petitioner is not barred or estopped from requesting IPR.

II. PAYMENT OF FEES

Petitioner authorizes Account No. 16-0605 to be charged.

III. OVERVIEW OF CHALLENGES AND RELIEF REQUESTED

Pursuant to 42.22(a)(1) and 42.104(b)(1)-(2), Petitioner requests cancellation of the Challenged Claims pursuant to the grounds below. Additional support is provided in the Declaration of Dr. Rosenberg (Ex. 1003).

Ground 1: Claims 1-11, 18, 20-23, 25-34, 41, and 43-45 are unpatentable under 35 U.S.C. §§ 102 and/or 103 over *Molettiere*.

Ground 2: Claims 1, 3, 9, 10, 16, 18, 23, 26, 32, 33, 39, and 41 are unpatentable under 35 U.S.C. §103 over *Cohen*.

Ground 3: Claims 1, 9-11, 18, 20-22, 23, 32-34, 41, and 43-45 are unpatentable under 35 U.S.C. §103 over *Yuen* in view of *Molettiere*.

IV. '898 PATENT SUMMARY

A. Specification

The '898 Patent relates to “aggregating and sharing wellness data” collected by devices (§Ex. 1001, Abstract, 1:39-40; Ex. 1003, ¶65). The '898 Patent states that while “software applications associated with each of these devices” can be used to view health information, known applications were “limited in their ability to allow users to store, view, and share wellness data collected by different devices” (Ex. 1001, 1:40-47; Ex. 1003, ¶65). The '898 Patent purports to solve these problems by disclosing methods and processes for “aggregating and sharing wellness data” (Ex. 1001, Abstract, 1:52-53; Ex. 1003, ¶66).

The specification describes that once the user selects the “Share Data” option (BLUE below), which represents “the ability for other devices or applications to access a user’s wellness data,” the user is presented with selectable sharing options (Ex. 1001, 57:13-27; Ex. 1003, ¶66).

Ex. 1001, Fig. 34 (annotated)

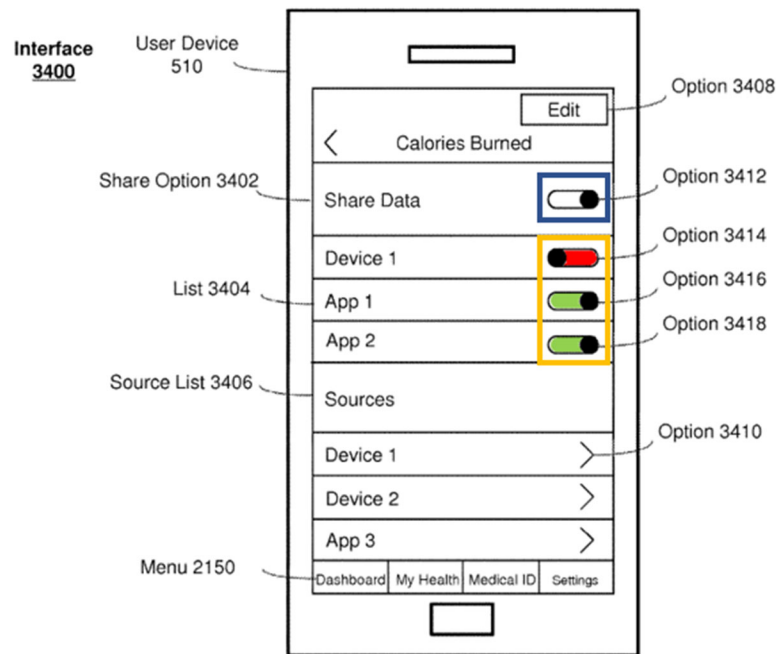


FIG. 34

The “selectable options” (ORANGE, above), allow the user to turn on or off data sharing for each device (Ex. 1001, 57:39-42; Ex. 1003, ¶67). Figure 34 illustrates that sharing is turned ON for App 1 and 2 (GREEN, above) (Ex. 1001, 57:42-49, Ex. 1003, ¶67).

In the same way, the specification describes that the user can control the types of data accessible to a destination (Ex. 1001, 58:40-51; Ex. 1003, ¶68). Accordingly, the '898 Patent describes functionality that “allows a user to specifically define what types of data can be provided by a particular device or application” (Ex. 1001, 59:13-15, Ex. 1003, ¶69).

B. Prosecution History

In a first action, the Examiner rejected the pending claims in view of *Hoffman* (Ex. 1009) (Ex. 1002, 1132, 1134; Ex. 1003, ¶71). In response, the Applicant amended the claims and explained *Hoffman* did not disclose the amended claims because *Hoffman*'s disclosure of “displaying the data derived from the sources” did not require, *inter alia*, “receive information identifying a plurality of approved sources of wellness data; receive information identifying a plurality of wellness data destinations” (Ex. 1002, 590, 598; Ex. 1003, ¶¶73-74). After a final action, Applicant amended the claims to include allowable claims 2 and 3 (Ex. 1002, 214, 219-220; Ex. 1003, ¶77). The Examiner issued a Notice of Allowance (Ex. 1003, ¶¶70–81).

C. Claim Construction

The claims are construed herein “using the same claim construction standard that would be used to construe the claim in a civil action under 35 U.S.C. § 282(b).” 37 C.F.R. § 42.100(b) (Nov. 13, 2018). The terms should receive their respective plain and ordinary meaning as understood by a person of ordinary skill in the art under *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005).

V. PRIOR ART

A. *Molettiere* (Ex. 1005)

U.S. Patent No. 8,849,610 (“*Molettiere*”) was filed on February 11, 2014 and issued on September 30, 2014 (Ex. 1005, Cover; *see also* Ex. 1003, ¶¶82–90). *Molettiere* is prior art under at least 35 U.S.C. §102(a)(2) (Ex. 1003, ¶83).

B. *Cohen* (Ex. 1006)

U.S. Patent No. 9,730,621 (“*Cohen*”) was filed on December 27, 2013 and issued on August 15, 2017 (Ex. 1006, Cover; *see also* Ex. 1003, ¶¶91–99). *Cohen* is prior art under at least 35 U.S.C. §102(a)(2) (Ex. 1003, ¶92).

C. *Yuen* (Ex. 1007)

U.S. Patent No. 9,173,576 (“*Yuen*”) was filed on April 24, 2014 and issued on November 3, 2015 (Ex. 1007, Cover; *see also* Ex. 1003, ¶¶100–105). *Yuen* is prior art under at least 35 U.S.C. §102(a)(2) (Ex. 1003, ¶101).

VI. LEVEL OF ORDINARY SKILL IN THE ART

A person of ordinary skill in the art (“POSITA”) at the time of the alleged invention would have been a person with a working knowledge of physiological monitoring technologies and human interface design. That person would have had a Bachelor of Science degree in an academic discipline emphasizing the design of electrical, computer, or software technologies, in combination with training or at least one to two years of related work experience with capture and processing of data

or information, including but not limited to physiological monitoring technologies and human interface design (Ex. 1003, ¶45). Alternatively, that person could have also had a Master of Science degree in a relevant academic discipline with less than a year of related work experience in the same discipline (Ex. 1003, ¶45). More education can supplement practical experience and *vice versa* (Ex. 1003, ¶45).

VII. ARGUMENT

A. **Ground 1: Claims 1-11, 18, 20-23, 25-34, 41, and 43-45 Are Unpatentable Under 35 U.S.C. §§ 102 and/or §103 over *Molettiere***

1. *Claim 1*¹

- i. *[1.pre]: A non-transitory computer-readable storage medium storing one or more programs, the one or more programs comprising instructions, which when executed by an electronic device with a display, cause the device to:*

Molettiere anticipates and/or renders obvious [1.pre] (Ex. 1003, ¶¶107–111).

Molettiere teaches that the “computer-readable storage medium includes program

¹ Other than claims 1-22 being method claims, claims 23 and 25-45 are substantively similar to claims 1-22 and thus the analysis with regard to claims 1-22 applies to claims 23 and 25-45 as is outlined below. Indeed, Patent Owner admitted during prosecution that the method claims of the '898 Patent are allowable for the same reasons as the computer-readable storage medium (“CRM”) claims (Ex. 1002, 211-

instructions for receiving a plurality of activity streams from a plurality of devices, each activity data stream being associated with physical activity data” (Ex. 1005, 3:26-35, 2:15-19; Ex. 1003, ¶109).

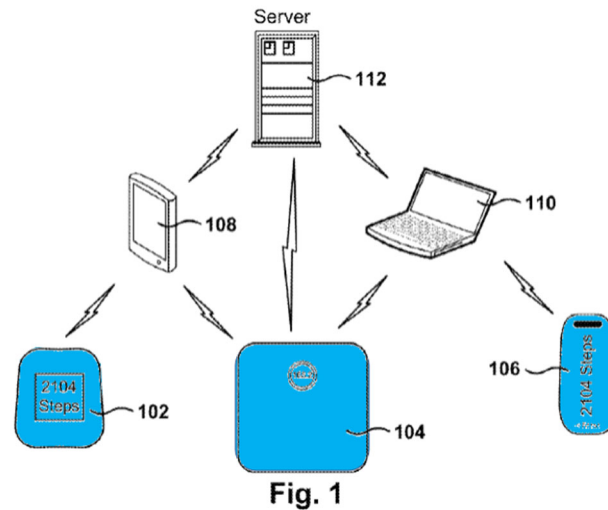
- ii. ***[1.a]: receive information identifying a plurality of approved sources of wellness data, wherein the plurality of approved sources comprise an electronic device or software application;***

Molettiere anticipates and/or renders obvious [1.a] (Ex. 1003, ¶¶112–119).

Molettiere teaches that “multiple data streams originate from, or are collected by, multiple devices that monitor the same or similar physical phenomena,” such as “multiple portable biometric devices” (Ex. 1005, 2:57–63; Ex. 1003, ¶113).

Molettiere teaches that biometric monitoring devices include pedometers 102 106, electronic scale 104, etc. (Ex. 1005, 4:62–67; Ex. 1003, ¶113–14).

212; Ex. 1003, ¶77, 106, 339, 453). Thus, the method claims are unpatentable for the same reasons as the CRM claims.

Ex. 1005, Fig. 1 (annotated)

A user approves a source when the user sets up a new device (Ex. 1003, ¶115). *Molettiere* discloses “an interface on a portable device for configuring tracking devices in use by the user” (Ex. 1005, 21:45-46). *Molettiere* teaches that “a button at the bottom of the interface provides an option for setting up new devices” (Ex. 1005, 21:64-65, Fig. 13 (annotated)). In the below example, the user “has configured [or set up] a digital scale and wearable fitness tracker” as annotated in GREEN (Ex. 1005, 21:60-61; Ex. 1003, ¶116).

Ex. 1005, Fig. 13 (annotated)

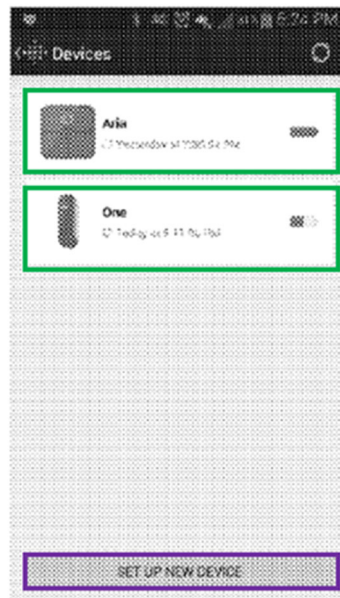


Fig. 13

Molettiere discloses that the user can allow data to be accepted from “other sources, including, but not limited to third party devices” or third-party services, such as MyFitnessPal or Garmin™ (Ex. 1005, 7:18-21, 9:66-10:17, 10:15-17; Ex. 1003, ¶¶117–118).

- iii. [1.b]: receive information identifying a plurality of approved destinations of wellness data, wherein the plurality of approved destinations comprise an electronic device or software application;***

Molettiere anticipates and/or renders obvious [1.b] (Ex. 1003, ¶¶120–123). *Molettiere* discloses that the “data synthesizer may export data in various ways” and that “a user can choose to export their data streams to other devices or services” (Ex.

1005, 19:54, 19:57-58; Ex. 1003, ¶121). A user approves a destination when the user chooses to have their data shared with another device and the service (Ex. 1003, ¶121). *Molettiere* describes that the user may choose to “have the synthesized data shown on one or more of their biometric devices” or “have their data shared with various health monitoring services such as Microsoft Health Vault™ or MyFitnessPal™” (Ex. 1005, 19:58-65). *Molettiere* teaches that “users can opt in or opt out of allowing the data synthesizer to use their data on other users’ accounts” and that “shared” data may be used when users “have linked accounts through online social connections” such as “friending each other” (Ex. 1005, 19:13-16, 19:20-24, 19:40; Ex. 1003, ¶122).

iv. [1.c]: display a detailed view of a sub-category of wellness data, the detailed view comprising:

Molettiere anticipates and/or renders obvious [1.c] (Ex. 1003, ¶¶124–130). *Molettiere* discloses a variety of “data types that can be recorded or operated on by the data synthesizer, biometric devices, and any intermediary computing devices (such as clients)” (Ex. 1005, 9:3-6, Table 1; Ex. 1003, ¶124). *Molettiere* discloses that data collected may be displayed (Ex. 1005, 11:14-20, 12:14-16, Fig. 8 (annotated); Ex. 1003, ¶125–126).

Ex. 1005, Fig. 8 (annotated)

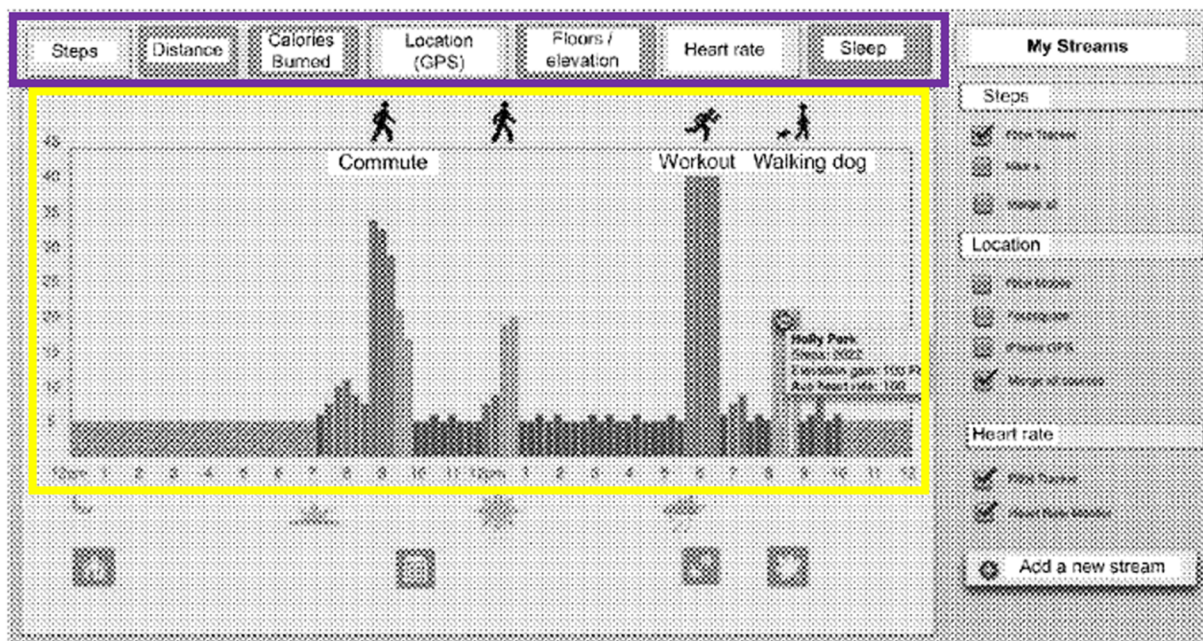


Fig. 8

Figure 8 contains options for the user to select between sub-categories, such as “Steps” and “Distance,” as depicted in PURPLE (Ex. 1001, 12:22-25; Ex. 1003, ¶126). A representation of the user’s activity information (e.g., a sub-category of wellness data) is annotated in YELLOW (Ex. 1001, 12:18-21; Ex. 1003, ¶126).

Figure 18 illustrates the user’s “steps taken,” “miles traveled,” “calories burned,” and “active score” highlighted in YELLOW and a graphical depiction highlighted in ORANGE (Ex. 1005, 21:13-23; Ex. 1003, ¶127).

Ex. 1005, Fig. 18 (annotated)



Fig. 18

- v. [1.c.i]: a graph representation of the sub-category of wellness data that includes aggregated values of the sub-category of wellness data, wherein the sub-category of wellness data is from the plurality of approved sources for the sub-category of wellness data, and;

Molettiere anticipates and/or renders obvious [1.c.i] (Ex. 1003, ¶¶131–137).

Molettiere's displays include graphical representations of the sub-category of wellness data (see VII.A.1.iv). *Molettiere* explains "FIG. 8 is a user interface screen showing data from all sources merged and displayed as a graph..." (Ex. 1005, 12:14-16; Ex. 1003, ¶¶134–136). *Molettiere* discloses that the "data synthesizer" is "a computing device that is configured to accept data from devices and to combine their

data into a single data set, or to generate an aggregate metric from similar or corresponding metrics from respective devices” (Ex. 1005, 6:42-47).

vi. [1.c.ii]: a selectable data sharing option;

Molettiere anticipates and/or renders obvious [1.c.ii] (Ex. 1003, ¶¶138-144; Ex. 1005, Fig. 16). *Molettiere* discloses a selectable data sharing option (ORANGE, below)

Ex. 1005, Fig. 16 (annotated)

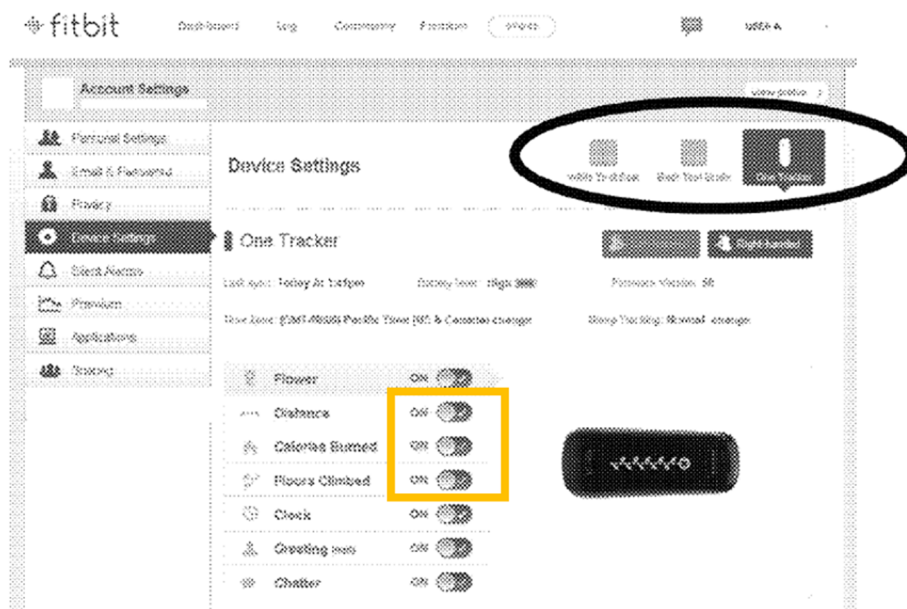


Fig. 16

Fig. 16 allows the user to select a device from a list of devices (e.g., the list displayed in Fig. 15) to view the profile information or device settings for that device (Ex. 1005, 22:6-14, 22:24-31; Ex. 1003, ¶139). The interface provides selectable options for each type of information tracked or collected (Ex. 1005, 21:64-65, 22:32-39; Ex. 1003, ¶139). A POSITA would have understood that by selecting “ON”, the device

is configured to collect information about that specific metric (Ex. 1003, ¶140). Further, *Molettiere*'s selectable options are identical to the selectable options described in the '898 Patent (Ex. 1003, ¶¶141–142; *see* § IV.A).

vii. [1.d]: receive user selection of the selectable data sharing option;

Molettiere anticipates and/or renders obvious [1.c.d] (Ex. 1003, ¶¶145–147). As discussed in [1.c.ii], *Molettiere* discloses a user interface with a selectable data sharing option. A POSITA would have known that the user interface would cause the device to receive user selection of the selectable data sharing options (Ex. 1003, ¶146).

viii. [1.e]: in response to receiving the selection of the selectable data sharing option, display:

Molettiere anticipates and/or renders obvious [1.e] (Ex. 1003, ¶¶148–149; *see* [1.e.i] and [1.e.ii] below).

ix. [1.e.i]: the plurality of approved sources for the sub-category of wellness data, wherein the sub-category of wellness data is approved to be received from the plurality of approved sources and stored in a wellness database; and

Molettiere anticipates and/or renders obvious [1.e.i] (Ex. 1003, ¶¶150–157; Ex. 1005, Fig. 13).

Ex. 1005, Fig. 13

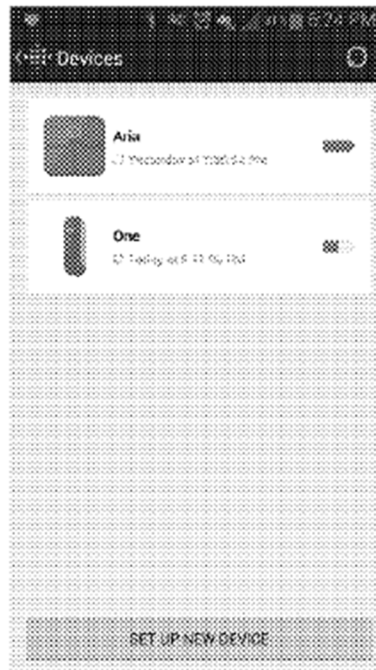


Fig. 13

Molettiere discloses that a user sets up new devices and “manage[s] the devices that communicate with the data synthesizer” through a “Device Locker” that allows the user to “see all the devices connected to his account, as well as a variety of their characteristics, settings, or data” (Ex. 1005, 21:45-54, Ex. 1003, ¶151).

Molettiere also discloses “an interface that includes an area with the active devices” (Ex. 1005, 22:7-8, Figs. 15 and 16; Ex. 1003, ¶152). *Molettiere* teaches that “when the user selects one of the active tracking device [sic] (e.g., clicks or touches on the corresponding device in Fig. 15), the interface of FIG. 16 is presented with information about the selected device” (Ex. 1005, 22:29-31; Ex. 1003, ¶156).

Ex. 1005, Figs. 15 and 16

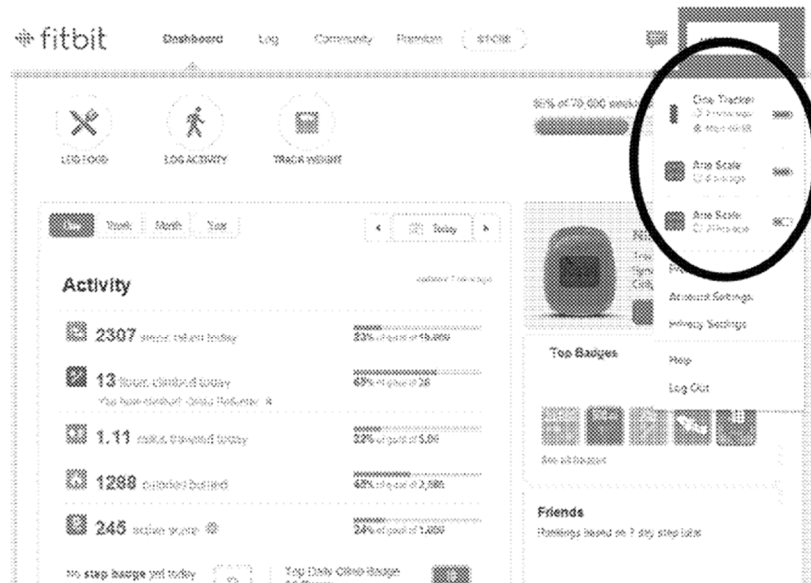


Fig. 15

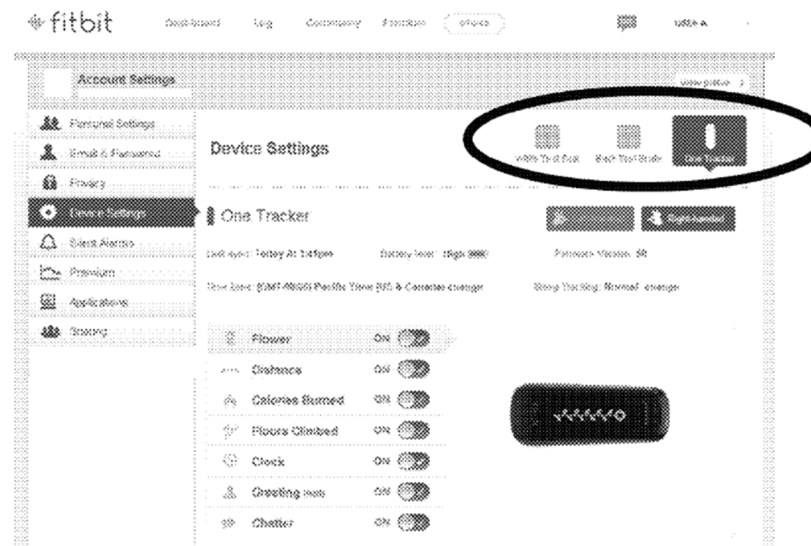


Fig. 16

Additionally, *Molettiere* discloses databases that store the collected data (Ex. 1005, 13:51-62; 14:34-39, 15:22-35, 15:61-16:1; Ex. 1003, ¶154).

- x. ***[1.e.ii]: the plurality of approved destinations for the sub-category of wellness data, wherein the sub-category of wellness data is approved to be accessed from the wellness database by the plurality of approved destinations of wellness data.***

Molettiere anticipates and/or renders obvious [1.e.ii] (Ex. 1003, ¶¶158–165).

Apple interprets this element to require that the one or more programs cause the user's wellness data to be approved to be accessed by other destinations (such as other users and/or providers) (Ex. 1007 at 63; Ex. 1003, ¶161). If [1.e.ii] is interpreted consistently with Apple's view and it only requires that a user approves a destination to access the wellness data, *Molettiere* discloses [1.e.ii] (Ex. 1003, ¶161). As discussed in [1.b], *Molettiere* discloses that "a user can choose to export their data streams to other devices or services," (Ex. 1005, 19:54, 19:57-58; Ex. 1003, ¶121). A user approves a destination when the user chooses to have their data shared with another device and the service (Ex. 1003, ¶121). *Molettiere* further discloses that users can opt in or out allowing the data synthesizer to use their data on other users' accounts and that "shared" data may be used when users "have linked accounts through online social connections" (Ex. 1005, 19:20-24), such as "friending each other" (Ex. 1005, 19:40).

To the extent [1.e.ii] requires "display[ing] the plurality of approved destinations," it would have been obvious (Ex. 1003, ¶¶162–164). A POSITA would have been motivated to cause the user interface to display the other devices,

third-party services, and/or users (e.g., approved destinations) the user has chosen to share their data with (Ex. 1003, ¶¶162–163). A POSITA would recognize that the user would want to control their sharing settings to protect their privacy, and in particular which users, devices and/or third-party services their data is being shared with (e.g., destinations) and what types of information is being shared, via the user interface display (Ex. 1003, ¶162). A POSITA would have understood that once a user “choose(s) to export their data streams to other devices or services” or shares their data with another user, the user may configure their sharing settings or stop exporting or sharing their data with those destinations (Ex. 1003, ¶162). Just like *Molettiere*’s list of connected devices, a POSITA would have been motivated to allow the user to select any of the destinations to view the information or settings for that destination (*see* Ex. 1005, 22:24-31) and select the type of information that destination is approved to access (*see* Ex. 1005, 21:64-65, 22:32-39; Ex. 1003, ¶163). Further, a POSITA would have had a reasonable expectation of success in causing the user interface to display the other devices, third-party services, and/or users (e.g., destinations) the user has chosen to share their data with because *Molettiere* discloses similar interfaces and functionality for the biometric monitoring devices (Ex. 1003, ¶164).

2. *Claim 2*

- i. [2.pre]: The non-transitory computer readable storage medium of claim 1,*

See Claim 1; Ex. 1003, ¶¶166–167.

- ii. [2.a]: wherein the plurality of approved sources are ranked amongst each other.*

Molettiere anticipates and/or renders obvious [2.a] (Ex. 1003, ¶¶168–174).

Molettiere teaches that “each data class collected by each device may be given priority, either above or below any other device’s corresponding data class” (Ex. 1005, 10:38-30; Ex. 1003, ¶169). For example, *Molettiere* explains “if a user has a biometric monitoring device clipped to their waistband and another biometric monitoring device located in their shoe, where both measure steps taken, the data class “Step Count” may give a higher priority to the device located in the shoe if the device is more accurate at counting steps” (Ex. 1005, 10:31-36). *Molettiere* teaches that the default prioritization may be determined “by the accuracy of the streams” or “precision, measurement, frequency, and syncing frequency” and modified by the user (Ex. 1005, 10:51-67; Ex. 1003, ¶173). A POSITA would have understood that prioritization is a form of ranking (Ex. 1003, ¶169–173).

3. *Claim 3*

- i. [3.pre]: The non-transitory computer-readable storage medium of claim 1, further comprising instructions to cause the electronic device to:*

See Claim 1; Ex. 1003, ¶¶175–176.

- ii. ***[3.a]: identify a first wellness data entry in the wellness database that was received from a first approved source of the plurality of approved sources, the first wellness data entry associated with a first sub-category of wellness data comprising a first timestamp; and***

Molettiere anticipates and/or renders obvious [3.a] (Ex. 1003, ¶¶177–182).

Molettiere discloses a “data synthesizer which is described as “a computing device that is configured to accept data from two or more devices and to combine their data into a single set, or to generate an aggregate metric from similar or corresponding metrics from respective devices” (Ex. 1005, 6:42-47). The data synthesizer includes a “data stream database” that stores the collected data (Ex. 1005, 14:36-39). *Molettiere* additionally teaches that “each item of data logged may be assigned a timestamp of the form Year.Month.Day.Hour.Minute.Second” (Ex. 1005, 8:63-65; Ex. 1003, ¶180).

- iii. ***[3.b]: identify a second wellness data entry in the wellness database that was received from a second approved source of the plurality of approved sources, the second wellness data entry comprising the first sub-category of wellness data, and a second timestamp, and wherein the first timestamp is within a threshold length of time from the second timestamp.***

Molettiere anticipates and/or renders obvious [3.b] (Ex. 1003, ¶¶183–189).

As discussed in [3.a], *Molettiere* discloses that the data synthesizer includes a “data stream database 1112” and “data selector/combiner module 1110” that stores and analyzes data streams collected from the user’s biometric devices, where the data

includes a timestamp (Ex. 1003, ¶184). *Molettiere* discloses that the “user may utilize different trackers” and that “when the same information is provided by two different trackers, there can be two different data points” (Ex. 1005, 12:64-66, 13:1-5; Ex. 1003, ¶185). *Molettiere*’s “system provides heuristics to determine what is the best data point, or if a combination of the data points is the best approach” (Ex. 1005, 13:1-5).” For example, *Molettiere* describes “a user using an activity tracker and treadmill concurrently” where steps, calories, distance, and floors climbed are collected by both devices (Ex. 1005, 17:14-22, Ex. 1003, ¶187).

4. Claim 4

i. [4.pre]: The non-transitory computer-readable storage medium of claim 3,

See Claim 3; Ex. 1003, ¶¶190–191.

ii. [4.a]: wherein the first approved source has been identified by the user as being preferred over the second approved source.

Molettiere anticipates and/or renders obvious [4.a] (Ex. 1003, ¶¶192–194). As discussed in [2.a], *Molettiere* discloses that data collected from one approved source may be prioritized (e.g., preferred) over another (Ex. 1003, ¶¶169-173). *Molettiere* further discloses that “users are able to modify the default prioritization hierarchy” (Ex. 1005, 10:66-67; Ex. 1003, ¶193).

- iii. ***[4.b]: and wherein the non-transitory computer-readable storage medium further comprises instructions to cause the electronic device to use the first wellness data entry instead of using the second wellness data entry.***

Molettiere anticipates and/or renders obvious [4.b] (Ex. 1003, ¶¶195–200).

As discussed in [2.a], *Molettiere* discloses that data collected from one approved source may be prioritized over another (Ex. 1003, ¶¶169-173). *Molettiere* explains that when a device is prioritized over another, the data from one device may overwrite the data from another (Ex. 1003, ¶¶197-199). For example, *Molettiere* explains “a swim tracker takes precedence over a step tracker, and overwrites calories, floor count, etc.” (Ex. 1005, 17:28-30; Ex. 1003, ¶197; *see also* Ex. 1005, 17:14-22; Ex. 1003, ¶198)

5. ***Claim 5***

- i. ***[5.pre]: The non-transitory computer-readable storage medium of claim 3,***

See Claim 3; Ex. 1003, ¶¶201–202.

- ii. ***[5.a]: wherein the first approved source has been identified by the user as being preferred over the second approved source***

Molettiere anticipates and/or renders obvious [5.a] for the same reasons as [4.a] (Ex. 1003, ¶¶201–202).

- iii. ***[5.b]: and wherein the non-transitory computer-readable storage medium further comprises instructions to cause the electronic device to prioritize the first wellness data entry over the second wellness data entry.***

Molettiere anticipates and/or renders obvious [5.b] (Ex. 1003, ¶¶205–209).

As discussed in [2.a], *Molettiere* discloses that data collected from one approved source may be prioritized over another approved source and that users are able to modify this prioritization (Ex. 1003, ¶¶169-173, 206). *Molettiere* teaches that the algorithm used to combine data streams “changes depending on the various factors” (Ex. 1005, 14:7-11). A POSITA would understand that a device prioritized for a certain type of data does not mean that device’s data is always used for that type of data (Ex. 1003, ¶208).

6. Claim 6

- i. ***[6.pre]: The non-transitory computer-readable storage medium of claim 5, further comprising instructions to cause the electronic device to:***

See Claim 5; Ex. 1003, ¶¶210–211.

- ii. ***[6.a]: in accordance with the determination that the first wellness data entry is prioritized over the second wellness data entry, use the first wellness data entry instead of using the second wellness data entry.***

Molettiere anticipates and/or renders obvious [6.a] for the same reasons as Claims [2] and [4] (Ex. 1003, ¶¶213-214).

7. ***Claim 7***

- i. [7.pre]: The non-transitory computer-readable storage medium of claim 3,***

See Claim 3; Ex. 1003, ¶¶216–217.

- ii. [7.a]: wherein the second approved source has been identified by the user as being preferred over the first approved source,***

Molettiere anticipates and/or renders obvious [7.a] (Ex. 1003, ¶¶218–220).

As discussed in [2.a], *Molettiere* discloses that data collected from one approved source may be prioritized (e.g., preferred) (Ex. 1003, ¶¶169-173, 219). *Molettiere* further discloses that “users are able to modify the default prioritization hierarchy” (Ex. 1005, 10:66-67; Ex. 1003, ¶219).

- iii. [7.b]: and wherein the non-transitory computer-readable storage medium further comprises instructions to cause the electronic device to prioritize the second wellness data entry over the first wellness data entry.***

Molettiere anticipates and/or renders obvious [7.b] (Ex. 1003, ¶¶221–225).

As discussed in [2.a], *Molettiere* discloses that data collected from one approved source may be prioritized (Ex. 1003, ¶¶169–173, 222). *Molettiere* further teaches that the algorithm used to combine data streams “changes depending on the various factors” (Ex. 1005, 14:7-11). A POSITA would understand that a device prioritized for a certain type of data does not mean that device’s data is always used for that type of data (Ex. 1003, ¶¶223–224).

8. Claim 8

- i. [8.pre]: The non-transitory computer-readable storage medium of claim 7, further comprising instructions to cause the electronic device to:***

See Claim 7; Ex. 1003, ¶¶226–227.

- ii. [8.a]: in accordance with the determination that the first wellness data entry is prioritized over the second wellness data entry, use the first wellness data entry instead of using the second wellness data entry.***

Molettiere anticipates and/or renders obvious [8.a] for the same reasons as Claims [2] and [4] (Ex. 1003, ¶¶228–23).

9. Claim 9

- i. [9.pre]: The non-transitory computer-readable storage medium of claim 1, further comprising instructions that cause the electronic device to:***

See Claim 1; Ex. 1003, ¶¶232–233.

- ii. [9.a]: display on the display a plurality of categories of wellness data stored in the wellness database.***

Molettiere anticipates and/or renders obvious [9.a] (Ex. 1003, ¶¶234–242).

As discussed in [1.c], *Molettiere* discloses data types that can be collected by the biometric device (Ex. 1005, Table 1). *Molettiere* explains that the data types are “classified into biometric, environmental, continuous, and discrete categories” and that “any data listed may be used in any of the listed categories” (Ex. 1005, 9:6-8). *Molettiere* discloses that collected data can be stored in a database (see § VII.A.ix; Ex. 1003, ¶¶239–241).

It would have been obvious to display categories of data types to a user (Ex. 1003, ¶¶236–237). A POSITA would have been motivated to do this so that the user can view subsets of wellness data within that category (Ex. 1003, ¶¶236–237). This would allow the user to view and easily digest what types of data is being collected, as well as how it is collected (Ex. 1003, ¶¶236–237). Further, a POSITA would have been motivated to display the categories of wellness data by grouping the types of data being collected for the “the user to quickly review and comprehend data from many different devices” (Ex. 1003, ¶¶236–237; Ex. 1005, 21:4-6). *Molettiere* discloses that the user interface displays “may utilize different layouts, data charts, data points, option buttons, data streams, etc.” (Ex. 1005, ¶¶236–237).

10. Claim 10

- i. [10.pre]: The non-transitory computer-readable storage-medium of claim 9, further comprising instructions to cause the electronic device to:***

See Claim 9; Ex. 1003, ¶¶243–244.

- ii. [10.a]: detect a selection of a category of wellness data form the plurality of categories of wellness data.***

Molettiere anticipates and/or renders obvious [10.a] (Ex. 1003, ¶¶245–248). As discussed above, *Molettiere* renders obvious [9.a]. It would have been obvious to a POSITA to display the plurality of categories of wellness data to allow the user to select a category to view more detailed information relating to that category (Ex. 1003, ¶250). A POSITA would have understood that a user’s selection of a category

of wellness data would cause the device to detect a selection of a category of wellness data (Ex. 1003, ¶¶246–247).

iii. [10.b] in response to detecting the selection of a category of wellness data, display on the display, one or more sub-categories of the category of wellness data.

Molettiere anticipates and/or renders obvious [10.b] (Ex. 1003, ¶¶249–251). *Molettiere* renders obvious [9.a]. It would have been obvious to a POSITA to display the plurality of categories of wellness data to allow the user to select a category to view more detailed information relating to that category (Ex. 1003, ¶250). A POSITA would have understood that if a user selected a category of wellness data, the display would display one or more-subcategories. For instance, if a user selected “continuous,” the display would display the types of data being collected continuously—such as steps (Ex. 1003, ¶250). Thus, as explained in [9.a], POSITA would have been motivated to display the plurality of categories of wellness data for the user to choose from so the user can view the types of wellness data associated with that category (Ex. 1003, ¶250).

11. Claim 11

i. [11.pre]: The non-transitory computer-readable storage medium of claim 10:

See Claim 10; Ex. 1003, ¶252–253.

ii. [11.a] wherein the detailed view of the sub-category further comprises an input field for entering a wellness data entry

Molettiere anticipates and/or renders obvious [11.a] (Ex. 1003, ¶¶254–256).

Molettiere discloses that a user can enter wellness data (Ex. 1003, ¶255). *Molettiere* explains that the user can review data, and perform tasks such as “correcting incorrect data,” “entering biometric data,” or “entering data that is not tracked by the user’s devices” via the user interface (Ex. 1005, 21:64-3; Ex. 1003, ¶255). A POSITA would have understood that *Molettiere* discloses this element, or at the very least it would have been obvious to implement an input field to allow the user to modify, correct, or update their data so as to allow for the correction of data (Ex. 1003, ¶255).

iii. [11.b]: and wherein the non-transitory computer-readable storage medium further comprises instructions to cause the electronic device to: receive a wellness data entry to be stored in the wellness database that was input into the input field.

Molettiere anticipates and/or renders obvious [11.a] (Ex. 1003, ¶¶257–259).

As discussed in [11.a], *Molettiere* discloses and/or renders obvious an input field. And as discussed in [1.e.i], *Molettiere* discloses that the data is collected and stored in a database. A POSITA familiar with user interface design would have understood *Molettiere* to disclose an input field for entering a wellness data entry and that data

inputted into this field would be received and stored in the wellness database (Ex. 1003, ¶258).

12. Claim 18

- i. *[18.pre]: The non-transitory computer-readable storage medium of claim 9, further comprising instructions to cause the electronic device to:*

See Claim 9; Ex. 1003, ¶¶260–261.

- ii. *[18.a]: display, on the display, a source interface comprising a list of known sources.*

Molettiere anticipates and/or renders obvious [18.a] (Ex. 1003, ¶¶262–266).

Molettiere discloses displaying a list of known sources (Ex. 1003, ¶¶263–265).

Ex. 1005, Fig. 13 (annotated)



Fig. 13

Molettiere teaches that “a list of devices is provided on the page and the user can select one device at a time to view profile information for the corresponding device” (Ex. 1005, 22:24-31), as shown in Fig. 15 below:

Ex. 1005, Fig. 15

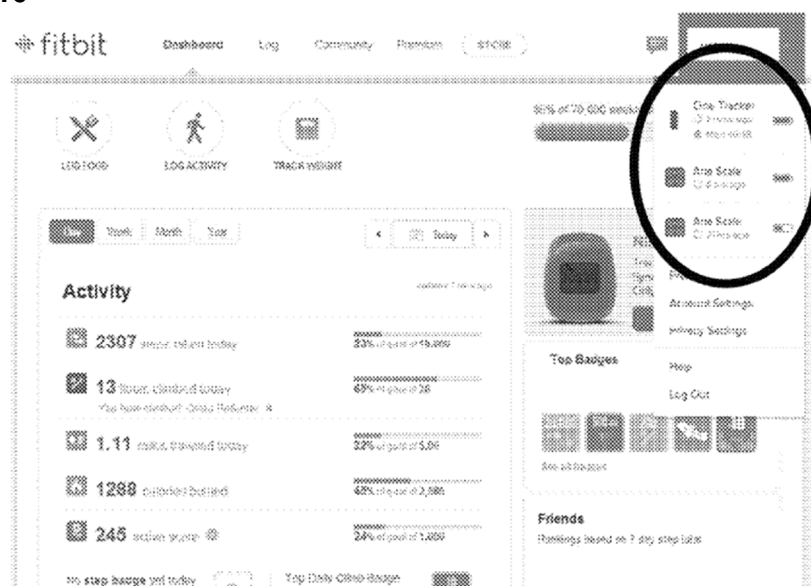


Fig. 15

13. Claim 20

- i. [20.pre]: The non-transitory computer-readable storage medium of claim 18, further comprising instructions to cause the electronic device to:

See Claim 18; Ex. 1003, ¶¶267–268.

- ii. [20.a]: detect a selection of a known source from the displayed list of known sources; and

Molettiere anticipates and/or renders obvious [20.a] (Ex. 1003, ¶¶269–271).

Molettiere explains that “if the user selects a device, (e.g., touches the area associated with one device), further information regarding that device and its configuration is

provided” (Ex. 1005, 21:61-64). *Molettiere* further explains that “when the user selects one of the active tracking device [*sic*] (e.g. clicks or touches on the corresponding device in Fig. 15), the interface of Fig. 16 is presented with information about that device” (Ex. 1005, 22:25-29). A POSITA would have understood that *Molettiere* discloses detecting a selection of a known source from the displayed list of known sources (Ex. 1003, ¶270).

iii. [20.b]: in response to detecting the selection of the known source, display, on the display, a list of types of wellness data the that the known source can provide.

Molettiere anticipates and/or renders obvious [20.b] (Ex. 1003, ¶¶272–276). As discussed in [20.a], *Molettiere* displays a list of known sources. *Molettiere* teaches that “when the user selects one of the active tracking device [*sic*] (e.g. clicks or touches on the corresponding device in Fig. 15), the interface of Fig. 16 is presented with information about that device” (Ex. 1005, 22:25-29). And as discussed in [1.c.ii], the device settings interface includes selectable options for each type of information tracked or collected by an individual device (Ex. 1005, 21:64-65, 22:32-39; Ex. 1003, ¶274).

14. Claim 21

i. [21.pre]: The non-transitory computer-readable storage medium of claim 20,

See Claim 20; Ex. 1003, ¶¶277–278.

- ii. ***[21.a]: wherein the list of types of wellness data that the known source can provide comprises a selectable option for each of the types of wellness data that the known source can provide to approve or reject the associated type of wellness data.***

Molettiere anticipates and/or renders obvious [21.a] (Ex. 1003, ¶¶279–280).

As discussed in [20.b] and [1.c.ii], *Molettiere* disclose selectable options for each type of wellness data that the known source can provide to approve or reject the associated type of wellness data. A POSITA would have understood that by selecting “ON” in the device settings menu, the device is configured to collect information about that specific metric (Ex. 1003, ¶¶273–275).

15. Claim 22

- i. ***[22.pre]: The non-transitory computer-readable storage medium of claim 21, further comprising instructions to cause the electronic device to:***

See Claim 21; Ex. 1003, ¶¶281–282.

- ii. ***[22.a]: detect a selection of the selectable option for a type of wellness data that the known source can provide; and***

Molettiere anticipates and/or renders obvious [22.a] (Ex. 1003, ¶¶283–286).

As discussed in [20.b] and [1.c.ii], *Molettiere* discloses a user interface with selectable options for each type of wellness data that the known source can provide to approve or reject the associated type of wellness data. Further, it would have been obvious to a POSITA that the user interface would cause the device to receive user

selection of the selectable data sharing options discussed in [21.a] and [1.c.ii] (Ex. 1003, ¶285).

iii. [22.b]: in response to detecting the selection of the selectable option, approve or reject the type of wellness data that the known source can provide in accordance with the detected selection of the selectable option.

Molettiere anticipates and/or renders obvious [22.b] (Ex. 1003, ¶¶287–291). As discussed in [20.b] and [1.c.ii], *Molettiere* discloses selectable options for each type of wellness data that the known source can provide to approve or reject the associated type of wellness data (Ex. 1003, ¶288). A POSITA would have understood that by toggling the selectable option to “ON” or “OFF,” the biometric device is configured to or not configured to collect information about that specific metric, respectively (Ex. 1003, ¶288). Figure 16 illustrates that distance, calories burned, and floors climbed are all turned ON (or enabled) for that device via the selectable sharing options (boxed in ORANGE).

Ex. 1001, Fig. 36 (annotated)

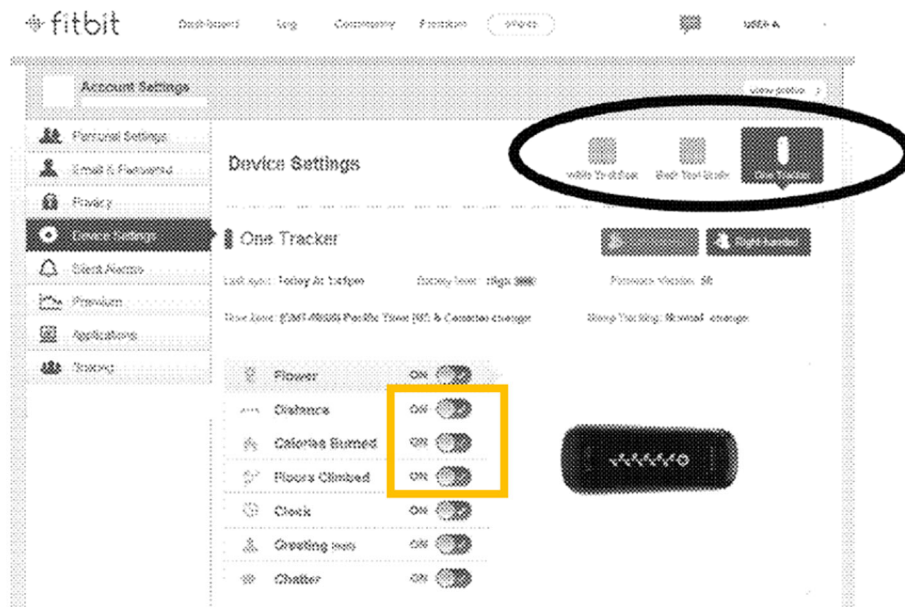


Fig. 16

16. Claim 23

i. [23.pre]

Molettiere discloses [23.pre]. See [1.pre].

ii. [23.pre.i]

Molettiere discloses [23.pre.i]. See [1.pre].

iii. [23.a]

Molettiere discloses [23.a]. See [1.a].

iv. [23.b]

Molettiere discloses [23.b]. See [1.b].

v. [23.c]

Molettiere discloses [23.c]. See [1.c].

vi. [23.c.i]

Molettiere discloses [23.c.i]. *See* [1.c.i].

vii. [23.c.ii]

Molettiere discloses [23.c.ii]. *See* [1.c.ii].

viii. [23.d]

Molettiere discloses [23.d]. *See* [1.d].

ix. [23.e]

Molettiere discloses [23.e]. *See* [23.e].

x. [23.e.i]

Molettiere discloses [23.e.i]. *See* [1.e.i].

xi. [23.e.ii]

Molettiere discloses [23.e.ii]. *See* [1.e.ii].

17. Claim 25

i. [25.pre]

Molettiere discloses [25.pre]. *See* [2.pre].

ii. [25.a]

Molettiere discloses [25.a]. *See* [2.a].

18. Claim 26

i. [26.pre]

Molettiere discloses [26.pre]. *See* [3.pre].

ii. [26.a]

Molettiere discloses [26.a]. *See* [3.a].

iii. [26.b]

Molettiere discloses [26.b]. *See* [3.b].

19. Claim 27

i. [27.pre]

Molettiere discloses [27.pre]. *See* [4.pre].

ii. [27.a]

Molettiere discloses [27.a]. *See* [4.a].

iii. [27.b]

Molettiere discloses [27.b]. *See* [4.b].

20. Claim 28

i. [28.pre]

Molettiere discloses [28.pre]. *See* [5.pre].

ii. [28.a]

Molettiere discloses [28.a]. *See* [5.a].

iii. [28.b]

Molettiere discloses [28.b]. *See* [5.b].

21. Claim 29

i. [29.pre]

Molettiere discloses [29.pre]. *See* [6.pre].

ii. [29.a]

Molettiere discloses [29.a]. *See* [6.a].

22. Claim 30

i. [30.pre]

Molettiere discloses [30.pre]. See [7.pre].

ii. [30.a]

Molettiere discloses [30.a]. See [7.a].

iii. [30.b]

Molettiere discloses [30.b]. See [7.b].

23. Claim 31

i. [31.pre]

Molettiere discloses [31.pre]. See [8.pre].

ii. [31.a]

Molettiere discloses [31.a]. See [8.a].

24. Claim 32

i. [32.pre]

Molettiere discloses [32.pre]. See [9.pre].

ii. [32.a]

Molettiere discloses [32.a]. See [9.a].

25. Claim 33

i. [33.pre]

Molettiere discloses [33.pre]. See [10.pre].

ii. [33.a]

Molettiere discloses [33.a]. See [10.a].

iii. [33.b]

Molettiere discloses [33.b]. *See* [10.b].

26. Claim 34

i. [34.pre]

Molettiere discloses [34.pre]. *See* [11.pre].

ii. [34.a]

Molettiere discloses [34.a]. *See* [11.a].

iii. [34.b]

Molettiere discloses [34.b]. *See* [11.b].

27. Claim 41

i. [41.pre]

Molettiere discloses [41.pre]. *See* [18.pre].

ii. [41.a]

Molettiere discloses [41.a]. *See* [18.a].

28. Claim 43

i. [43.pre]

Molettiere discloses [43.pre]. *See* [20.pre].

ii. [43.a]

Molettiere discloses [43.a]. *See* [20.a].

iii. [43.b]

Molettiere discloses [43.b]. *See* [20.b].

29. Claim 44

i. [44.pre]

Molettiere discloses [44.pre]. See [21.pre].

ii. [44.a]

Molettiere discloses [44.a]. See [21.a].

30. Claim 45

i. [45.pre]

Molettiere discloses [45.pre]. See [22.pre].

ii. [45.a]

Molettiere discloses [45.a]. See [22.a].

iii. [45.b]

Molettiere discloses [45.b]. See [22.b].

B. Ground 2: Claims 1, 3, 9, 10, 16, 18, 23, 26, 32, 33, 39, and 41 Are Unpatentable Under 35 U.S.C. § 103 over *Cohen*

1. Claim 1²

i. [1.pre]

Cohen renders obvious [1.pre] (Ex. 1003, ¶¶340–344). *Cohen* relates to “methods and apparatus, including computer program products, [] for remote monitoring,” (Ex. 1006, Abstract, 1:62-64, 3:3-7). The health monitoring system

² As discussed in Note 1, the method claims are unpatentable for the same reasons as the CRM claims.

described in *Cohen* includes one or more “host monitoring systems” connected to a plurality of “remote monitors” (Ex. 1006, Fig. 1, 6:7:45-48). *Cohen* teaches that “each host monitoring system 198A-198N” and “each remote monitor 114A-114M” comprises “a smart device” that may include applications downloaded from a server or the Apple App Store, which configure the device to perform any of the host/remote monitoring functions described in *Cohen* (Ex. 1006, 8:32-47; Ex. 1003, ¶341).

ii. [1.a]

Cohen renders obvious [1.a] (Ex. 1003, ¶¶345–355). *Cohen* describes a remote monitoring “system for one or more caretakers (e.g., a parent, spouse or healthcare practitioner) to remotely monitor health characteristics of one or more hosts” (Ex. 1006, 6:22-25; Ex. 1003, ¶346).³ *Cohen* teaches that “[e]ach host monitoring system 198 may be one or more health monitoring devices that gather health-related data associated with a host and transmit the health-related data via

³ Patent Owner alleges that AliveCor’s Kardia Pro Service allows physicians (e.g., remote monitors) to “receive information such as wellness data by, for instance, KardiaMobile devices using one or more sensors to collect data” (*see* Ex. 1017, 10-21).

network 108” (Ex. 1006, 7:48-51). *Cohen*’s “host monitoring system[s]” (annotated in BLUE) are a plurality of sources of wellness data (Ex. 1003, ¶¶347–348).

Ex. 1006, Fig. 1 (annotated)

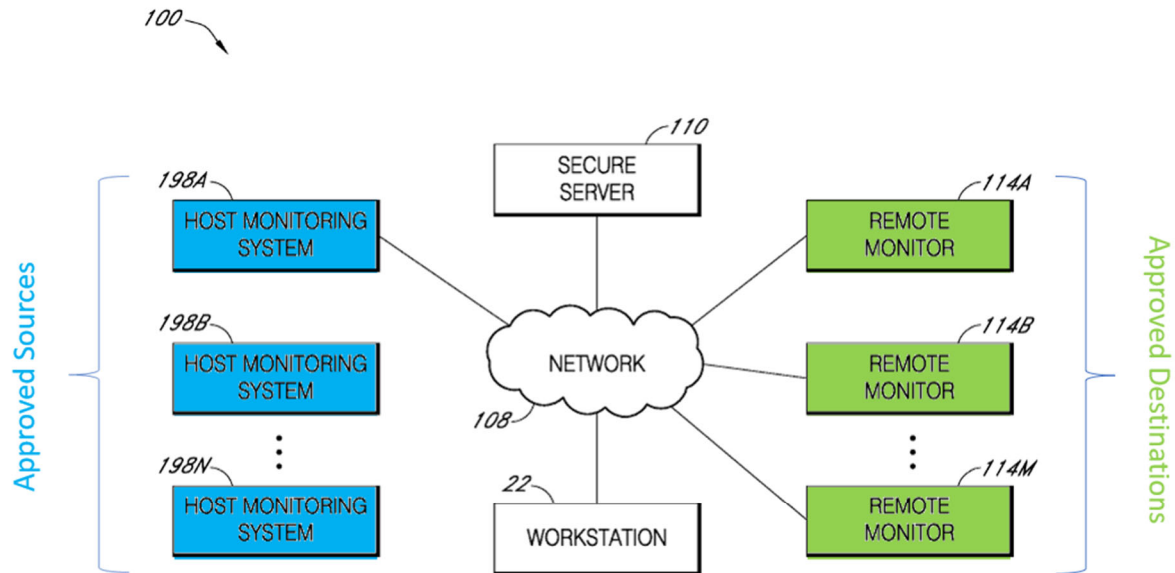


FIG. 1

Cohen explains that each “host monitoring system” is an approved source of wellness data (Ex. 1003, ¶¶348-351). The user creates an account and registers their devices by “entering a unique identifier” (Ex. 1006, 41:20-30, 10:44-58; Ex. 1003, ¶¶348-349). Additionally, *Cohen* teaches that each remote monitor may approve the monitoring of each host (Ex. 1006, 35:3-8, 35:29-33, Fig. 12; Ex. 1003, ¶¶350–351).

iii. [1.b]

Cohen renders obvious [1.b] (Ex. 1003, ¶¶356–363). *Cohen* explains that “the information gathered by the host monitoring system can be transmitted to one or more remote monitors used by caretakers” (Ex. 1006, 6:39-41).⁴ The remote monitors each “have a smart device” and are associated with “an individual or entity monitoring the health of one or more hosts using host monitoring systems 198A-198N” (Ex. 1006, 7:65-68; Ex. 1003, ¶357). *Cohen*’s “remote monitor[s]” are a plurality of approved destinations of wellness data (Ex. 1003, ¶¶358–362).

⁴ Patent Owner alleges that AliveCor’s Kardio Pro Service allows clinicians to forward wellness data to “medical professionals or other designated individuals” (Ex. 1017, 22, 25-26).

Ex. 1006, Fig. 1 (annotated)

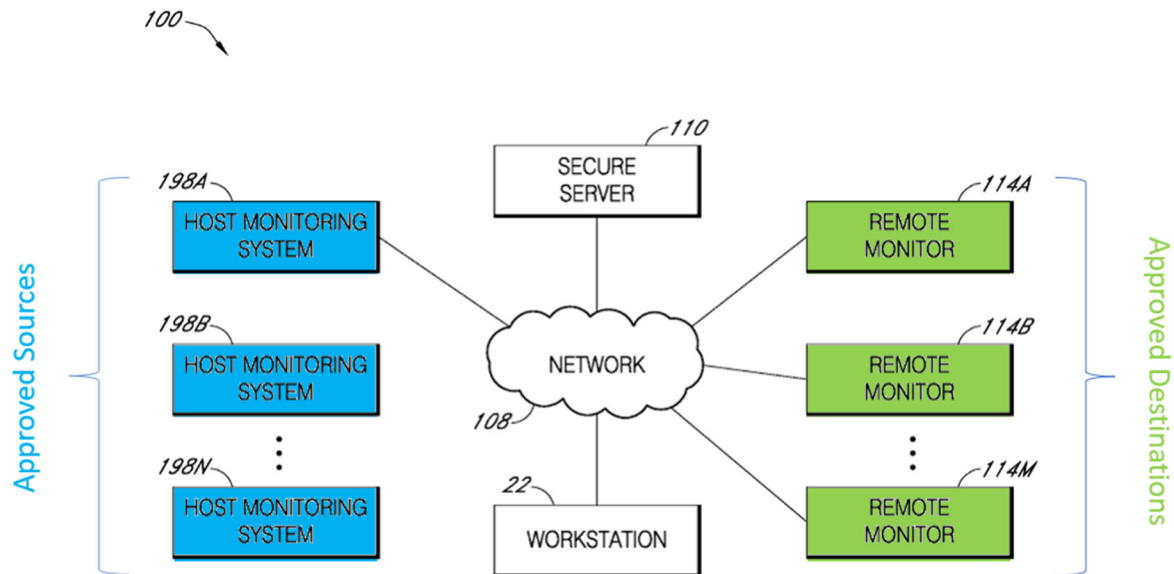


FIG. 1

Cohen explains that each “remote monitor” is an approved destination because the host can approve monitors to view their wellness data (Ex. 1003, ¶¶359–361). *Cohen* teaches that “[v]arious permission and invitations can be used to limit which remote monitors 1144A-114M can monitor host monitoring systems 198A-198N” (Ex. 1006, 8:23-26; 42:54-55, 42:60-64).

iv. [1.c]

Cohen renders obvious [1.c] (Ex. 1003, ¶¶364–373). *Cohen*’s remote monitoring system allows each remote monitor to “remotely monitor health characteristics of one or more hosts” (Ex. 1006, 6:22-25; Ex. 1003, ¶365). *Cohen* teaches that these health characteristics can include “an analyte concentration of a

host, such as glucose, or a bodily function, such as heart rate, blood pressure, or temperature, and the like” (Ex. 1006, 6:25-31). *Cohen* further teaches that both the host and remote monitor may view these health characteristics (e.g., sub-categories of wellness data) through a dashboard (Ex. 1006, 30:35-31:30, 48:26-49:11, 51:10-15; Ex. 1003, ¶¶367; Ex. 1003, ¶¶367–372).

Cohen explains that “dashboard 1800 can include a plurality of cells 1802a-1802d, each associated with a different host” and that selection of a cell “can cause the remote monitor display to transition to another display page that provides additional information about the host associated with that cell,” such as “the trend graph display” of Figure 19 (Ex. 1006, 48:32-33, 48:4-8, Figs. 18 and 19).

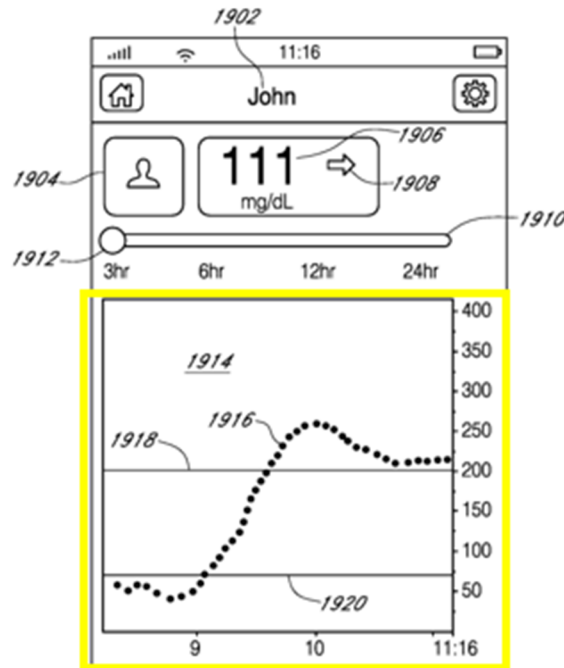


FIG. 19

Figure 19 displays “a trend line 1916 of the measured analyte concentration, as well as low and high thresholds 1918 and 1920 that are used for alerting either the monitor 114 or the host monitoring system 198” (Ex. 1006, 50:20-24; Ex. 1003, ¶¶367–368). A POSITA would understand that wellness data collected by *Cohen* would be displayed to the host and/or remote monitor (Ex. 1003, ¶372).

v. [1.c.i]

Cohen renders obvious [1.c.i] (Ex. 1003, ¶¶374–377). *Cohen* teaches that the host and the remote monitors may view the wellness data collected by the host monitoring system. See [1.c]. The display includes a graph representation of a sub-

category of wellness data (*see* Ex. 1006, Fig. 19, 27:55-61, 50:17-51:15).

A POSITA would have understood that Fig. 19 depicts aggregated values of the host's analyte concentration (i.e., a sub-category of wellness data) (Ex. 1003, ¶376). *Cohen* explains that the remote monitoring system includes “a continuous analyte monitoring system” and “a continuous analyte sensor,” as well as other devices (Ex. 1006, 8:50-53). *Cohen* further explains that days of “continuous analyte sensor data received from the sensor” may be stored (Ex. 1007, 20:33-35) and that the processor module may “process data from the sensor, filter the data, calibrate the data, and even average the data collected over a certain period of time” (Ex. 1006, 19:27-31, 19:51-54). A POSITA would have understood that *Cohen's* collects continuous health information from the host monitoring system that can be aggregated and displayed (Ex. 1003, ¶376). The aggregated wellness data allows the remote monitor to view the trend graph that may display “the least 3 hours' worth of glucose levels” or data from another time frame (e.g., 12 hours' worth, 24 hours' worth, etc.) (Ex. 1006, 14:25-32; Ex. 1003, ¶376).⁵

⁵ Patent Owner accuses AliveCor's Kardio Pro Service that displays a trend graph of a user's EKG recordings collected over a period of time (*see* Ex. 1017, 37, 42).

vi. [1.c.ii]

Cohen renders obvious [1.c.ii] (Ex. 1003, ¶¶378–386). *Cohen* explains that display pages, such as the settings display page of Fig. 15, “allow the user to view status of remote monitors 114 and configure permissions and settings associated with remote monitors” (Ex. 1006, 46:44-47; Ex. 1003, ¶¶379–380).

Ex. 1006, Fig. 15 (annotated)

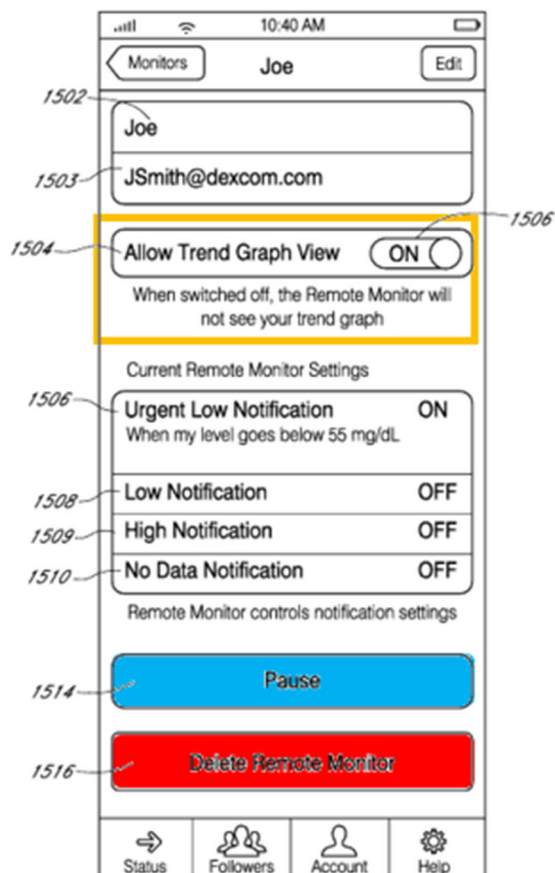


FIG. 15

Cohen explains that “the permissions can include a trend graph permission 1504 tab” (highlighted in ORANGE) “that a user can use to toggle between allowing and denying permission to view the graph” (Ex. 1006, 47:30-33). “If permitted, remote monitoring system 100 allows that remote monitor to view trend graph information of the host 199 and, if denied, then the remote monitor cannot view the trend graph information of the host” (Ex. 1006, 47:32-36). *Cohen*’s trend graph permission 1504 tab is identical to the selectable options described and depicted in the ’898 Patent (Ex. 1003, ¶¶381–382, *see* § IV.A).

Cohen also discloses a “pause/resume control button 1514” and a “delete remote monitor control button 1516” (highlighted in BLUE and RED), that “allow a user of the host monitoring application to pause and cancel capabilities of remote monitor 114A monitoring the host 199” (Ex. 1006, 47:48-48:1; Ex. 1003, ¶¶383–384).

vii. [1.d]

Cohen renders obvious [1.d] (Ex. 1003, ¶¶387–389). As discussed in [1.c.ii], *Cohen* discloses a user interface with selectable data sharing options. It would have been obvious to POSITA that the user interface would cause the device to receive user selection of the selectable data sharing options discussed above (Ex. 1003, ¶388).

viii. [1.e]

Cohen renders obvious [1.e] (Ex. 1003, ¶¶390–391; *see* [1.e.i] and [1.e.ii]).

ix. [1.e.i]

Cohen renders obvious [1.e.i] (Ex. 1003, ¶¶392–401). *Cohen* discloses displaying a plurality of approved sources:

Ex. 1006, Fig. 18A

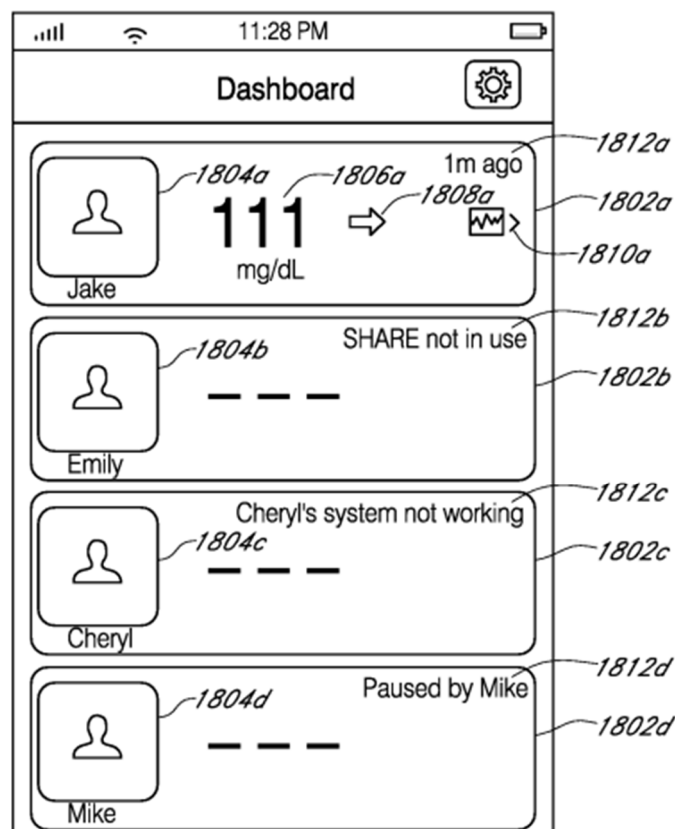


FIG. 18A

Figure 18A includes cells associated with a different host, and each cell “lists a current status of the cell, such as a time 1812a when the analyte value 1806A a currently displayed in the cell was measured” (Ex. 1006, 48:37-44; Ex. 1003, ¶¶395).

Cohen also discloses that “the secure server 110 may also provide a cloud-based diabetes data management framework that receives patient-related data from various devices” and that the “processed data and/or the raw data may be stored at a repository coupled to the secure server” (Ex. 1006, 26:39-47, 27:16-27). A POSITA would have understood that a cloud-based framework and a repository would include a database, a common and advantageous method for storing any kind of data (Ex. 1003, ¶397). And *Cohen* indicates that data is stored in a database (Ex. 1006, Figs. 20 and 21).

x. [1.e.ii]

Cohen renders obvious [1.e.ii] (Ex. 1003, ¶¶402–408). *Cohen* discloses a “host monitoring application” that includes “various display pages that allow the user to view status of remote monitors 114 and configure permissions and settings associated with remote monitors” (Ex. 1006, 46:44-47). As depicted in Figure 14, *Cohen*’s host monitoring application displays a list of the “remote monitors” associated with the host (*e.g.*, approved destinations) (Ex. 1003, ¶404).

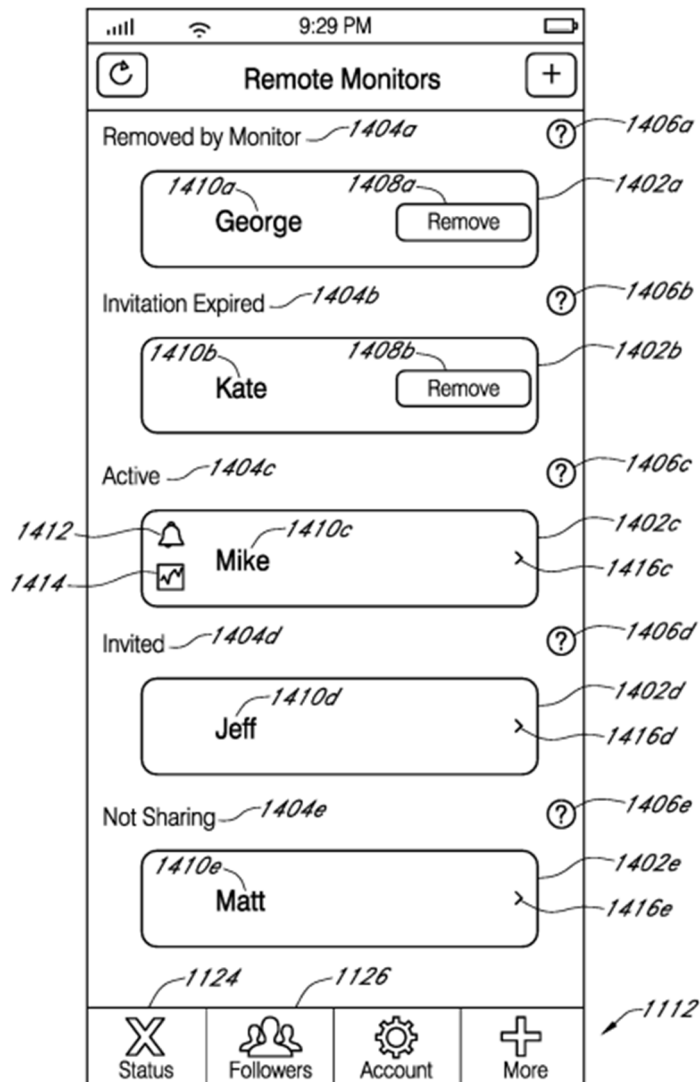


FIG. 14

Cohen teaches that “cells 1402a-1402e can be displayed according to status of the remote monitor,” such as Active or Invited, and that “a plurality of cells can be displayed under each group” (Ex. 1006, 46:53-64; Ex. 1003, ¶405). *Cohen* also

teaches that “icons can be displayed in a cell that illustrate permissions and/or enabled functions associated with the remote monitor” (Ex. 1006, 47:4-10).

2. Claim 3

i. [3.pre]

See Claim 1; Ex. 1003, ¶¶409–410.

ii. [3.a]

Cohen renders obvious [3.a] (Ex. 1003, ¶¶411–414). *Cohen* discloses “a system for one or more caretakers (e.g., a parent, spouse or healthcare practitioner) to remotely monitor health characteristics of one or more hosts” (Ex. 1006, 6:22-25). *Cohen* further discloses a data storage memory “configured to store variety of sensor information,” such as “one or more days of continuous analyte sensor data” (Ex. 1006, 20:29-33). *Cohen* teaches that “the stored sensor information may include ... a time stamp” (Ex. 1006, 20:37-38; Ex. 1003, ¶413).

iii. [3.b]

Cohen renders obvious [3.b] (Ex. 1003, ¶¶415–419). *Cohen* discloses “a system for one or more caretakers (e.g., a parent, spouse or healthcare practitioner) to remotely monitor health characteristics of one or more hosts” (Ex. 1006, 6:22-25). *Cohen* further discloses a data storage memory “configured to store variety of sensor information,” that includes a time stamp, such as “one or more days of continuous analyte sensor data” (Ex. 1006, 20:29-33, 20:37-38). A POSITA would have understood that *Cohen* discloses that continuous analyte sensor data may be

collected from one or more host monitoring systems (e.g., a first and second approved sources) within a threshold period of time, for example, every 5 or 10 minutes (Ex. 1003, ¶¶416-418).

3. Claim 9

i. [9.pre]

See Claim 1; Ex. 1003, ¶¶420–421.

ii. [9.a]

Cohen renders obvious [9.a] (Ex. 1003, ¶¶422–431). As explained in [1.c], the “remote monitoring dashboard” includes a plurality of cells associated with each host. *Cohen* teaches that each “cell can include information about the health condition being monitored and display the most current analyte concentration value and a trend arrow indicating a rate of change of the measured analyte” (Ex. 1006, 48:61-67). *Cohen* further teaches that “user selection of a cell 1802 can also cause the remote monitor display to transition to another page that provides additional information about the host associated with that cell,” such as “the trend graph display (Fig. 19) associated with the host” (Ex. 1006, 49:7-8; Ex. 1003, ¶425).

As another example, *Cohen* teaches that a display page “may be presented on a display, so that a selection (e.g., touch on a touch screen, mouse over, click, etc.) of a cell, notification or face icon results in additional information being provided to the remote monitor” (Ex. 1006, 30:64-31:1). *Cohen* teaches displaying information about the selected student in more detail (e.g., displaying a trend graph of the

student's glucose level over the past three hours) (Ex. 1006, 31:1-9; Ex. 1003, ¶¶425–428).

To the extent *Cohen* fails to disclose “display on the display a plurality of categories of wellness data,” it would have been obvious to a POSITA to display broader categories of wellness data for the user to choose from to allow the user to easily view the overall status of host, and view more detailed information about the host upon selecting an option on the user interface display (Ex. 1003, ¶429).

4. Claim 10

i. [10.pre]

See Claim 9; Ex. 1003, ¶¶432–433.

ii. [10.a]

Cohen renders obvious [10.a] (Ex. 1003, ¶¶434–437; *see also* [9.a]). It would have been obvious to a POSITA to display the plurality of categories of wellness data to allow the user to select a category to view more detailed information relating to that category (Ex. 1003, ¶435). A POSITA would have understood that a user's selection of a category of wellness data would cause the device to detect a selection of a category of wellness data (Ex. 1003, ¶¶435–436).

iii. [10.b]

Cohen renders obvious [10.b] (Ex. 1003, ¶¶348–441; *see also* [9.a]). It would have been obvious to a POSITA to display the plurality of categories of wellness data to allow the user to select a category to view more detailed information relating

to that category (i.e., sub-categories of wellness data), and that POSITA would have understood that if a user selected a category of wellness data, the display would display one or more-subcategories (Ex. 1003, ¶¶439–440). Further, it would have been obvious to a POSITA that the categories of wellness data may be selected by the user to view more detailed information regarding a host (e.g., sub-categories of wellness data) (Ex. 1003, ¶¶439–440).

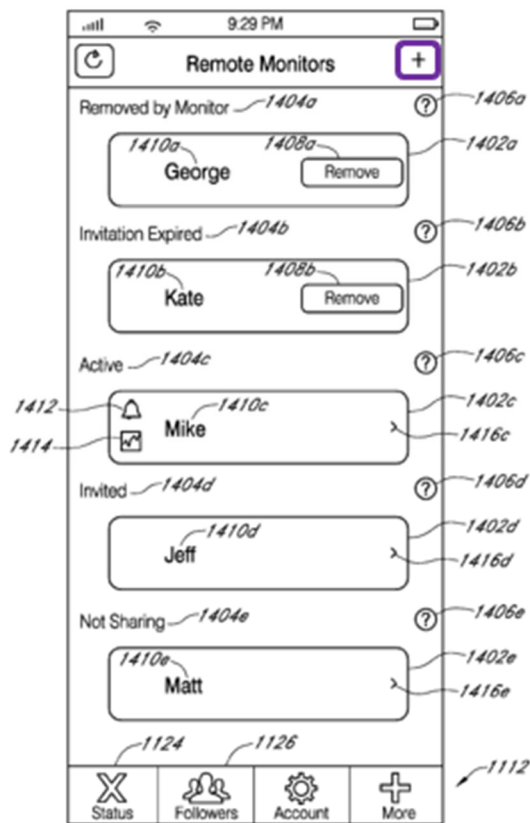
5. Claim 16

i. [16.pre]

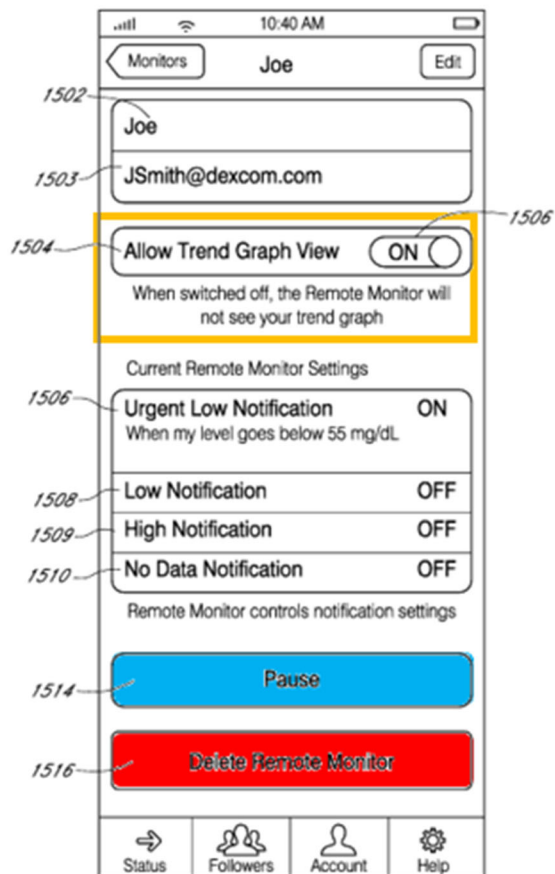
See Claim 10; Ex. 1003, ¶¶442–443.

ii. [16.a]

Cohen renders obvious [16.a] (Ex. 1003, ¶¶444–447). As discussed in [1.b] and [1.c.ii], *Cohen* discloses an interface for adding and removing a remote monitor (e.g., an approved destination). *Cohen* discloses that “the user uses the application on the host device 105 to invite remote monitors 114” (Ex. 1006, 42:4-55). An option to add a remote monitor is highlighted in PURPLE below (Ex. 1003, ¶445).



Cohen also describes the ability of “a user of the host monitoring application to pause and cancel capabilities of remote monitor 114A monitoring the host of 119” (Ex. 1006, 47:48-50). Options to pause and delete a remote monitor (e.g., remove an approved destination) are highlighted in BLUE and RED below (Ex. 1003, ¶446).



6. **Claim 18**

i. **[18.pre]**

Cohen renders obvious [18.pre] (see Claim 9; Ex. 1003, ¶¶425–426).

ii. [18.a]

Cohen renders obvious [18.a] (Ex. 1003, ¶¶427–429). *Cohen* discloses a remote monitoring dashboard that displays the monitored hosts (e.g., a list of known sources) (Ex. 1006, 48:26-29; Ex. 1003, ¶428).

Ex. 1006, Fig. 18A

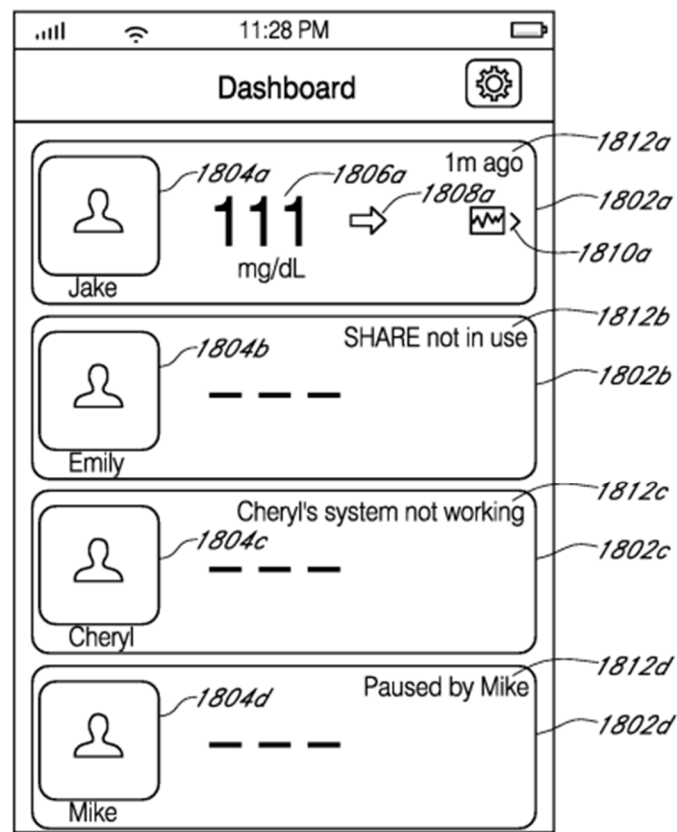


FIG. 18A

Mike's host monitoring system has been paused (Ex. 1006, 48:42-44), and is thus a known source that cannot be viewed (Ex. 1003, ¶428).

7. *Claim 23*

i. *[23.pre]*

Cohen renders [23.pre]. *See* [1.pre].

ii. *[23.pre.i]*

Cohen renders obvious [23.pre.i]. *See* [1.pre].

iii. *[23.a]*

Cohen renders obvious [23.a]. *See* [1.a].

iv. *[23.b]*

Cohen renders obvious [23.b]. *See* [1.b].

v. *[23.c]*

Cohen renders obvious [23.c]. *See* [1.c].

vi. *[23.c.i]*

Cohen renders obvious [23.c.i]. *See* [1.c.i].

vii. *[23.c.ii]*

Cohen renders obvious [23.c.ii]. *See* [1.c.ii].

viii. *[23.d]*

Cohen renders obvious [23.d]. *See* [1.d].

ix. *[23.e]*

Cohen renders obvious [23.e]. *See* [23.e].

x. *[23.e.i]*

Cohen renders obvious [23.e.i]. *See* [1.e.i].

xi. [23.e.ii]

Cohen renders obvious [23.e.ii]. *See* [1.e.ii].

8. Claim 26

i. [26.pre]

Cohen renders obvious [26.pre]. *See* [3.pre].

ii. [26.a]

Cohen renders obvious [26.a]. *See* [3.a].

iii. [26.b]

Cohen renders obvious [26.b]. *See* [3.b].

9. Claim 32

i. [32.pre]

Cohen renders obvious [32.pre]. *See* [9.pre].

ii. [32.a]

Cohen renders obvious [32.a]. *See* [9.a].

10. Claim 33

i. [33.pre]

Cohen renders obvious [33.pre]. *See* [10.pre].

ii. [33.a]

Cohen renders obvious [33.a]. *See* [10.a].

iii. [33.b]

Cohen renders obvious [33.b]. *See* [10.b].

11. Claim 39

i. [39.pre]

Cohen renders obvious [39.pre]. See [16.pre].

ii. [39.a]

Cohen renders obvious [39.pre]. See [16.a].

12. Claim 41

i. [41.pre]

Cohen renders obvious [41.pre]. See [18.pre].

ii. [41.a]

Cohen renders obvious [41.a]. See [18.a].

C. Ground 3: Claims 1, 9-10, 18, 20-22, 23, 32-33, 41, and 43-45 Are Unpatentable Under 35 U.S.C. § 103 over *Yuen* in view of *Molettiere*

1. Motivation to Combine

A POSITA would combine *Yuen* and *Molettiere* (Ex. 1003, ¶¶454–468). *Yuen* and *Molettiere* are generally directed to the same technical field of biometric monitoring devices and share similar goals (Ex. 1003, ¶455). *Yuen* is directed to “a biometric device to calculate, measure, assess, and/or determine physiologic data from one or more sensors” (Ex. 1007, 1:23-25). And *Molettiere* is directed to “methods, devices, systems, and computer programs for consolidating data provided by multiple devices” (Ex. 1005, 2:15-19).

Yuen additionally relies on features and capabilities of other portable monitoring and/or tracking devices for displaying other types of data, such as “user

activity data, food consumption data, and/or sleep data” (Ex. 1007, 1:26-27, 1:54-59; Ex. 1003, ¶456). *Molettiere* expressly discloses a portable activity monitoring device, as well as user interface displays and functionality for configuring the device and displaying data collected from such a device (Ex. 1003, ¶456).

First, a POSITA would have been motivated to combine *Molettiere*’s user interface displays and functionality for setting up and configuring an activity monitoring device with *Yuen*’s biometric device to accomplish *Yuen*’s stated goal of using an external device to collect other types of data, such as “user activity data, food consumption data, and/or sleep data” (Ex. 1007, 1:54-59, 2:41-45, 3:5-10, 11:35-48; Ex. 1003, ¶458). A POSITA would have understood that *Molettiere*’s provides an easy to use and intuitive user interface that would allow the user of *Yuen* to aggregate and prioritize device feeds (Ex. 1003, ¶458).

Second, a POSITA would have been motivated to combine *Molettiere*’s user interface displays that display the user’s connected devices with *Yuen*’s biometric device interface so that the user can set up *Yuen*’s biometric device to acquire wellness data from a variety of sources (Ex. 1003, ¶¶459-460). *Molettiere*’s user interfaces are desirable because they allow the user to easily set up and up and configure multiple activity monitoring devices using a user interface display, and allow the user to view the devices connected to a user’s account (Ex. 1003, ¶¶459-460).

Third, a POSITA would have been motivated to combine *Molettiere's* selectable data sharing option with *Yuen's* biometric device interface to accomplish *Yuen's* stated goal of allowing the “the user [to] configure biometric monitoring device 10 to acquire selected physiologic data (via enabling and/or disabling selected physiological sensors) and/or calculate, monitor and/or determine selected physiological parameters (via enabling or disabling processing circuitry 16 accordingly)” (Ex. 1007, 10:38-43; Ex. 1003, ¶461).

Fourth, a POSITA would have been motivated to combine *Molettiere's* user interface displays that display the activity information collected by the activity monitoring device with *Yuen's* biometric device interface to allow the user to view the activity information received by *Yuen's* biometric device (Ex. 1003, ¶¶462–463). *Molettiere's* graphical displays of a user's activity information are desirable because they provide the best possible and/or most accurate data to the user (Ex. 1005, 2:26-29, 2:38-41). By specifically aggregating and prioritizing, *Molettiere's* graphical displays provide accurate fitness data to the user and allow for a user to better understand her/his results. Further, a POSITA would have been motivated to display a plurality of categories of wellness data for the user to choose from so the user can view more detailed wellness data associated with that category (Ex. 1003, ¶463). This would allow the user to easily view and digest their data by drilling down on more discrete pieces of information. A POSITA understood that it would have been

desirable to group the types of data collected by category in order for the “the user to quickly review and comprehend data from many different devices” (Ex. 1005, 21:4-6; Ex. 1003, ¶463).

Fifth, a POSITA would have been motivated to implement *Molettiere’s* activity monitoring device so as to take advantage of the desirable and known goal to provide users with tools to monitor and track their wellness data to improve the health of individuals. (See ’898 Patent at 1:32-34; Ex. 1003, ¶464).

Lastly, a POSITA would have been motivated to combine *Molettiere’s* database with *Yuen’s* biometric device to store data “internally and/or externally from the biometric monitoring device” (Ex. 1007, 1:51-54; Ex. 1003, ¶465). A POSITA would have understood that a common and advantageous method for storing any kind of data either locally or remotely on a data storage device would be through a database (Ex. 1003, ¶466).

A POSITA would have understood that combining *Yuen* and *Molettiere* would have resulted in the benefit of displaying wellness information collected by *Yuen’s* biometric device, as well as any external devices paired with the biometric device, such as *Molettiere’s* activity monitoring device, in a single software application which would provide better and more accurate data to a user (Ex. 1003, ¶467).

Given *Yuen’s* reliance on other portable monitoring and/or activity tracking devices, such as those described in *Molettiere*, a POSITA would have had a

reasonable expectation of success that the features described in *Molettiere* could be successful integrated in *Yuen*'s disclosed embodiments (Ex. 1003, ¶¶467). Indeed, the modification would have been a straightforward combination of well-known technologies using known methods and would have had predictable results. *See KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 416-18 (2007).

1. Claim 1⁶

i. [1.pre]

Yuen in view of *Molettiere* renders obvious [1.pre] (Ex. 1003, ¶¶469–475). *Yuen* discloses “a biometric monitoring device to calculate, measure, assess, and/or determine physiologic data using data from one or more sensors” (Ex. 1007, 1:23-25). *Yuen* explains that the device “includes a user interface to input data/commands and display physiologic information” (Ex. 1007, 1:27-29; Ex. 1003). *Yuen* further explains that the device may include “communications circuitry” to receive and store and/or forward activity information from “one or more other monitoring devices” and “processing circuitry” to “calculate physiologic data using data from one or more physiologic sensors of the biometric monitoring device” (Ex. 1007, 2:4-7, 29:40-59; Ex. 1003, ¶¶[471–473]).

⁶ As discussed in Note 1, the method claims are unpatentable for the same reasons as the CRM claims.

Molettiere likewise discloses or renders obvious [1.pre] for at least the reasons described above in Ground 1 (*see* §VII.A.1; Ex. 1003, ¶474).

ii. [1.a]

Yuen in view of *Molettiere* renders obvious [1.a] (Ex. 1003, ¶¶476–485). *Yuen* discloses that the biometric device includes “a personal weight sensor” to measure weight and “one or more additional sensors to sense, measure and/or detect other physiologic data” (Ex. 1007, 1:31-37; Ex. 1003, ¶477).

Ex. 1007, Figure 2C (annotated)

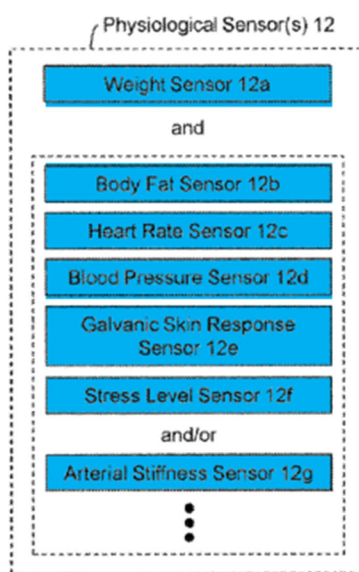


FIGURE 2C

Yuen teaches “the various features, elements, and/or circuitry of the biometric monitoring device may be disposed in or integrated in or on one platform/housing or may be disposed in or on, or dispersed among a plurality of platforms/housings”

(Ex. 1007, 27:52-55). *Yuen* explains that the biometric device may consist “of a weight platform on the ground” and a separate “device that may act as a handheld pulse oximeter to measure heart rate and oxygen saturation” (Ex. 1007, 28:15-28). Thus, *Yuen*’s one or more platforms/housings that incorporate one or more physiological sensors are a plurality of sources of wellness data that comprise an electronic device (Ex. 1003, ¶¶478–479).

Yuen teaches that “the user may configure biometric device 10 to acquire selected physiologic data” by “enabling and/or disabling selected physiological sensors” (e.g., approved sources) (Ex. 1007, 10:30-40; Ex. 1003, ¶¶480–481). In addition to wellness data from *Yuen*’s biometric monitoring device, *Yuen* discloses that the biometric monitoring device may receive physiologic data from external sources or devices (Ex. 1007, 3:5-10, 13:15-19; Ex. 1003, ¶482).

Molettiere likewise discloses or renders obvious [1.a] for at least the reasons described above in Ground 1 (*see* §VII.A.1.ii; Ex. 1003, ¶484).

iii. [1.b]

Yuen in view of *Molettiere* renders obvious [1.b] (Ex. 1003, ¶¶486–493). *Yuen* teaches that the physiologic data (i.e., wellness data) collected by the biometric device may be transmitted to “destinations or intermediaries” that comprise “devices or a network service (e.g., www.fitbit.com)” and uploaded to “third parties,” such as “selected websites, healthcare professionals, trainers, weight or health oriented

monitoring groups/organizations or specialists” (e.g., approved destinations) (Ex. 1007, 12:2-5, 12:48-53; Ex. 1003, ¶487). *Yuen* provides the example of user that has “a Garmin ANT device” and *Yuen*’s biometric device, where the biometric monitoring device can “send its data to Garmin’s website,” including via an intermediary device (e.g., www.fitbit.com)” (Ex. 1007, 12:9-23; Ex. 1003, ¶488).

Yuen discloses the user is able to “control[], among other things, the ability of or for data destinations to receive the data” collected by the biometric monitoring device (Ex. 1007, 12:30-33; Ex. 1003, ¶¶489–490). For example, *Yuen* teaches the user may “enable or disable (for example, turn on or off) communication of the activity or physiologic data via the biometric monitoring device” (Ex. 1007, 12:24-30). *Yuen* discloses that “[d]estinations or intermediaries could be other devices or a network service” and that the biometric device can “provide[] physiologic data...to one or more third party devices or websites” (Ex. 1007, 12:4-5, 12:20, 12:58-61; Ex. 1003, 491; Ex. 1003, ¶491).

To the extent that *Yuen* does not disclose [1.b], it would have been obvious in view of *Molettiere* which discloses [1.a] (see §VII.A.1.iii; Ex. 1003, ¶492).

iv. [1.c]

Yuen in view of *Molettiere* renders obvious [1.c] (Ex. 1003, ¶¶494–502). *Yuen* teaches that physiologic data, such as weight, body fat, etc. can be measured

by the biometric device and graphically displayed to the user (Ex. 1007, 1:27-29, 1:33-37, 1:53-64, 5:14-22, 8:52-57, 11:47-48; Ex. 1003, ¶¶495–497).

Yuen discloses a view of a sub-category of wellness data that includes a graph (Ex. 1003, ¶¶97). Figure 7B depicts a graph representation of a sub-category of wellness data (highlighted in YELLOW) (Ex. 1003, ¶497). In this example, the category “body” displays sub-categories “body fat” and “lean mass” (Ex. 1003, ¶497-498).

Ex. 1007, Fig. 7B (annotated)

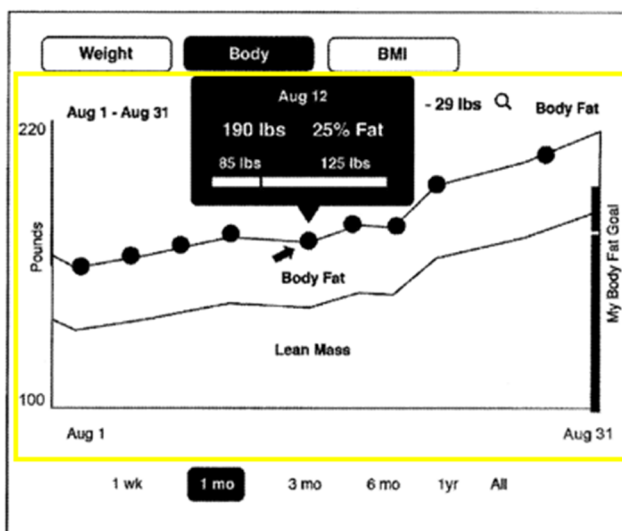


FIGURE 7B

To the extent that *Yuen* does not disclose [1.c] a POSITA would have turned to *Molettiere* which specifically discloses, as was demonstrated with respect to [1.c] in Ground 1, that the data collected from an activity monitoring device may be graphically displayed in a user interface (*see* §VII.A.1.iv; Ex. 1003, ¶¶499–500). A

POSITA would have been motivated to combine *Molettiere's* user interface displaying a user's activity information with *Yuen's* biometric device interface for the reasons discussed above in the section entitled *Motivation to Combine* (Ex. 1003, ¶¶489, 462).

v. [1.c.i]

Yuen in view of *Molettiere* renders obvious [1.c.i] (Ex. 1003, ¶¶503–511). As discussed in [1.c], *Yuen* discloses a user interface that displays a graph representation of the sub-category of wellness data (Ex. 1003, ¶504).⁷ Figures 7A-7D depict aggregated values of physiologic data (Ex. 1003, ¶505). *Yuen* discloses that the biometric device displays current and historical information (Ex. 1007, 8:52-57). Figure 7A also depicts options for the user to select a particular time frame (e.g., 1 weeks' worth, etc.) (Ex. 1003, ¶505):

⁷ Patent Owner accuses AliveCor's Kardio Pro Service that displays a trend graph of a user's EKG recordings collected over a period of time (*see* Ex. 1017, 37, 42).

Ex. 1007, Fig. 7B (annotated)

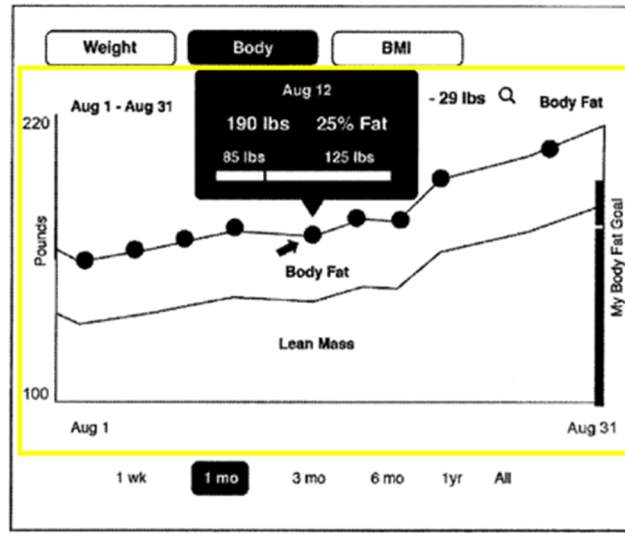


FIGURE 7B

A POSITA would have understood that *Yuen's* biometric device collects health information that can be aggregated and displayed via the user interface (Ex. 1003, ¶505).

To the extent that *Yuen* does not disclose [1.c.i], a POSITA would have turned to *Molettiere* which specifically discloses, as was demonstrated with respect to [1.c.i] in Ground 1, that the data collected from an activity monitoring device may be graphically displayed in a user interface (see §VII.A.1.v; Ex. 1003, ¶¶508–509). A POSITA would have been motivated to combine *Molettiere's* user interface displays displaying a user's activity information with *Yuen's* biometric device for the reasons discussed above in the section entitled *Motivation to Combine* (Ex. 1003, ¶¶506, 462).

vi. [1.c.ii]

Yuen in view of *Molettiere* renders obvious [1.c.ii] (Ex. 1003, ¶¶512–525). *Yuen* discloses a selectable sharing option (Ex. 1003, ¶513). *Yuen* teaches that “the user may configure biometric device 10 to acquire selected physiologic data” by “enabling and/or disabling selected physiological sensors” (Ex. 1007, 10:38-40). *Yuen* teaches that “biometric monitoring device 10 may be programmed or configured...to enable or engage (or disable or disengage) one or more physiological sensors and/or enable or disable the monitoring, calculating and/or determining of one or more physiological parameters (based on or using data from such sensors)” via the user interface display (Ex. 1007, 10:30-38). Thus, the user can turn on or off the biometric monitoring device’s ability to collect different types of physiologic data (Ex. 1003, ¶¶514–515).

Yuen also discloses that the user is able to “control[], among other things, the ability of or for data destinations to receive the data” collected by the biometric monitoring device (Ex. 1007, 12:30-33). *Yuen* teaches that the user may “enable or disable (for example, turn on or off) communication of the activity or physiologic data via the biometric monitoring device” and “enable or disable acquisition or storage of data by the external destination” (Ex. 1007, 12:24-30; Ex. 1003, ¶516). *Yuen* further contemplates that “the user can control, among other things the ability of or for data destinations to receive the data” (Ex. 1007, 12:30-32). Accordingly, a

POSITA would have understood that the user could control the type of physiologic information collected and/or shared by the biometric device via use of a “selectable data sharing option” (Ex. 1003, ¶517).

To the extent that that *Yuen* does not disclose [1.c.ii] a POSITA would have turned to *Molettiere* which specifically discloses, as was demonstrated with respect to [1.c.ii] in Ground 1, user interfaces for configuring a device to collect data that include selectable data sharing options (*see* §VII.A.1.vi; Ex. 1003, ¶519–524). A POSITA would have been motivated to combine *Molettiere*’s user interfaces for configuring a biometric device that include selectable data sharing options with *Yuen*’s biometric device for the reasons discussed above in the section entitled *Motivation to Combine* (Ex. 1003, ¶¶518, 461).

vii. [1.d]

Yuen in view of *Molettiere* renders obvious [1.d] (Ex. 1003, ¶¶526–532). *Yuen* in view of *Molettiere* renders obvious a user interface with selectable data sharing options. *See* [1.c.ii]. It would have been obvious to POSITA that the user interface would cause the device to receive user selection of the selectable data sharing options discussed above (Ex. 1003, ¶527-530).

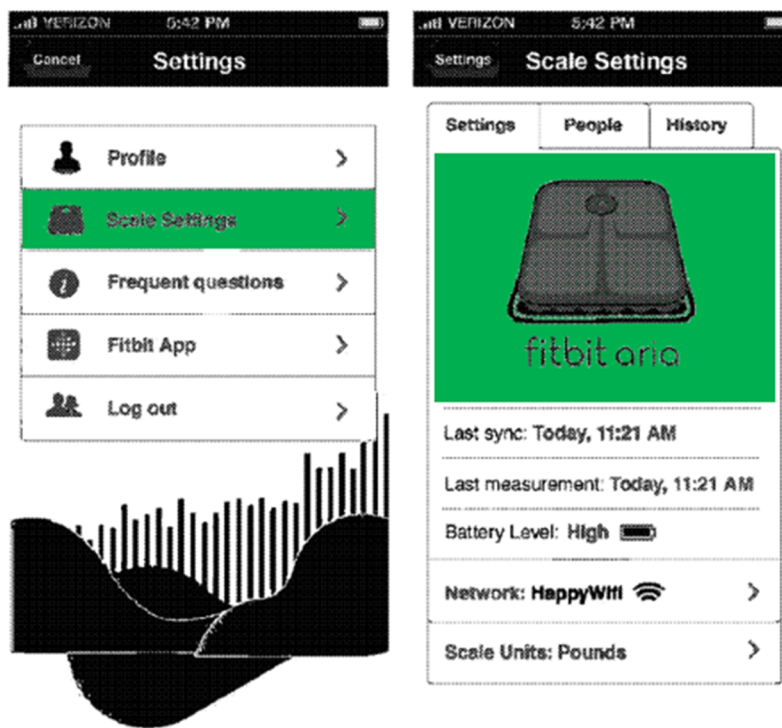
viii. [1.e]

Yuen in view of *Molettiere* renders obvious [1.e] (Ex. 1003, ¶¶533–534; *see* [1.e.i] and [1.e.ii]).

ix. [1.e.i]

Yuen in view of *Molettiere* renders obvious [1.e.i] (Ex. 1003, ¶¶535–548). *Yuen* discloses a “website-based and/or mobile phone user interface to control...or review settings... or the biometric device” connected to a user’s account (Ex. 1007, 5:47-50). The user interface displays *Yuen*’s biometric device (e.g., an approved source of wellness data) (annotated in GREEN) (Ex. 1003, ¶536):

Ex. 1005, Fig. 9D (annotated)



As discussed in [1.c.ii], *Yuen* discloses that the user can configure the biometric device to acquire selected physiologic information by, for example, “enabling and/or disabling selected physiological sensors” (Ex. 1007, 10:38-40). A POSITA would have understood that in order to control the types of physiologic

information collected by *Yuen's* biometric monitoring device, the user would need to configure the settings of the biometric monitoring device—by, for example, enabling/disabling selected physiologic sensors of the biometric monitoring device (Ex. 1003, ¶¶537–539). It would have been obvious to a POSITA that the physiologic data types or sensors must be displayed to the user so that the user can configure the biometric monitoring device to acquire physiologic data via enabling or disabling a source or type of wellness data (Ex. 1007, 10:30-46; Ex. 1003, ¶¶537–539).

Further, *Yuen* teaches the physiologic information measured by *Yuen's* biometric monitoring device may be stored “internally and/or externally from the biometric monitoring device” (Ex. 1007, 1:51-54; ¶540). *Yuen* teaches that “biometric monitoring device 10 may include communication circuitry to receive data from the secondary monitoring device and, in one embodiment, store such data in resident memory and/or upload such data (whether or not processed) to one or more local (for example, via a LAN) or remote data storage devices (for example, remote data storage devices via the internet)” (Ex. 1007, 26:40-46). A POSITA would have understood that a common and advantageous method for storing any kind of data either locally or remotely on a data storage device would be through a database (Ex. 1003, ¶540).

To the extent that *Yuen* does not disclose [1.e.i], a POSITA would have turned to *Molettiere* which specifically discloses, as was demonstrated with respect to [1.e.i] in Ground 1, interfaces for configuring a device to collect data that includes a display with the devices connected to the user's account and a database (see §VII.A.1.ix; Ex. 1003, ¶¶543–547). Specifically, a POSITA would have been motivated to combine *Molettiere*'s user interface displaying the plurality of devices connected to a user's account with *Yuen*'s biometric device interface and *Molettiere*'s database with *Yuen*'s biometric device for the reasons discussed above in the section entitled *Motivation to Combine* (Ex. 1003, ¶¶459–460, 466).

x. [1.e.ii]

Yuen in view of *Molettiere* renders obvious [1.e.ii] (Ex. 1003, ¶¶549–554). As discussed in [1.b], *Yuen* discloses that user can control a destination or intermediaries' ability to access the physiologic data collected by *Yuen*'s biometric monitoring device (Ex. 1003, ¶550). For example, *Yuen* discloses that the user is able to control “the ability of or for data destinations to receive the data” by enabling or disabling “communication of the activity or physiologic data via the biometric monitoring device” and the “acquisition or storage of data by the external destination” (Ex. 1007, 12:24-34).

A POSITA would have understood that the user would need to configure the settings of *Yuen*'s biometric monitoring device—by, for example,

enabling/disabling acquisition or storage of data by the external destination via a display (Ex. 1003, ¶¶551–552). As such, it would have been obvious to a POSITA that the destinations, intermediaries and/or third parties (i.e., the approved destinations) must be displayed to the user so that the user can enable or disable the ability for the destination to receive such data (*see e.g.*, Ex. 1007, 12:24-32; Ex. 1003, ¶¶551–552).

Further, [1.e.ii] would have been obvious in light of the knowledge of the POSITA and well within the skill of a POSITA, which likewise would have provided a reasonable expectation of success (Ex. 1003, ¶552). A POSITA would have known that data collected by biometric monitoring devices and/or activity monitoring devices could be and was commonly shared with physicians, family members, third-party services, and the like (e.g., destinations) (Ex. 1003, ¶552). Multiple software applications existed in the art that allowed a user to choose to share their data with other destinations (Ex. 1003, ¶552). Thus, a POSITA would have known that the would specifically choose to share their data with a third-party destination and could revoke the ability for the third-party to access and/or receive the user's information at any time via use of a user interface display. Accordingly, the people and/or third-party services must necessarily be displayed to the user to allow them to choose to share their information (Ex. 1003, ¶¶552).

2. Claim 9

i. [9.pre]

See Claim 1; Ex. 1003, ¶¶555–556.

ii. [9.a]

Yuen in view of *Molettiere* renders obvious [9.a] (Ex. 1003, ¶¶557–563). As discussed in [1.c] and [1.c.i], *Yuen* discloses that the collected physiologic information (i.e., wellness data) can be graphically displayed in a user interface (Ex. 1007, 1:27-29, 5:14-22, 8:52-57, 11:47-48). Figure 7B below depicts a graph of a sub-category of wellness data (highlighted in YELLOW) (Ex. 1003, ¶559). In this example, the category “body” displays sub-categories “body fat” and “lean mass” (Ex. 1003, ¶559). A POSITA would have understood that a user could select categories “Weight” and “BMI” to view more detailed wellness data associated with those categories (Ex. 1003, ¶559).

Ex. 1007, Fig. 7B (annotated)

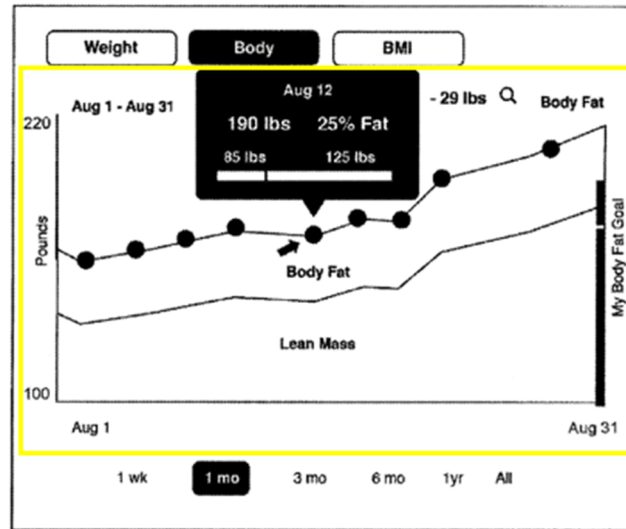


FIGURE 7B

As discussed above in [1.e.i], *Yuen* in view of *Molettiere* renders obvious that the wellness data is stored in a database (Ex. 1003, ¶561).

To the extent that *Yuen* does not disclose [9.a], it would have been obvious in view of *Molettiere* which discloses [9.a] (see §VII.A.9; Ex. 1003, ¶562). Furthermore, [9.a] would have been well known to a POSITA, and that POSITA would have been motivated to display a plurality of categories of wellness data for the user to choose from so the user can view more detailed wellness data associated with that category for the reasons discussed above in the section entitled *Motivation to Combine* (Ex. 1003, ¶562).

3. Claim 10

i. [10.pre]

See Claim 9; Ex. 1003, ¶¶564–565.

ii. [10.a]

Yuen in view of *Molettiere* renders obvious [10.a] (Ex. 1003, ¶¶566–569). As discussed above, *Yuen* in view of *Molettiere* renders obvious [9.a]. It would have been obvious to a POSITA to display the plurality of categories of wellness data to allow the user to select a category to view more detailed information relating to that category (Ex. 1003, ¶567). Further, a POSITA would have understood that a user’s selection of a category of wellness data would cause the device to detect a selection of a category of wellness data (Ex. 1003, ¶567). For example, a POSITA would have known that a user could select categories “Weight” and “BMI” in FIG 7B to view more detailed wellness data associated with those categories (Ex. 1003, ¶567).

Ex. 1007, Fig. 7B (annotated)

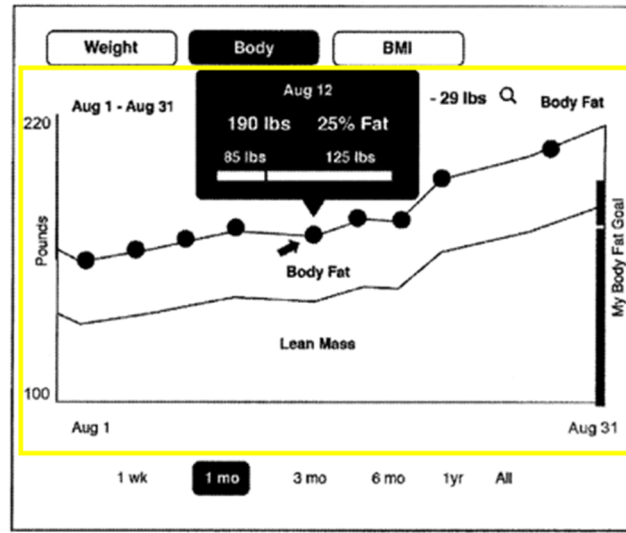


FIGURE 7B

iii. [10.b]

Yuen in view of *Molettiere* renders obvious [10.b] (Ex. 1003, ¶¶570–573). As discussed above, *Yuen* in view of *Molettiere* renders obvious [9.a]. It would have been obvious to a POSITA to display the plurality of categories of wellness data to allow the user to select a category to view more detailed information relating to that category (i.e., sub-categories of wellness data) (Ex. 1003, ¶571). A POSITA would have understood that if a user selected a category of wellness data, the display would display one or more sub-categories of wellness data (Ex. 1003, ¶571). Thus, a POSITA would have been motivated to display the plurality of categories of wellness data for the user to choose from so the user can view the types of wellness data associated with that category ([9.a], Ex. 1003, ¶571).

4. Claim 18

i. [18.pre]

See Claim 9; Ex. 1003, ¶¶575–576.

ii. [18.a]

Yuen in view of *Molettiere* renders obvious [18.a] (Ex. 1003, ¶¶577–583). A POSITA would have turned to *Molettiere* which specifically discloses, as was demonstrated with respect to [18.a] in Ground 1, a display that depicts all the devices connected to a user’s account (see §VII.A.12; Ex. 1003, ¶¶578–581). Specifically, a POSITA would have been motivated to combine *Molettiere*’s user interface displaying the plurality of devices connected to a user’s account with *Yuen*’s biometric device interface for the reasons discussed above in the section entitled *Motivation to Combine* (Ex. 1003, ¶¶459–460).

5. Claim 20

i. [20.pre]

See Claim 18; Ex. 1003, ¶¶584–585.

ii. [20.a]

Yuen in view of *Molettiere* renders obvious [20.a] (Ex. 1003, ¶¶586–589). *Molettiere* explains that “if the user selects a device, (e.g., touches the area associated with one device), further information regarding that device and its configuration is provided” (Ex. 1005, 21:61-64). *Molettiere* further explains that “when the user selects one of the active tracking device [*sic*] (e.g. clicks or touches on the

corresponding device in Fig. 15), the interface of Fig. 16 is presented with information about that device” (Ex. 1005, 22:25-29). Thus, a POSITA would have understood that *Molettiere* discloses detecting a selection of a known source from the displayed list of known sources and would have been motivated to combine *Molettiere* for the reasons discussed above in the section entitled *Motivation to Combine* (Ex. 1003, ¶¶587–589, 459–460).

iii. [20.b]

Yuen in view of *Molettiere* renders obvious [20.b] (Ex. 1003, ¶¶590–595). As discussed above, *Molettiere* displays a list of known sources. *Molettiere* teaches that “when the user selects one of the active tracking device [*sic*] (e.g. clicks or touches on the corresponding device in Fig. 15), the interface of Fig. 16 is presented with information about that device” (Ex. 1005, 22:25-29; *see also* Ground 1, [1.c.ii]).

A POSITA would have been motivated to combine *Molettiere*’s user interface and functionality for setting up and configuring an activity monitoring device, including *Molettiere*’s selectable data sharing options, with *Yuen*’s biometric device for at least the reasons discussed above in the section entitled *Motivation to Combine* (Ex. 1003, ¶¶591, 459–461).

6. Claim 21

i. [21.pre]

Yuen in view of *Molettiere* renders obvious [21.pre] (*see* Claim 20; Ex. 1003, ¶¶596–597).

ii. [21.a]

Yuen in view of *Molettiere* renders obvious [21.a] (Ex. 1003, ¶¶598–600). As discussed in [20.b] and [1.c.ii], *Molettiere* disclose selectable options for each type of wellness data that the known source can provide to approve or reject the associated type of wellness data (Ex. 1003, ¶599). A POSITA would have understood that by selecting “ON” in the device settings menu, the device is configured to collect information about that specific metric (Ex. 1003, ¶594).

7. Claim 22

i. [22.pre]

See Claim 21; Ex. 1003, ¶¶601–602.

ii. [22.a]

Yuen in view of *Molettiere* renders obvious [22.a] (Ex. 1003, ¶¶603–606). As discussed in [20.b] and [1.c.ii], *Molettiere* discloses a user interface with selectable options for each type of wellness data that the known source can provide to approve or reject the associated type of wellness data (Ex. 1003, ¶603). Further, it would have been obvious to a POSITA that the user interface would cause the device to receive user selection of the selectable data sharing options discussed above in [21.a] and [1.c.ii] (Ex. 1003, ¶604).

iii. [22.b]

Yuen in view of *Molettiere* renders obvious [22.b] (Ex. 1003, ¶¶607–611). As discussed in [20.b] and [1.c.ii], *Molettiere* discloses selectable options for each type

of wellness data that the known source can provide (Ex. 1003, ¶608). A POSITA would have understood that by toggling the selectable option to “ON” or “OFF,” the biometric device is configured to or not configured to collect information about that specific metric, respectively (Ex. 1003, ¶608).

8. Claim 23

i. [23.pre]

Yuen in view of *Molettiere* renders obvious [23.pre]. *See* [1.pre].

ii. [23.pre.i]

Yuen in view of *Molettiere* renders obvious [23.pre.i]. *See* [1.pre].

iii. [23.a]

Yuen in view of *Molettiere* renders obvious [23.a]. *See* [1.a].

iv. [23.b]

Yuen in view of *Molettiere* renders obvious [23.b]. *See* [1.b].

v. [23.c]

Yuen in view of *Molettiere* renders obvious [23.c]. *See* [1.c].

vi. [23.c.i]

Yuen in view of *Molettiere* renders obvious [23.c.i]. *See* [1.c.i].

vii. [23.c.ii]

Yuen in view of *Molettiere* renders obvious [23.c.ii]. *See* [1.c.ii].

viii. [23.d]

Yuen in view of *Molettiere* renders obvious [23.d]. *See* [1.d].

ix. [23.e]

Yuen in view of *Molettiere* renders obvious [23.e]. See [23.e].

x. [23.e.i]

Yuen in view of *Molettiere* renders obvious [23.e.i]. See [1.e.i].

xi. [23.e.ii]

Yuen in view of *Molettiere* renders obvious [23.e.ii]. See [1.e.ii].

9. Claim 32

i. [32.pre]

Yuen in view of *Molettiere* renders obvious [32.pre]. See [9.pre].

ii. [32.a]

Yuen in view of *Molettiere* renders obvious [32.a]. See [9.a].

10. Claim 33

i. [33.pre]

Yuen in view of *Molettiere* renders obvious [33.pre]. See [10.pre].

ii. [33.a]

Yuen in view of *Molettiere* renders obvious [33.a]. See [10.a].

iii. [33.b]

Yuen in view of *Molettiere* renders obvious [33.b]. See [10.b].

11. Claim 41

i. [41.pre]

Yuen in view of *Molettiere* renders obvious [41.pre]. See [18.pre].

ii. [41.a]

Yuen in view of *Molettiere* renders obvious [41.a]. See [18.a].

12. Claim 43

i. [43.pre]

Yuen in view of *Molettiere* renders obvious [43.pre]. See [20.pre].

ii. [43.a]

Yuen in view of *Molettiere* renders obvious [43.a]. See [20.a].

iii. [43.b]

Yuen in view of *Molettiere* renders obvious [43.b]. See [20.b].

13. Claim 44

i. [44.pre]

Yuen in view of *Molettiere* renders obvious [44.pre]. See [21.pre].

ii. [44.a]

Yuen in view of *Molettiere* renders obvious [44.a]. See [21.a].

14. Claim 45

i. [45.pre]

Yuen in view of *Molettiere* renders obvious [45.pre]. See [22.pre].

ii. [45.a]

Yuen in view of *Molettiere* renders obvious [45.a]. See [22.a].

iii. [45.b]

Yuen in view of *Molettiere* renders obvious [45.b]. See [22.b].

VIII. PRIOR ART NOT PREVIOUSLY PRESENTED TO THE OFFICE

None of the grounds rely on the same or substantially the same prior art previously considered during prosecution. Therefore, the Board should not exercise its discretion under 35 U.S.C. §325(d). *Adobe, Inc. v. Realtime Adaptive Streaming LLC*, IPR2019-00712, Paper 9 at 18-19 (PTAB Sept. 12, 2019).

IX. THE *FINTIV* FACTORS

The Board balances six factors in considering denial. *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020) (precedential). Here, the factors (“*Fintiv* factors”) favor institution.

Fintiv Factor 1 (potential for stay) is at least neutral given that no stay motion has yet been filed. *See Sand Revolution II, LLC v. Cont’l Intermodal Grp. - Trucking LLC*, IPR2019-01393, Paper 24 at 7 (PTAB June 16, 2020) (informative).

Fintiv Factor 2 (timing of trial) favors institution. A trial will not occur before the Final Written Decision because these Petitions are being filed only 2 months after the Court’s case management conference, and no schedule after the Markman hearing or trial date has been set. The median-time-to-trial for civil cases in N.D. Cal. is 31.1 months (Ex. 1018 (National Judicial Caseload Profile), 66). Assuming that timing from the original filing date of December 2, 2022, the trial date is July 7, 2025, over 2 months after the final written decision.

Fintiv Factor 3 (litigation investment) favors institution. The district court case is at the very outset, and although the parties have served preliminary discovery requests, discovery has not yet begun in earnest. The parties have not yet begun claim construction briefing.

Fintiv Factor 4 (overlap of issues) favors institution. Apple asserts four claims in the district court, while this petition addresses thirty-one claims. Petitioners stipulate that if this IPR proceeding is instituted, they will withdraw any identical grounds from the district court litigation, which weighs in favor of institution. *See Sand Revolution II, LLC v. Continental Intermodal Grp - Trucking LLC*, IPR2019-01393, Paper 24 at 12 n.5 (PTAB June 16, 2020).

Fintiv Factor 5 (overlap in parties) weighs against institution because Petitioners are parties in this Petition as well as in the parallel district court litigation.

Fintiv Factor 6 (other circumstances) favors institution because this Petition presents a compelling case and “plainly lead[s] to a conclusion that one or more claims are unpatentable” because it is “highly likely...[to] prevail with respect to at least one challenged claim.” *CommScope Technologies LLC v. Dali Wireless, Inc.*, IPR2022-01242, Paper 23 at 4 (PTAB Feb. 27, 2023) (precedential).

As discussed, the '898 Patent was only granted after the applicant amended the claims to require receiving information identifying a plurality of approved sources and approved destinations (§0). Each of Grounds 1-3 are highly likely to

prevail with respect to at least one challenged claim, insofar as they each set out functionality that meets the point of alleged novelty found in the '898 Patent.

X. CONCLUSION

Petitioner respectfully requests cancellation of the Challenged Claims.

XI. MANDATORY NOTICES UNDER 37 C.F.R. §42.8

A. Real Party in Interest Under 37 C.F.R. §42.8(b)(1)

The real party-in-interest is Petitioner AliveCor, Inc.

B. Related Matters Under 37 C.F.R. §42.8(b)(2)

A claim of infringement of the '898 Patent was asserted in *Apple Inc. v. AliveCor, Inc.*, Case 4:22-cv-07608-HSG, filed on December 2, 2022. Petitioner has filed petitions for IPR of related U.S. Patent No. 10,866,619 under the case headings IPR2023-00948 and IPR2023-00949 and U.S. Patent No. 10,076,257 under the case heading IPR2023-00950.

C. Designation of Counsel Under 37 C.F.R. §42.8(b)(3)

Petitioner provides the following designation of counsel.

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	Phone: 704.444.1000 Fax: 704.444.1111 Email: erin.beaton@alston.com
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Pursuant to 37 C.F.R §42.10(b), a Power of Attorney is being submitted with this Petition.

D. Service Information

Please address all correspondence and service to the address listed above.

Petitioner consents to electronic service directed to apple-alivecor-ndcal@alston.com.

Date: September 27, 2023

By: /Christopher TL Douglas /
Christopher TL Douglas

CLAIM LISTING

Claim	Recitation
1.pre	A non-transitory computer-readable storage medium storing one or more programs, the one or more programs comprising instructions, which when executed by an electronic device with a display, cause the device to:
1.a	receive information identifying a plurality of approved sources of wellness data, wherein the plurality of approved sources comprise an electronic device or software application;
1.b	receive information identifying a plurality of approved destinations of wellness data, wherein the plurality of approved destinations comprise an electronic device or software application;
1.c	display a detailed view of a sub-category of wellness data, the detailed view comprising:
1.c.i	a graph representation of the sub-category of wellness data that includes aggregated values of the sub-category of wellness data, wherein the sub-category of wellness data is from the plurality of approved sources for the sub-category of wellness data, and;
1.c.ii	a selectable data sharing option;
1.d	receive user selection of the selectable data sharing option; and
1.e	in response to receiving the selection of the selectable data sharing option, display:
1.e.i	the plurality of approved sources for the sub-category of wellness data, wherein the sub-category of wellness data is approved to be received from the plurality of approved sources and stored in a wellness database; and
1.e.ii	the plurality of approved destinations for the sub-category of wellness data, wherein the sub-category of wellness data is approved to be accessed from the wellness database by the plurality of approved destinations of wellness data.
2.pre	The non-transitory computer-readable storage medium of claim 1,
2.a	wherein the plurality of approved sources are ranked amongst each other.
3.pre	The non-transitory computer-readable storage medium of claim 1, further comprising instructions to cause the electronic device to:
3.a	Identify a first wellness data entry in the wellness database that was received from a first approved data entry associated with a first sub-category of wellness data comprising a first timestamp; and

Claim	Recitation
3.b	identify a second wellness data entry in the wellness database that was received from a second approved source of the plurality of approved sources, the second wellness data entry comprising the first sub-category of wellness data, and a second timestamp, and wherein the first timestamp is within a threshold length of time from the second timestamp.
4.pre	The non-transitory computer-readable storage medium of claim 3,
4.a	wherein the first approved source has been identified by the user as being preferred over the second approved source,
4.b	and wherein the non-transitory computer-readable storage medium further comprises instructions to cause the electronic device to use the first wellness data entry instead of using the second wellness data entry.
5.pre	The non-transitory computer-readable storage medium of claim 3,
5.a	wherein the first approved source has been identified by the user as being preferred over the second approved source
5.b	and wherein the non-transitory computer-readable storage medium further comprises instructions to cause the electronic device to prioritize the first wellness data entry over the second wellness data entry.
6.pre	The non-transitory computer-readable storage medium of claim 5,
6.a	further comprising instructions to cause the electronic device to: in accordance with the determination that the first wellness data entry is prioritized over the second wellness data entry, use the first wellness data entry instead of using the second wellness data entry.
7.pre	The non-transitory computer-readable storage medium of claim 3,
7.a	wherein the second approved source has been identified by the user as being preferred over the first approved source,
7.b	and wherein the non-transitory computer-readable storage medium further comprises instructions to cause the electronic device to prioritize the second wellness data entry over the first wellness data entry.
8.pre	The non-transitory computer-readable storage medium of claim 7,
8.a	further comprising instructions to cause the electronic device to: in accordance with the determination that the first wellness data entry is prioritized over the second wellness data entry, use the first wellness data entry instead of using the second wellness data entry.
9.pre	The non-transitory computer-readable storage medium of claim 1,
	further comprising instructions that cause the electronic device to:

Claim	Recitation
9.a	display on the display a plurality of categories of wellness data stored in the wellness data stored in the wellness database.
10.pre	The non-transitory computer-readable storage medium of claim 9, further comprising instructions that cause the electronic device to:
10.a	detect a selection of a category of wellness data from the displayed plurality of categories of wellness data; and
10.b	in response to detecting the selection of the category of wellness data, display on the display, one or more sub-categories of the category of wellness data.
11.pre	The non-transitory computer-readable storage medium of claim 10,
11.a	wherein the detailed view of the sub-category further comprises an input field for entering a wellness data entry,
11.b	and wherein the non-transitory computer-readable storage medium further comprises instructions to cause the device to: receive a wellness data entry to be stored in the wellness database that was input into the input field.
16.pre	The non-transitory computer-readable storage medium of claim 10,
16.a	wherein the data sharing interface further comprises options to add an approved destination to the plurality of approved destinations and to remove an approved destination from the plurality of approved destinations.
18.pre	The non-transitory computer-readable storage medium according to claim 9, further comprising instructions to cause the electronic device to:
18.a	display on the display, a source interface comprising a list of known sources.
20.pre	The non-transitory computer-readable storage medium of claim 18, further comprising instructions to cause the electronic device to:
20.a	detect a selection of a known source from the displayed list of known sources; and
20.b	in response to detecting the selection of the known source, display, on the display, a list of types of wellness data that the known source can provide.
21.pre	The non-transitory computer-readable storage medium of claim 20,
21.a	wherein the list of types of wellness data that the known source can provide comprises a selectable option for each of the types of wellness

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	data that the known source can provide to approve or reject the associated type of wellness data.
22.pre	The non-transitory computer-readable storage medium of claim 21, further comprising instructions to cause the electronic device to:
22.a	Detect a selection of the selectable option for a type of wellness data that the known source can provide; and
22.b	in response to detecting the selection of the selectable option, approve or reject the type of wellness data that the known source can provide in accordance with the detected selection of the selectable option.
23.pre	A computer implemented method comprising:
23.pre.i	at an electronic device:
23.a	receiving information identifying a plurality of approved sources of wellness data, wherein the plurality of approved sources comprise an electronic device or software application;
23.b	receiving information identifying a plurality of approved destinations of wellness data, wherein the plurality of approved destinations comprise an electronic device or software application;
23.c	displaying a detailed view of a sub-category of wellness data, the detailed view comprising:
23.c.i	a graph representation of the sub-category of wellness data that includes aggregated values of the sub-category of wellness data, wherein the sub-category of wellness data is from the plurality of approved sources for the sub-category of wellness data, and
23.c.ii	a selectable data sharing option;
23.d	receiving user selection of the selectable data sharing option; and
23.e	in response to receiving the selection of the selectable data sharing option, displaying:
23.e.i	the plurality of approved sources for the sub-category of wellness data, wherein the sub-category of wellness data is approved to be received from the plurality of approved sources and stored in a wellness database; and
23.e.ii	the plurality of approved destinations for the sub-category of wellness data, wherein the sub-category of wellness data is approved to be accessed from the wellness database by the plurality of approved destinations of wellness data.
25.pre	The computer implemented method of claim 23, further comprising:

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25.a	wherein the plurality of approved sources are ranked amongst each other.
26.pre	The computer implemented method of claim 23, further comprising:
26.a	Identifying a first wellness data entry in the wellness database that was received from a first approved source of the plurality of approved sources, the first wellness data entry associated with a first sub-category of wellness data comprising a first timestamp; and
26.b	identifying a second wellness data entry in the wellness database that was received from a second approved source of the plurality of approved sources, the second wellness data entry comprising the first sub-category of wellness data, and a second timestamp, and wherein the first timestamp is within a threshold length of time from the second timestamp.
27.pre	The computer implemented method of claim 26,
27.a	wherein the first approved source has been identified by the user as being preferred over the second approved source, and
27.b	wherein the computer-implemented method further comprising using the first wellness data entry instead of using the second wellness data entry.
28.pre	The computer implemented method of claim 26,
28.a	wherein the first approved source has been identified by the user as being preferred over the second approved source, and
28.b	wherein the computer-implemented method further comprising prioritizing the first wellness data entry over the second wellness data entry.
29.pre	The computer implemented method of claim 28, further comprising:
29.a	in accordance with a determination that the first wellness data entry is prioritized over the second wellness data entry, using the first wellness data entry instead of using the second wellness data entry.
30.pre	The computer implemented method of claim 26,
30.a	wherein the second approved source has been identified by the user as being preferred over the first approved source, and
30.b	wherein the computer-implemented method further comprising prioritizing the second wellness data entry over the first wellness data entry.
31.pre	The computer implemented method of claim 30, further comprising:

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31.a	in accordance with a determination that the second wellness data entry is prioritized over the first wellness data entry, using the second wellness data entry instead of using the first wellness data entry.
32.pre	The computer implemented method of claim 23, further comprising:
32.a	displaying, on the display, a plurality of categories of wellness data stored in the wellness database.
33.pre	The computer implemented method of claim 32, further comprising:
33.a	detecting a selection of a category of wellness data from the displayed plurality of categories of wellness data; and
33.b	in response to detecting the selection of wellness data, displaying, on the display, one or more sub-categories of the category of wellness data.
34.pre	The computer implemented method of claim 33,
34.a	wherein the detailed view of the sub-category further comprises an input field for entering a wellness data entry, and
34.b	wherein the computer implemented method further comprising: receiving a wellness data entry to be stored in the wellness database that was input into the input field.
41.pre	The computer implemented method of claim 32, further comprising:
41.a	displaying, on the display, a source interface comprising a list of known sources.
43.pre	The computer implemented method of claim 41, further comprising:
43.a	detecting a selection of a known source from the displayed list of known sources; and
43.b	in response to detecting the selection of the known source, displaying, on the display, a list of types of wellness data that the known source can provide.
44.pre	The computer implemented method of claim 43,
44.a	wherein the list of types of wellness data that the known source can provide comprises a selectable option for each of the types of wellness data that the known source can provide to approve or reject the associated type of wellness data.
45.pre	The computer implemented method of claim 44, further comprising:
45.a	detecting a selection of the selectable option for a type of wellness data that the known source can provide; and
45.b	in response to detecting the selection of the selectable option, approving or rejecting the type of wellness data that the known source can provide in accordance with the detected selection of the selectable option.

CERTIFICATION UNDER 37 C.F.R. §42.24

Under the provisions of 37 CFR §42.24, the undersigned hereby certifies that the word count for the foregoing Petition for inter partes review totals 13,920 words (Sections I-X), which is less than the 14,000 allowed under 37 CFR §42.24(a)(i).

Date: September 27, 2023

By: / Christopher TL Douglas /
Christopher TL Douglas

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§42.6(e), 42.105, the undersigned hereby certifies that true and correct copies of the above-captioned PETITION FOR INTER PARTES REVIEW OF U.S. PATENT NO. 10,270,898, all associated exhibits, and Petitioner's Power of Attorney were served in their entirety on September 27, 2023, upon the following parties via UPS Next Day Air®:

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