

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

**DECLARATION OF CRAIG ROSENBERG, PH.D., IN SUPPORT OF
PETITION FOR INTER PARTES REVIEW OF
UNITED STATES PATENT NO. 10,270,898 B2**

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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:

Claim	Recitation
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
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.

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

Claim	Recitation
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.
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.

Claim	Recitation
25.pre	The computer implemented method of claim 23, further comprising:
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:

Claim	Recitation
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.

I, Craig Rosenberg, Ph.D., declare as follows:

I. INTRODUCTION

1. I have been retained by AliveCor, Inc. (“Petitioner”) to serve as an independent expert consultant in this proceeding before the United States Patent and Trademark Office (“PTO”) against Apple, Inc. (“Patent Owner”) regarding U.S. Patent No. 10,270,898 B2 (“the ’898 Patent”) (Ex. 1001).¹ I have been asked to submit this Declaration on behalf of Petitioner.

2. I have been asked to consider whether certain references disclose or render obvious claims 1-11, 16, 18, 20-23, 25-34, 41, and 43-45 (“the challenged claims”) of the ’898 Patent. My opinions are set forth below. Based on my experience and expertise, it is my opinion that the prior art anticipates and/or renders obvious all limitations of the challenged claims, as I discuss in detail below.

3. I am not, and never have been, an employee of AliveCor. I am not receiving compensation for this declaration beyond my normal hourly fees of \$550 based on my time actually spent analyzing and documenting my opinions herein on the ’898 Patent, the asserted prior art references identified in the Petition, and the issues related thereto. My compensation is not related to the outcome of this

¹ Where appropriate, I refer to exhibits that I understand are to be attached to the petition for *Inter Partes* Review of the ’898 patent.

proceeding, and I will not receive any additional compensation based on the outcome of any IPR or other proceeding involving the '898 Patent.

4. All of my opinions set forth below are based on my own personal knowledge and professional judgment. I am over 18 years of age and, if I am called upon to do so, I would be competent to testify as to the matters set forth in this Declaration.

II. BACKGROUND AND QUALIFICATIONS

5. My qualifications can be found in my curriculum vitae (or "CV"), which includes a summary of my professional and educational background, and which is attached to this declaration as Ex. 1004.

6. I hold a Bachelor of Science in Industrial Engineering, a Master of Science in Human Factors, and a Ph.D. in Human Factors from the University of Washington School of Engineering. For 30 years, I have worked in the areas of human factors, user interface design, software development, software architecture, systems engineering, and modeling and simulation across a wide variety of application areas, including aerospace, communications, entertainment, and healthcare.

7. I graduated from the University of Washington in 1988 with a B.S. in Industrial Engineering. After graduation, I continued my studies at the University of Washington. In 1990, I obtained an M.S. in Human Factors. In 1994, I graduated

with a Ph.D. in Human Factors. In the course of my doctoral studies, I worked as an Associate Assistant Human Factors Professor at the University of Washington Industrial Engineering Department. My duties included teaching, writing research proposals, designing and conducting funded human factors experiments for the National Science Foundation, as well as hiring and supervising students. While studying at the University of Washington, I also worked as a human factors researcher and designed and performed advanced human factors experiments relating to virtual environments and interface design, stereoscopic displays, and advanced visualization research, which was funded by the National Science Foundation. My duties included user interface design, systems design, software development, graphics programming, experimental design, as well as hardware and software interfacing.

8. I have published twenty-one research papers in professional journals and proceedings in the areas of user interface design, computer graphics, and the design of spatial, stereographic, and auditory displays. I also authored a book chapter on augmented reality displays in the book “Virtual Environments and Advanced Interface Design” (Oxford University Press, 1995). In addition, I created one of the first virtual spatial musical instruments called the MIDIBIRD that utilized the MIDI protocol, two six-dimensional spatial trackers, a music synthesizer, and a computer graphics workstation to create an advanced and novel musical instrument.

9. For the past 29 years, I have served as a consultant for Global Technica, Sunny Day Software, Stanley Associates, Techrizon, CDI Corporation, and the Barr Group. In this capacity, I have provided advanced engineering services for many companies.

10. I consulted for the Boeing Company for over 15 years as a senior human factors engineer, user interface designer, and software architect for a wide range of advanced commercial and military programs. Many of the projects that I have been involved with include advanced software development, user interface design, agent-based software, and modeling and simulations in the areas of missile defense, homeland security, battle command management, computer aided design, networking and communications, air traffic control, location-based services, and Unmanned Aerial Vehicle (“UAV”) command and control. Additionally, I was the lead system architect developing advanced air traffic controller workstations and air traffic control analysis applications, toolsets, and trade study simulations for Boeing Air Traffic Management.

11. I was also the architect of the Boeing Human Agent Model. The Boeing Human Agent Model is an advanced model for the simulation of human sensory, cognitive, and motor performance as applied to the roles of air traffic controllers, pilots, and UAV operators. In another project, I was the lead human factors engineer and user interface designer for Boeing’s main vector and raster computer aided

drafting and editing system that produces the maintenance manuals, shop floor illustrations, and service bulletins for aircraft produced by the Boeing Commercial Aircraft Company. Additional responsibilities in my time as a consultant include system engineering, requirements analysis, functional specification, use case development, user stories, application prototyping, modeling and simulation, object-oriented software architecture, graphical user interface analysis and design, as well as UML, C++, C#, and Java software development.

12. In 1995 and 1996, I was hired as the lead human factors engineer and user interface designer for the first two-way pager produced by AT&T. Prior to this technology, people could receive pages but had no way to respond utilizing their pager. This new technology allowed users to use a small handheld device to receive and send canned or custom text messages, access and update an address book, and access and update a personal calendar. This high-profile project involved designing the entire feature set, user interface/user interaction design and specification, as well as all graphical design and graphical design standards.

13. From 1999–2001, I was the lead human factors engineer and user interface designer for a company called Eyematic Interfaces that was responsible for all user interface design and development activities associated with real-time mobile handheld 3D facial tracking, animation, avatar creation and editing software for a

product for Mattel. My work involved user interface design, human factors analysis, requirements gathering and analysis, and functional specifications.

14. I was the lead user interface designer for a company called ObjectSpeed that developed a portable handheld telephone for use in homes and businesses that had many of the same capabilities that we take for granted in mobile cellular phones. This portable multifunction device supported voice, email, chat, video conferencing, internet radio, streaming media, Microsoft Outlook integration, photo taking and sharing, etc. The ObjectSpeed device was specifically designed and developed as a portable handheld device.

15. I am the founder, inventor, user interface designer, and software architect of WhereWuz. WhereWuz is a company that produces advanced mobile software running on GPS-enabled smartphones and handheld devices. WhereWuz allows users to record exactly where they have been and query this data in unique ways for subsequent retrieval based on time or location. WhereWuz was specifically designed and developed to run on small handheld devices.

16. I am the co-founder of a medical technology company called Healium. Healium developed advanced wearable and handheld user interface technology to allow physicians to more effectively interact with electronic medical records.

17. I am the co-founder of a medical technology company called StratoScientific. StratoScientific is developing an innovative case for a smartphone

that turns a standard handheld smartphone into a full featured digital stethoscope that incorporates visualization and machine learning that can be utilized for telemedicine and automated diagnosis.

18. I designed and developed a large software project for Disney World called xVR that allowed the operational employees of Disney World to utilize a handheld device to view the current and historical status of all of the guests of Disney World within multiple attractions as well as within one of their restaurants. The application could run in a real-time/live mode where it would display data collected from sensors that showed the location and status of all guests within the attraction; the application could also be run in a fast-time/simulated mode. The application was developed on a laptop computer and was specifically designed to run on a variety of devices, including laptops, PCs, smartphones, and tablets.

19. I have received several awards for my engineering work relating to interface design, computer graphics, and the design of spatial, stereographic, and auditory displays, including a \$10,000 scholarship from the I/ITSEC for advancing the field of interactive computer graphics for flight simulation and a Link Foundation award for furthering the field of flight simulation and virtual interface design. I have also created graphics for several popular book covers as well as animations for a movie produced by MIRAMAR.

20. Other details concerning my background, academic work, and professional history are set forth in my curriculum vitae, which is attached as Exhibit 1 to this declaration.

III. MATERIALS REVIEWED

21. The opinions contained in this Declaration are based on the documents I reviewed, my professional judgment, as well as my education, knowledge and experience in the relevant art.

22. In forming my opinions, I reviewed and relied upon the following materials and information:

Exhibit	Description
Ex. 1001	U.S. Patent No. 10,270,898 B2 (“the ’898 Patent”)
Ex. 1002	Prosecution History of U.S. Patent No. 10,270,898 B2
Ex. 1005	U.S. Patent No. 8,849,610 (“Molettiere”)
Ex. 1006	U.S. Patent No. 9,730,621 (“Cohen”)
Ex. 1007	U.S. Patent No. 9,173,576 (“Yuen”)
Ex. 1008	U.S. Patent No. 7,771,320 (“Riley”)
Ex. 1009	U.S. Patent Appl. Publ. No. 2012/0116550 (“Hoffman”)
Ex. 1010	U.S. Patent No. 8,152,694 (“Srinivasan”)
Ex. 1011	U.S. Patent No. 8,200,323 (“DiBenedetto”)
Ex. 1012	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	Publication Information for mHealth Devices – https://dl.acm.org/doi/pdf/10.1145/2381966.2381983?accessTab=true

Exhibit	Description
Ex. 1014	U.S. Patent Appl. Publ. No. 2010/0063840 (“Hoyme”)
Ex. 1015	U.S. Patent Appl. Publ. No. 2012/0310674 (“Faulkner”)
Ex. 1016	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 Served July 25, 2023 in <i>Apple Inc. v. AliveCor, Inc.</i> , Case No. 4:22-cv-07608-HSG

23. I also reviewed any other materials I refer to in this Declaration in support of my opinions.

24. In forming my opinions, I have considered the materials listed above and any other documents cited in this Declaration. My opinions are based on the documents I reviewed and my knowledge and professional judgment. My opinions have also been guided by my appreciation of how a person of ordinary skill in the art would have understood the state of the art, the prior art, and the claims and the specification of the ‘898 Patent at the time of the alleged invention.

IV. LEGAL STANDARDS

25. I am not an attorney, and do not offer opinions on the law in this Declaration.

26. In forming my analyses and conclusions expressed here in this Declaration, I have applied the legal principles described in the following paragraphs, which were provided to me by counsel for the Patent Owner.

27. I used my understanding of the following legal principles set forth in

this section in reaching my opinions.

28. I understand that, in this proceeding, AliveCor has the burden of proving that the challenged claims are invalid by a preponderance of the evidence.

A. Anticipation

29. I have been informed that a claim is invalid as anticipated under 35 U.S.C. § 102 (AIA) if a prior art reference discloses, either expressly or inherently, all limitations of a claim as those limitations are arranged in the claim.

30. I have been informed that a limitation is disclosed inherently in a reference if it is necessarily present in the process or product described in the prior art reference. I understand that probabilities or possibilities are insufficient to show that a prior art reference inherently discloses something beyond what it discloses explicitly.

B. Obviousness

31. I have been informed that a claim is invalid as obvious under 35 U.S.C. § 103 (AIA) if the differences between the claimed subject matter and the prior art are such that the subject matter as a whole would have been obvious at the time of the invention to a person of ordinary skill in the art. I have been informed that the following matters are relevant to determining whether the claimed invention would have been obvious: (1) the scope and content of the prior art, (2) the difference or differences between the patent claim and the prior art, (3) the level of ordinary skill

in the art at the time the invention of the patent, and (4) any secondary considerations or objective indicia of non-obviousness.

32. I have been informed that the combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results. When a claim simply arranges prior art elements with each performing the same function it had been known to perform and yields no more than one would expect from such an arrangement, then such a combination is obvious. When a patent claims a structure already known in the prior art altered by the mere substitution of one element for another known in the field, the combination is likely to be obvious unless the combination yields an unpredictable result.

33. I have been informed that when a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or a different one. If a person of ordinary skill in the art can implement a predictable variation, such a variation is likely unpatentable. For the same reason, if a technique has been used to improve one device, and one of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill. One question to consider is whether the improvement is more than predictably using prior art elements according to their established functions.

34. I have been informed that it may often be necessary, in a validity

analysis, to consider whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. This can be accomplished by looking to interrelated teachings of multiple patents or other publications or pieces of prior art; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by one of ordinary skill in the art.

35. I have been informed that a validity analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim; it is appropriate to take account of the inferences and creative steps that a person of ordinary skill in the art would employ. I have been informed that a person of ordinary skill in the art is a person of ordinary creativity, not an automaton.

36. I have been informed that a claim composed of several elements is not proved obvious merely by demonstrating that each element was, independently, known in the prior art. I have been informed that it can be important to identify a reason that would have prompted a person of ordinary skill in the art in the relevant field to combine the elements in the way the claimed new invention does. I am told that one way that subject matter can be proved obvious is by noting there existed at the time of the invention a known problem for which there was an obvious solution encompassed by the patent's claims. I have been informed that any need or problem known in the field of endeavor at the time of the claimed invention and addressed

by the patent can provide a reason for combining the elements in the manner claimed.

37. I have been informed that one should not assume that a person of ordinary skill in the art attempting to solve a problem will be led only to those elements of prior art designed to solve the same problem. Instead, I have been informed that since familiar items may have obvious uses beyond their primary purposes, in many cases a person of ordinary skill in the art will be able to fit the teachings of multiple prior art references together like pieces of a puzzle.

38. I have been informed that, when there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, persons of ordinary skill in the art have good reason to pursue the known options within their technical grasp. If this leads to the anticipated success, the product was likely not accomplished by innovation but by using ordinary skill and common sense. I have been informed that, in such an instance, the fact that the combination was obvious to try may show that the combination was obvious.

39. I have been informed that, when determining whether a claimed combination would have been obvious, the correct analysis is not whether a person of ordinary skill in the art, writing on a blank slate, would have chosen the particular combination of elements described in the claim. Instead, I have been informed that the correct analysis considers whether one of ordinary skill, facing the wide range of needs created by developments in the field of endeavor, would have seen a benefit

to selecting the combination claimed.

40. I have been informed that, when determining whether a claimed invention is obvious, any “secondary considerations” of non-obviousness identified by the patentee should also be considered. These secondary considerations can include:

- commercial success of the invention, causally related to the invention itself rather than to companion factors, such as advertising or attractive packaging;
- the invention taught away from the technical direction followed by those skilled in the art;
- a long-felt but unsatisfied need for the invention while the needed implementing arts and elements had long been available;
- the invention achieves results unexpected to those skilled in the art;
- copying of the invention by competitors as distinguished from their independent development
- unsuccessful attempts by those skilled in the art to make the invention;
- acquiescence by the industry to the patent’s validity by honoring the patent through taking licenses or not infringing the patent, or both; and

- skepticism, disbelief in or incredulity by those skilled in the art that the patentee's approach worked.

41. I have been informed that, for the above information to impact the obviousness of a patent claim, there must be a nexus between the alleged secondary considerations and the claims. In addition, I have been informed that the burden of introducing evidence of secondary considerations generally is on the Patent Owner. If the Patent Owner or its expert should assert secondary considerations of non-obviousness, I reserve the right to provide a Declaration addressing assertions of non-obviousness due to secondary considerations.

C. Claim Construction

42. I have been informed that claim terms are typically given their plain and ordinary meanings, as would have been understood by a person of ordinary skill in the art at the time of the earliest alleged priority date. I have further been informed that when considering the meaning of any terms in the challenged claims of the '898 Patent, I should apply the plain and ordinary meaning of those terms. I have further been informed that in considering the meaning of the claims, one must consider the language of the claims, the specification, and the prosecution history of record.

43. I have been informed that in general, a preamble limits the invention if it recites essential structure or steps, or if it is necessary to give life, meaning, and vitality to the claim. I have further been informed that a preamble is not limiting

where a patentee defines a structurally complete invention in the claim body and uses the preamble only to state a purpose or intended use for the invention. I have further been informed that dependence on a particular disputed preamble phrase for antecedent basis may limit claim scope because it indicates a reliance on both the preamble and claim body to define the claimed invention. I have further been informed that clear reliance on the preamble during prosecution to distinguish the claimed invention from the prior art transforms the preamble into a claim limitation because such reliance indicates use of the preamble to define, in part, the claimed invention.

V. PERSON OF ORDINARY SKILL IN THE ART AND THE TIME OF THE ALLEGED INVENTION

44. I have been asked to assume that the '898 Patent is entitled to its earliest alleged priority date of May 30, 2014 (*see* Ex. 1001, 1 (“Cross-Reference to Related Application” section)). Based on my knowledge and experience, I was a person of ordinary skill in the art as of May 30, 2014 and can provide opinions regarding the knowledge of a person of ordinary skill in the art as of that time. My opinions herein are, where appropriate, based on my understandings as to a person of ordinary skill in the art at that time.

45. Based on the materials and information I have reviewed and based on my experience in the technical areas relevant to the '898 Patent, a person of ordinary skill in the art at the time of the alleged invention of the '898 Patent 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. 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. More education can supplement practical experience and *vice versa*.

46. I exceeded this level of skill in the art as of the earliest filing date of the '898 Patent.

VI. TECHNICAL BACKGROUND

47. Below, I present a brief overview of certain technical concepts and features that would have been known to a person of ordinary skill in the art prior to and at the time of the earliest alleged priority date of the '898 Patent. The technical concepts and features that I describe in this Technical Background section reflect the state of the art that a person of ordinary skill in the art would have had knowledge of and would have understood prior to and at the time of the alleged invention of the '898 Patent. I rely on, and incorporate as applicable (even if not expressly mentioned below in Section IX), the following disclosures to support my opinions in this

Declaration, including those opinions relating to how the prior art discloses and/or suggest the challenged claims of the '898 Patent and how (and why) a person of ordinary skill in the art would have been motivated to consider and combine the disclosures and suggestions from one or more prior art references.

A. Biometric Monitoring Devices / Activity Monitoring Devices

48. Prior to the '898 Patent's earliest alleged priority date, a person of ordinary skill in the art would have been very familiar with biometric monitoring devices and activity monitoring devices. Indeed, the '898 Patent admits that as of the alleged priority date, "attempts ha[d] been made to improve the health of individuals by providing them with tools to monitor and track their wellness data" (Ex. 1001, 1:32-34). Further, "tools to monitor and track [a user's] wellness data" were well-known at the relevant time, such as devices and software applications that "allow[ed] users to track their wellness data over time," as the '898 Patent admits (Ex. 1001, 1:32-42). The '898 Patent further explains that it was well-known that "users can monitor their wellness using devices, such as blood pressure cuffs, blood glucose monitors, electrocardiograms, step counters, and the like" (Ex. 1001, 1:38-40).

49. As an example, *mHealth Devices* (Ex. 1012) published in 2012 (Ex. 1013), explains that "mobile health (mHealth) technologies, including health text messaging, mobile phone apps, remote monitoring and portable sensors devices,

have grown rapidly in the past five years and are expected to play an important role in improving access to health information, resources, and clinical care” (Ex. 1008, 117). *mHealth Devices* further identifies a few of the different devices publicly available (Ex. 1012, 117). For instance, *mHealth Devices* explain that available “mHealth devices can be used to monitor activities (Fitbit), sleep (Wakemate), emotions (Affectiva), vital signs like blood pressure (Withing’s blood pressure cuff), or fetal conditions (Monica AN24)” (Ex. 1012, 117) (citations omitted). According to *mHealth Devices*, as of 2012, “users [could] collect their personal health, physical and social activity information and upload it to a vendor site, social networking website, a personal health record (Microsoft HealthVault or formerly, Google Health) or a health-provider-operator electronic health record)” (Ex. 1012, 117). *mHealth Devices* recognizes that as of at least 2012, “people [could] share their experiences with their peers” and “share health information with pharmacists, insurance companies, drug companies, employers, or others involved in their healthcare” (Ex. 1012, 117).

50. As another example, *Riley* (Ex. 1008) is based on an application filed on August 31, 2007 (Ex. 1008, Face at Item (22)). *Riley* explains that “[m]odern technology has given rise to a wide variety of different electronic and/or communication devices that keep users in touch with one another, entertained, and informed” (Ex. 1008, 1:45-47). *Riley* further explains that “a wide variety of

portable electronics are available for these purposes,” such as “cellular telephones,” “personally digital assistants (“PDAs”),” “watches,” “GPS systems,” etc. (Ex. 1008, 1:47-52). According to *Riley*, at least as of 2007, “many people like to carry one or more of these types of devices with them when they exercise and/or participate in athletic events” (Ex. 1008, 1:53-55).

51. *Riley* further explains that as of at least 2007, “[a]thletic performance monitoring systems also have benefited from recent advancements in electronic device and digital technology” (Ex. 1008, 1:60-62).

52. *Riley* further discloses:

“Electronic performance monitoring devices enable easy and convenient monitoring of many physical or physiological characteristics associated with exercise or other athletic performances, including, for example: speed and distance data, altitude data, GPS data, heart rate, pulse rate, blood pressure data, body temperature, etc.”

(Ex. 1008, 1:62-2:1).

53. Prior to the ’898 Patent’s earliest alleged priority date, a person of ordinary skill in the art would have also known that biometric monitoring devices / activity monitoring devices include one or more sensors that monitor or sense physical or psychological data. For instance, *Riley* further discloses that:

“A person 100 involved in an athletic performance or workout activity may have one or more sensing devices 102(a), 102(b), 102(c), and 102(d) included on their person, their clothing, their footwear, their equipment, etc. These sensing devices may sense data associated with the athletic performance, including, for example, physical or physiological data associated with the athletic performance. As some more specific examples, in the environment illustrated in FIG. 1, sensors 102(a) and/or 102(b) may sense step count and data associated with such activities (e.g., for pedometer type speed and/or distance measuring), GPS data (e.g., location and/or altitude data, time data, etc.), step impact force data (e.g., for active impact attenuation control), jump height data, or the like. Sensor 102(c) may sense pulse rate, body temperature, blood pressure, hydration levels, or the like, and sensor 102(d) may sense heart rate, EKG data, and the like. Of course, any number of sensors may be provided, and such sensors may sense any desired type of athletic performance information (e.g., one or more physical or physiological parameters)”

(Ex. 1008), 9:10-29). *Riley* further explains that “the various sensors, e.g., 102(a) through 102(d), also may be portable and carried by the person in any desired manner” (Ex. 1008, 9:59-61). For instance, *Riley* provides that one or more sensors

may be: “mounted in or on an article of footwear,” “provided in or on an article of athletic apparel” (such as an arm band, or in a shirt, shorts, pants, socks headband), “carried along on a piece of athletic equipment” and/or “mounted directly on the athlete’s body.” (Ex. 1008, 9:61-10:5).

54. As yet another example, *Hoffman* (Ex. 1009) is based on an application filed on August 9, 2011 (Ex. 1009, Face at Item (22)). According to *Hoffman*, as of at least 2011, athletic monitoring devices typically “incorporate a sensor or multiple sensors for measuring parameters relating to the person being monitored, and a computing device for processing the parameters measured by the sensor(s)” (Ex. 1009, [0094]).

55. As another example, *Srinivasan* is based on an application filed on March 16, 2009 (Ex. 1010, Face at Item (22)). According to *Srinivasan*, as of at least 2009, “[w]earable devices and sensors [had] seen a tremendous global growth in a range of applications including monitoring physical activity” (Ex. 1010, 1:25-27). Just like *Hoffman*, *Srinivasan* explains that “physical activity monitoring systems incorporate a variety of sensors which store the sensor data on a wearable device” (Ex. 1010, 1:27-30).

B. Applications for Displaying Wellness Data Collected from Biometric Monitoring Devices / Activity Monitoring Devices

56. Prior to the ’898 Patent’s earliest alleged priority date, a person of ordinary skill in the art would have known that wellness data collected by biometric

monitoring devices and/or activity monitoring devices could be viewed electronically via an electronic device or software application. Indeed, the '898 Patent admits that as of the alleged priority date, “attempts ha[d] been made to improve the health of individuals by providing them with tools to monitor and track their wellness data” (Ex. 1001, 1:32-34). Further, “tools to monitor and track [a user’s] wellness data” were well-known at the relevant time, such as devices and software application that “allow[ed] users to track their wellness data over time,” as the '898 Patent admits (Ex. 1001, 1:32-43). The '898 Patent further explains that it was well-known that these software applications “can be used to view useful information about a user’s health” (Ex. 1001, 1:43-47).

57. As another example, according to *Hoffman* “once an athletic information monitoring device record[s] athletic information for a person’s athletic activity, the person may then transfer the recorded athletic information to one or more separate devices in order to view the recorded athletic data” (Ex. 1009, [0095]).

58. As yet another example, it was known at least as of 2012, that “conventional athletic performance and exercise equipment [was] capable of presenting data and information to users regarding their performances or workouts (e.g., distance, time, speed, calories burned, metabolic equivalent (“METs”), etc.)” (Ex. 1008, 40:21-25). *Riley* teaches that “athletic performance and/or tracking systems” include components for “sensing athletic performance data and/or for

storing and displaying desired information (e.g., athletic performance information) to the user” (Ex. 1008, 1:23-27). *Riley* further explains that athletic performance data may be transferred to “a processing system and/or display device” to enable “data input, storage, analysis, and/or display on or by an electronic device, including on or by conventional electronic display devices that are known and commercially available” (Ex. 1008, 1:27-36).

59. As yet another example, *DiBenedetto* (Ex. 1011) is based on an application filed on May 18, 2009 (Ex. 1011, Face at Item (22)). *DiBenedetto* explains that, as of at least 2009, “technology has resulted in the development of systems capable of transferring performance information obtained from a user during a workout to a remote computer for further analysis” (Ex. 1011, 1:41-44). *DiBenedetto* teaches that “these systems often provide a user interface that allows the user to review their past performance data” (Ex. 1011, 1:44-45).

C. Sharing Wellness Data and User Privacy Settings

60. Prior to the priority date of the ‘898 Patent, a person of ordinary skill in the art would have known that wellness 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. A person of ordinary skill in the art would have further known that there are data privacy concerns with sharing any type of wellness data, including data collected by biometric monitoring

devices and/or activity monitoring devices. Indeed, the '898 Patent recognizes that “the use of personal information data” can be “used to benefit the user” and that “the entities responsible for the collection, analysis, disclosure, transfer, storage or other use of such personal information data will comply with well-established privacy policies and/or privacy concerns” (Ex. 1001, 76:25-29). The '898 Patent further recognizes that “such entities should implement and consistently use privacy policies and practices that are generally recognized as meeting or exceeding industry or governmental requirements for maintaining personal information data private and secure” (Ex. 1001, 29-33). The '898 Patent even teaches that “personal information from users should be collected for legitimate and reasonable uses of the entity and not shared or sold outside of those legitimate uses” and “should occur only after receiving the informed consent of the use” (Ex. 1001, 76:33-38).

61. As another example, *mHealth Devices* explains that “if users are not comfortable with the way their information is being collected or shared, they may not use the [mobile health] technologies at all, or use them in limited ways” (Ex. 1012, 117). *mHealth Devices* further explains that “users’ preferences for collecting and sharing information are likely to vary depending on the types of information and the types of recipients” (Ex. 1012, 117). Because of this, *mHealth Devices* discloses user interfaces that allow the user to specify the types of

information to be received by each recipient and to observe what each recipient will be able to see (Ex. 1012, 119).

62. As another example, *DiBenedetto* discloses a user interface that allows a user to control their privacy settings (Ex. 1011, Fig. 43). *DiBenedetto* teaches that “privacy settings information may include, for example, whether the user’s profile and/or history are accessible to all users or only select users” (Ex. 1011, 26:34-39). *DiBenedetto* further teaches that “for those users with access, the privacy settings may control specifically what historical information is accessible (e.g., only workout data from the last workout vs. all workout data)” (Ex. 1011, 26:39-42). As another example, *DiBenedetto* teaches that a user “may link their fitness monitoring account to a social networking site, such as, for example, Facebook, MySpace, Twitter, Friendster, LinkedIn, or the like” (Ex. 1011, 26:43-46). And *DiBenedetto* explains that “users who link their profile to a social networking site may be able to specify how often their fitness information is updated to their social networking site and specifically what type of information is provided” (Ex. 1011, 26:46-50).

63. Similarly, *Hoffman* discloses a user interface that allows a user to control their privacy settings (Ex. 1009, Figs. 53F). *Hoffman* explains:

“If a user chooses a private setting, other users might not be able to find the user or view the user's information. If, on the other hand, a public setting is selected, other users may be able to publicly search for the

user and view various types of information about the user. The public setting may also allow for sharing information on other sites such as social network sites and news feeds.”

(Ex. 1009, [0245]). *Hoffman* further explains “a user may define information sharing settings” by “enabling or disabling certain sharing functionality” (Ex. 1009, [0246], [0247]).

64. As yet another example, in the remote monitoring context, patient health data must be safeguarded according to enacted medical patient privacy laws, such as the Health Information Portability and Accountability Act (HIPPA). For instance, *Hoyme* (Ex. 1014) is based on an application filed on May 3, 2005 (Ex. 1014, Face at Item (22)). *Hoyme* teaches that “patient data is safeguarded against unauthorized disclosure to third parties, including during collection, assembly, evaluation, transmission, and storage, to protect patient privacy and comply with recently enacted medical information privacy laws, such as the Health Insurance Portability and Accountability Act (HIPAA) and the European Privacy Directive” (Ex. 1014, [0023]). *Hoyme* further teaches that “absent express permission, clinicians are not ordinarily allowed to access other clinician’s displays to safeguard patient privacy and to comply with applicable medical information privacy laws” (Ex. 1014, [0036]).

VII. SUMMARY OF THE '898 PATENT

A. The '898 Patent's Specification

65. The '898 Patent generally relates to “aggregating and sharing wellness data” (Ex. 1001, Abstract). The '898 Patent explains that wellness data generally includes “any type of data associated with a person’s health, such as their weight, heart rate, blood pressure, blood glucose level, medication compliance, activity level, or the like” (Ex. 1001, 1:34-38). The '898 Patent recognizes that wellness data can be collected using devices such as “blood pressure cuffs, blood glucose monitors, electrocardiograms, step counters, and the like” (Ex. 1001, 1:39-40). The '898 Patent purports to identify problems relating to user’s ability to monitor and track their wellness data. Specifically, the '898 Patent alleges 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).

66. The '898 Patent purports to solve these alleged problems by disclosing methods and processes for “aggregating and sharing wellness data” (Ex. 1001, Abstract, 1:52-53). The specification describes an electronic device with a display that is capable of receiving information identifying “a plurality of approved sources of wellness data” and “a plurality of approved destinations of wellness data” (Ex. 1001, 2:57-3:2). The specification further explains that both the approved

sources and approved destinations can comprise electronic devices or software applications (Ex. 1001, 3:19-22). In connection with Figure 34, the specification describes that once the user selects the “Share Data” option (annotated in 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 for each associated destination (Ex. 1001, 57:13-27).

67. Figure 34 illustrates that a user can control the destinations able to access the user’s wellness data. For instance, “selectable options” for sharing (boxed in ORANGE) allow the user to turn on or off data sharing for each device. For example, Figure 34 illustrates that sharing is turned OFF for Device 1 (highlighted in RED) but turned ON for App 1 and App 2 (highlighted in GREEN) (Ex. 1001, 57:42-49).

Ex. 1001, Fig. 34 (annotated)

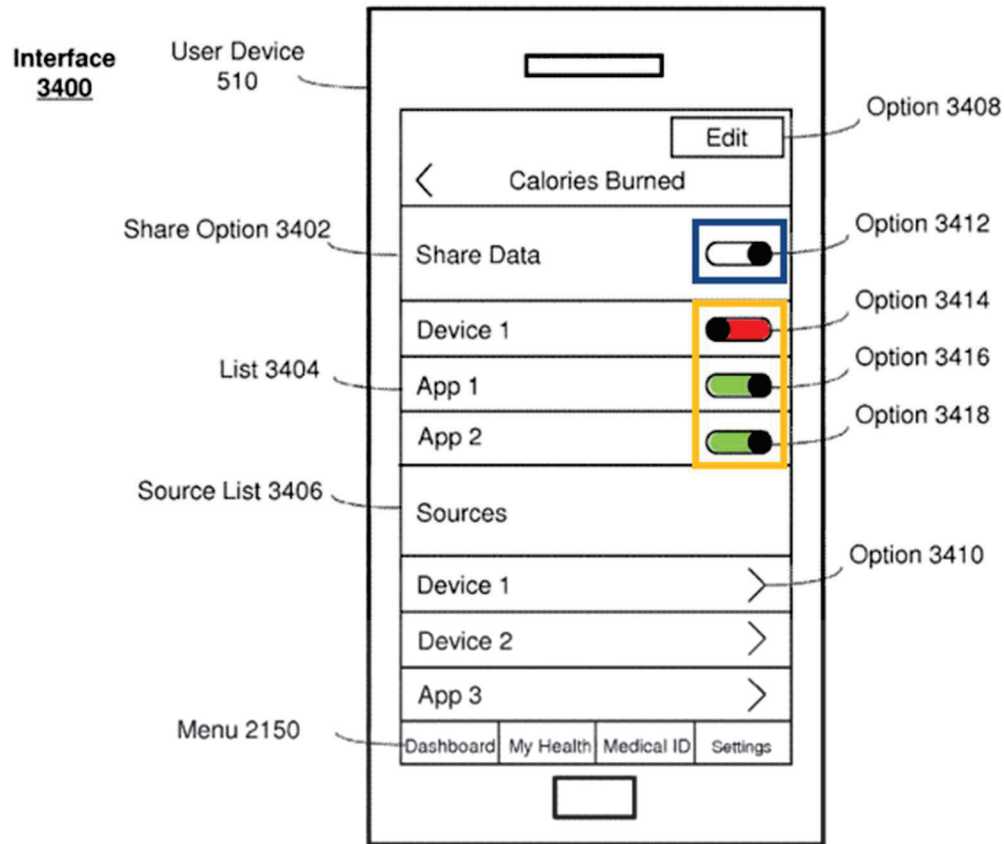


FIG. 34

68. Like the user's ability to control the destinations able to access the user's wellness data, the user is similarly able to control the type of data collected and accessible to a destination from individual sources (Ex. 1001, 58:40-51). This is illustrated by Figure 36, annotated below. Specifically, Figure 36 depicts "selectable option 3604" (annotated in BLUE) which "can be used to turn data uploading from the device or application on or off (e.g., to be stored in wellness database)" (Ex. 1001, 58:43-51). Figure 36 further depicts "a list 3606 of data types

that can be provided by Device 1” (Ex. 1001, 58:52-53). The ‘898 Patent explains that “selectable options 3608, 3610, 3612, and 3614” (annotated in ORANGE can be changed “to turn data uploading on or off” for specific each specific type of data (Ex. 1001, 58:53-64). For example, Figure 36 illustrates that sharing is turned OFF for Blood Pressure (highlighted in RED but sharing is ON for Calories, Step, and Stairs Climbed (highlighted in GREEN) (Ex. 1001, 58:64-59:2).

Ex. 1001, Fig. 36 (annotated)

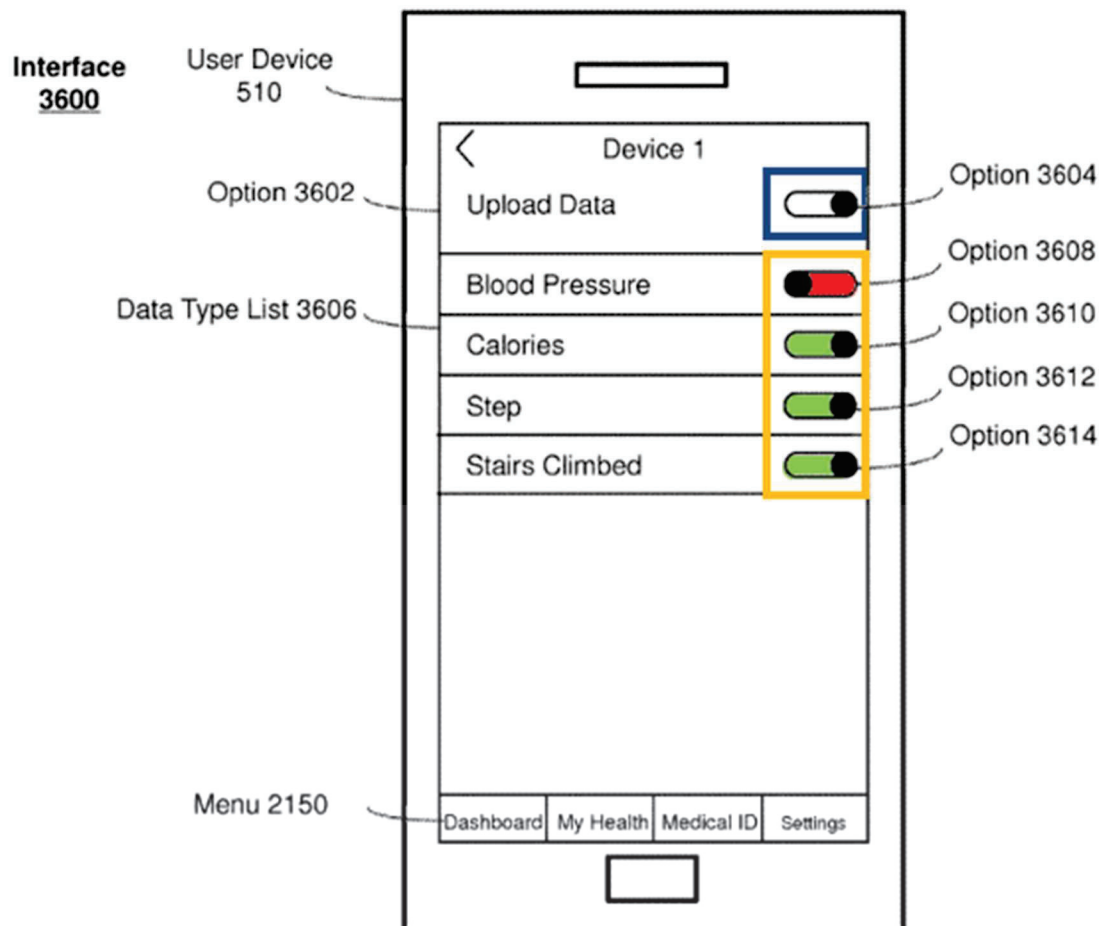


FIG. 36

69. The '898 Patent states that the option interface illustrated in Figure 36 “allows a user to specifically define what types of data can be provided by a particular device or application” (Ex. 1001, 59:13-15).

B. The '898 Patent's Prosecution History

70. Below is a brief summary of the '898 Patent's prosecution history. This summary is not intended to address or summarize the '898 Patent's entire prosecution history. Rather, it is intended to summarize the parts that are relevant to my analysis below.

71. U.S. Patent App. No. 14/599,424 was filed on January 16, 2015, and claims priority to Provisional Application No. 62/006,032 filed on May 30, 2014 (Ex. 1001, Cover).

72. On January 17, 2018, the Examiner rejected Claims 1-29 under 35 U.S.C. § 101 as “directed to a judicial exception [] without significantly more” (Ex. 1002, 1130). Specifically, the Examiner found the claims “directed to the abstract idea of displaying and selecting sources and destinations of categories of wellness data” (Ex. 1002, 1132). The Examiner explained the claims merely “provide conventional computer functions that do not add meaningful limits to practicing the abstract idea” (Ex. 1002, 1132). In addition, the Examiner rejected all pending claims under 35 U.S.C. § 102(a) as anticipated by U.S. Pat. Appl. Publication No. 2012/0116550 (“*Hoffman*,” Ex. 1009). Finally, the Examiner

rejected claims 22 and 24 as obvious in view of *Hoffman* (Ex. 1002, 1134).

73. In response, to the January 17, 2018 Office Action, the Applicant amended independent claims 1, 28, and 29 to address the rejections under §§ 102, 103. The Applicant made the same amendments to Claim 1 as Claims 28 and 29. As such, the amendments to independent claim 1 are reproduced below:

Ex. 1002, 591

1. (Currently Amended) 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:

- receive information identifying a plurality of approved sources of wellness data;
- receive information identifying a plurality of approved destinations of wellness data;
- display a detailed view of a sub-category of wellness data, the detailed view comprising:
 - 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 [[a]] the plurality of approved sources for the sub-category of wellness data; and
 - a selectable data sharing option;
- receive user selection of the selectable data sharing option; and
- in response to receiving the selection of the selectable data sharing option, display:
 - 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
 - [[a]] 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.

74. The Applicant argued that the amended claim language avoided *Hoffman*. Specifically, Applicant argued that the newly amended claims required more than *Hoffman*'s disclosure of "displaying the data derived from the sources"

by requiring, *inter alia*, “receive information identifying a plurality of approved sources of wellness data; receive information identifying a plurality of wellness data destinations” (Ex. 1002, 598). In this way, the Applicant took the position that *Hoffman*’s displaying of data derived from sources did not anticipate the claims.

75. As for the § 101 rejection, Applicant traversed the rejection by arguing that the claims were patent eligible under the Federal Circuit’s recent decision in *Core Wireless Licensing S.A.R.L. v. LG Elecs. Inc.*, 880 F.3d 1356 (2018) which I understand the Federal Circuit issued after the January 17, 2018 Office Action. Applicant specifically argued that under *Core Wireless*, claims which are directed to a “particular manner of summarizing and presenting information in electronic devices” are not abstract ideas and are patent eligible (Ex. 1002, 599). The Applicant submitted that “the pending claims are directed to an improved user interface of a computing device to present to a user what sources are providing information and importantly, which destinations have access to the information” (Ex. 1002, 599).

76. Next, on June 28, 2018, the Examiner issued a Final Rejection, rejecting all pending claims under § 103 as unpatentable over *Hoffman* in view of U.S. Patent Appl. Publ. No. 2012/0310674 (“*Faulkner*,” Ex. 1015) (Ex. 1002, 543-549).

77. In a response to the June 28, 2018 Office Action, the Applicant again amended the claims to include the features of claims 2 and 3, and made the same amendments to independents Claims 1, 28, and 29 (Ex. 1002, 214, 219-220). Claims

2 and 3 were canceled, and claims 30-71 were newly added. The amendments to Claim 1 are reproduced below:

Ex. 1002, 214

1. (Currently Amended) 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:

receive information identifying a plurality of approved sources of wellness data, wherein the plurality of approved sources comprise an electronic device or software application;

receive information identifying a plurality of approved destinations of wellness data, wherein the plurality of approved destinations comprise an electronic device or software application;

display a detailed view of a sub-category of wellness data, the detailed view comprising:

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

a selectable data sharing option;

receive user selection of the selectable data sharing option; and

in response to receiving the selection of the selectable data sharing option, display:

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

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.

78. Additionally, the Applicant mapped the compute-readable storage medium claims to the method claims and device claims of the Application, as follows:

Ex. 1002, 211-212

CRM claims, which depend from allowable claim 1	Method claims, which depend from allowable claim 28	Device claims, which depend from allowable claim 29
(Original) Claim 4	(New) Claim 30	(New) Claim 51
(Previously Presented) Claim 5	(New) Claim 31	(New) Claim 52
(Original) Claim 6	(New) Claim 32	(New) Claim 53
(Original) Claim 7	(New) Claim 33	(New) Claim 54
(Original) Claim 8	(New) Claim 34	(New) Claim 55
(Original) Claim 9	(New) Claim 35	(New) Claim 56
(Original) Claim 10	(New) Claim 36	(New) Claim 57
(Original) Claim 11	(New) Claim 37	(New) Claim 58
(Original) Claim 12	(New) Claim 38	(New) Claim 59
(Previously Presented) Claim 15	(New) Claim 39	(New) Claim 60
(Previously Presented) Claim 16	(New) Claim 40	(New) Claim 61
(Previously Presented) Claim 17	(New) Claim 41	(New) Claim 62
(Original) Claim 18	(New) Claim 42	(New) Claim 63
(Currently Amended) Claim 20	(New) Claim 43	(New) Claim 64
(Previously Presented) Claim 21	(New) Claim 44	(New) Claim 65
(Original) Claim 22	(New) Claim 45	(New) Claim 66
(Original) Claim 23	(New) Claim 46	(New) Claim 67
(Original) Claim 24	(New) Claim 47	(New) Claim 68
(Original) Claim 25	(New) Claim 48	(New) Claim 69
(Original) Claim 26	(New) Claim 49	(New) Claim 70
(Original) Claim 27	(New) Claim 50	(New) Claim 71

The Applicant stated that Claims 30-71 are allowable for the same reasons as claims 4-12, 15-18, and 20-27 (Ex. 1002, 211).

79. The Examiner issued a Notice of Allowance on December 13, 2018. There, the Examiner did not state any additional reasons for allowance (Ex. 1002, 71-76).

80. On August 6, 2019, Applicant filed a Request of Correction, seeking correction of the following errors, which included a change in the dependences of claims 46 and 47.

Ex. 1002, 40

On the Cover Page, Page 1, Column 2, under "Other Publications", delete "Translation)." and insert - - Translation and 4 pages of Official Copy). - -.

In the Claims, Claim 46, Column 82, Line 59, delete "claim 25," and insert - - claim 24,- -.

In the Claims, Claim 47, Column 82, Line 61, delete "claim 25," and insert - - claim 24,- -.

The Examiner issued a Certificate of Correction on September 10, 2019 (Ex. 1002, 37)

81. On December 2, 2022 Applicant filed a request for Change of Inventorship, requesting that Kevin M. Lynch, Aroon Pahwa, and Divya Nag be added as co-inventors (Ex. 1002, 11). The Examiner granted the Request to Correct Inventorship on December 17, 2022 (Ex. 1002, 1).

VIII. SUMMARY OF THE PRIOR ART

A. *Molettiere* (Ex. 1005)

82. United States Patent No. 8,849,610 ("*Molettiere*", Ex. 1005) is titled "Tracking User Physical Activity With Multiple Devices." *Molettiere* was filed by

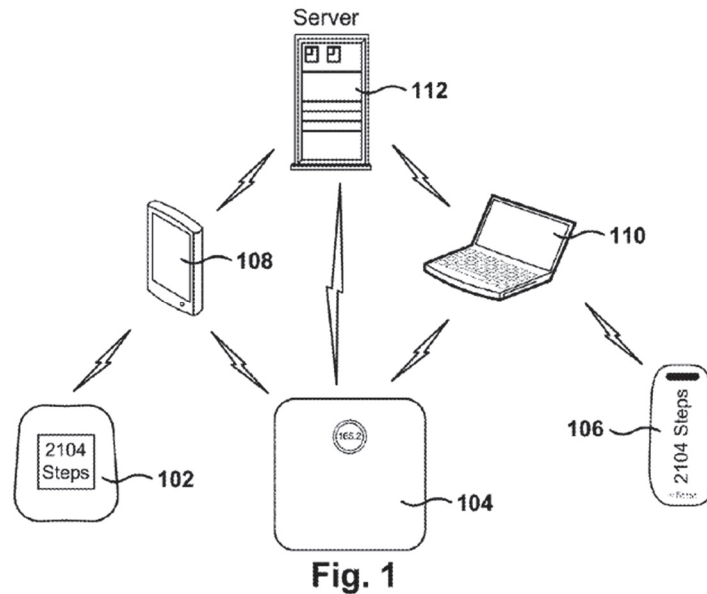
Applicant, Fitbit, Inc., and broadly relates to the functionality and data processing of Fitbit's activity trackers and/or other biometric monitoring devices (Ex. 1005, 2:46-67).

83. *Molettiere* was filed on February 11, 2014 and issued on September 30, 2014 (Ex. 1005, Cover). Thus, I have been informed that I should assume *Molettiere* is prior art under at least 35 U.S.C. § 102 (a)(2).

84. *Molettiere* discloses methods, devices, systems, and computer programs for analyzing and synthesizing data provided by multiple devices (Ex. 1005, 2:15-19, 2:46-52). More specifically, *Molettiere* relates to analyzing data collected from "multiple devices," such as portable biometric monitoring devices, "that monitor the same or similar physical phenomena" (Ex. 1005, 2:53-67). According to *Molettiere*, "[t]he use of portable devices has grown exponentially over the last few decades, and in particularly [sic], the use of biometric monitoring devices that users wear on their bodies to measure activity levels, as well as measuring environmental or user parameters (e.g., temperature, heart rate, altitude, etc.)" (Ex. 1005, 2:21-29).

85. Figure 1 of *Molettiere* shows "a block diagram of a system architecture according to one embodiment," including portable devices (pedometers 102 and 106), devices carried by the user (mobile phone 108 and laptop 110), and stationary devices (electronic scale 104) (Ex. 1005, 4:56-67).

Ex. 1005, Fig. 1



86. *Molettiere* explains that “devices collect one or more types of physiological or environmental data,” such as step count, as well as other metrics, such as energy expenditure (e.g., calorie burn), floors climbed or descended, heart rate, heart rate variability, heart rate recovery, heart rate recovery, blood pressure, blood glucose, skin and/or body temperature, electromyography, electroencephalography, weight, body fat, caloric intake, nutritional intake, sleep quality/phases/duration, respiration rate, etc. (Ex. 1005, 5:1-31).

87. *Molettiere* teaches that a “data synthesizer” is used to “accept data form 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). *Molettiere* further teaches that the “data synthesizer” may

collect data from “third party devices or services” based on certain requirements, including “the explicit consent of the user to allow the third-party data to be combined with their data streams” (Ex. 1005, 7:19-21, 10:66-10:17). Similarly, *Molettiere* teaches that users can “choose to export their data streams to other devices or services” or “share their data with various health monitoring services” (Ex. 1005, 19:54-65). *Molettiere* also teaches that users may also choose to share their activity data with other users by for example, “opt[ing] in or out of allowing the data synthesizer to use their data on other users’ account” (Ex. 1005, 19:4-43, 30:29-38).

88. *Molettiere* also discloses a user interface that “provide[s] visualization of user data through a website” (Ex. 1005, 10:18-19, 25-26). Figure 8, annotated below, depicts an exemplary user interface (Ex. 1005, 12:14-25). Specifically, Figure 8 depicts the “level of activity of the user over a 24-hour period” using a bar graph (annotated in YELLOW below) (Ex. 1005, 12:14-21). *Molettiere* explains that “several metrics can be displayed on the screen” such as “steps, distances, calories burned, location (GPS), floors/elevation, heart rate, and sleep” (Ex. 1005, 12:21-25). A user may view these metrics by selecting button corresponding to that metric on the top of the interface (annotated in PURPLE below).

Ex. 1005, Fig. 8 (annotated)

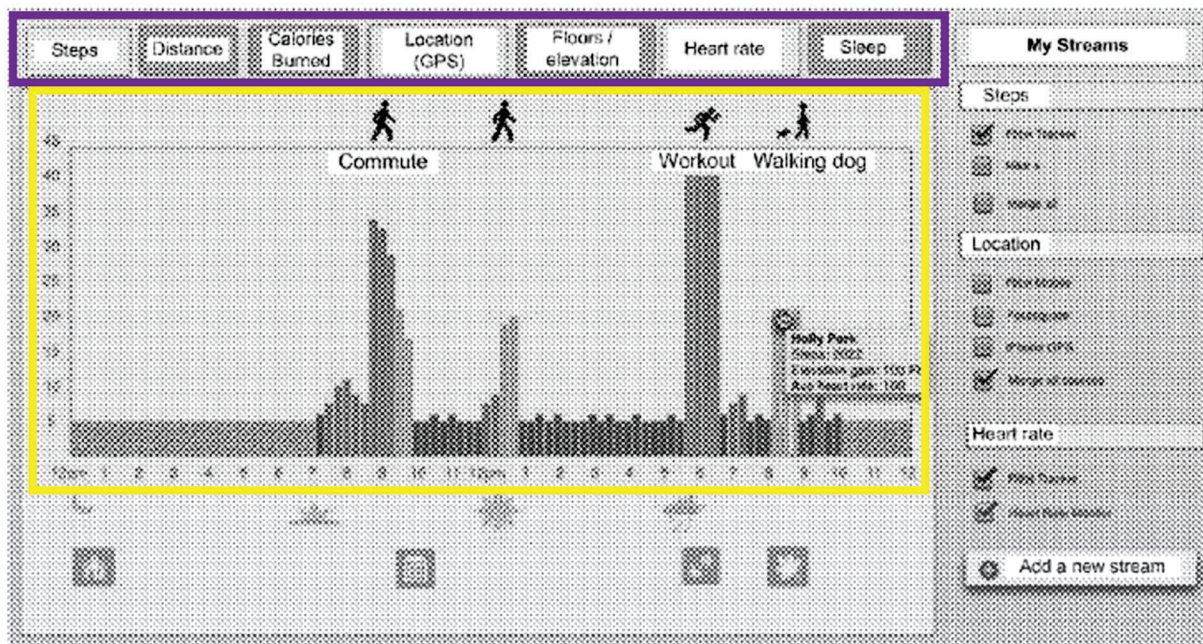


Fig. 8

89. *Molettiere* teaches that the user interface may utilize different layouts, charts, options, buttons, colors, etc. for displaying data collected from the one or more devices (Ex. 1005, 12:26-46). For example, “multiple values can be represented simultaneously on the graph bar, such as for example using different colors for each of the parameters” (Ex. 1005, 12:34-26).

90. *Molettiere* further discloses user interfaces “on a portable device for configuring tracking devices in use by the user” (Ex. 1005, 21:45-46). *Molettiere* explains that “a website or application connected to the data synthesizer enables the user to manage the devices that communicate with the data synthesizer” (Ex. 1005, 21:46-49). For example, the user interface “provides an option for setting up new

devices,” as well options for the type of information tracked or collected by an individual device (boxed in ORANGE) such as “information about tracking steps, tracking distance, tracking calories burned, tracking floors climbed” as depicted in Figs. 13 and 16 below. (Ex. 1005, 21:64-65, 22:32-39).

Ex. 1005, Fig. 13 and Fig. 16 (annotated)



Fig. 13

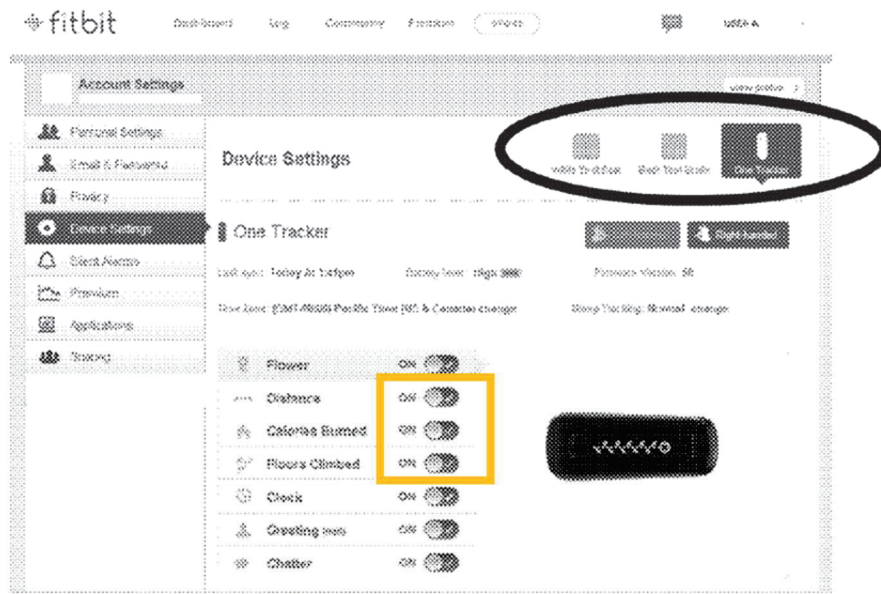


Fig. 16

B. *Cohen* (Ex. 1006)

91. United States Patent No. 9,730,621 (“*Cohen*”, Ex. 1006) is titled “Remote Monitoring of Analyte Measurements.” *Cohen* was filed by Applicant, DexCom, Inc., and broadly relates to the functionality and data processing of DexCom’s glucose monitoring system (Ex. 1006, 6:52-59).

92. *Cohen* was filed on December 27, 2013 and issued on August 15, 2017 (Ex. 1006, Cover). Thus, I have been informed that I should assume *Cohen* is prior art under at least 35 U.S.C. § 102 (a)(2).

93. *Cohen* generally relates to “methods and apparatus, including computer program products, [] for remote monitoring,” (Ex. 1006, Abstract, 1:62-64). The health monitoring system 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).

94. A high-level block diagram of *Cohen*’s “remote monitoring system” is depicted below:

Ex. 1006, Fig. 1

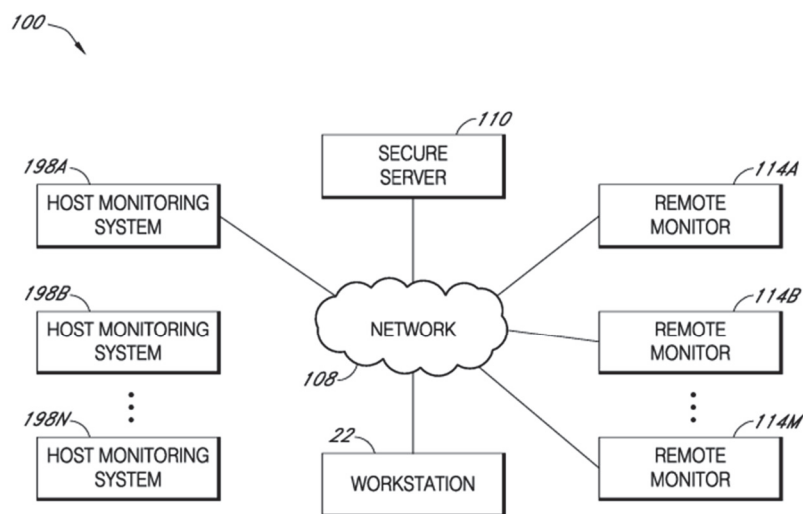


FIG. 1

95. *Cohen*’s system allows “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* explains that:

“The 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. In addition, other characteristics

of a host can be monitored to facilitate care of a host, such as a geographic location of the host, state of a host (e.g., exercising, sleeping, or working) and the like.”

(Ex. 1006, 6:25-31).

96. To allow for such remote monitoring, *Cohen* explains that “[t]he information gathered by the host monitoring system can then be transmitted to one or more remote monitors used by caretakers” (Ex. 1006, 6:39-41).

97. *Cohen* also teaches that “[v]arious permission and invitations can be used to limit which remote monitors 114A-114M can monitor host monitoring systems 198A-198N” (Ex. 1006, 8:23-26). For example, *Cohen* explains that “receiver 102...may send a message...to invite remote monitor 114 to accept a connection establishment request from secure server 110” (Ex. 1006, 34:1-7). If the remote monitor accepts the invitation, “the remote monitor 114 may be provided with notification messages for events associated with receiver 102 and access to sensor data and reports associated with host 199” (Ex. 1006, 34:7-10). *Cohen* further explains that “a host 199 or caretaker of host may manage the status of invitations (e.g., invitations sent, invitations accepted, monitoring cancelled, and the like) via receiver 102, gateway 104, user communication device 105, and/or secure server 110” (Ex. 1006, 34:36-40).

98. *Cohen* further teaches that “the user uses the application on the host device 105 to invite remote monitors 114” and set the remote monitor’s permissions (Ex. 1006, 42:4-64). *Cohen* explains that the application “can prompt the user for permission that the user wants the remote monitor 114 to have, such as permissions to view trend graph data, and alert settings that the user wants the remote monitor 114 to have. Once finished, the application sends an invitation to remote monitor 114” (Ex. 1006, 42:60-64). *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).

99. An exemplary user interface for setting a remote monitor’s permissions is depicted in Figure 15 below. As annotated in Figure 15, *Cohen* discloses a “selectable data sharing option” including: 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, 47:32-36), a “pause/resume control button 1514 (highlighted in BLUE above) that can selectably stop and re-start remote monitoring capabilities of the remote monitor (Ex. 1006, 47:50-52), and a “delete remote monitor control button 1516” (highlighted in RED) that can be used to delete the monitor from the list of monitors approved to monitor the host (Ex. 1006, 47:66-48:1)

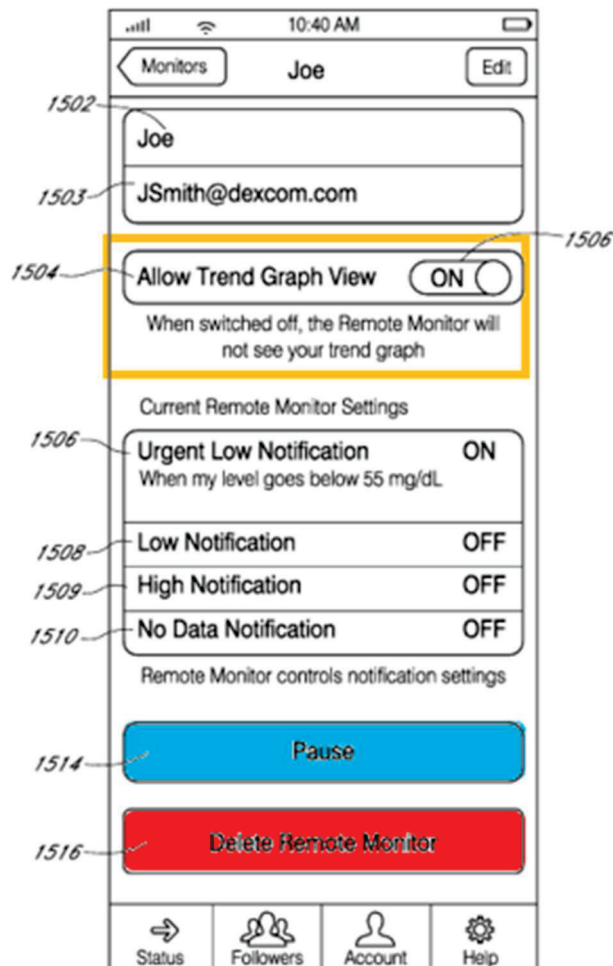


FIG. 15

C. Yuen (Ex. 1007)

100. United States Patent No. 9,173,576 (“Yuen”, Ex. 1007) is titled “Biometric Monitoring Device Having a Body Weight Sensor, and Methods of Operating the Same.” Yuen was filed by Applicant, Fitbit, Inc., and broadly relates

to the functionality and data processing of Fitbit's personal weight sensor or scale (Ex. 1007, 1:23-27).

101. *Yuen* was filed on April 24, 2014 and issued on November 3, 2015 (Ex. 1007, Cover). Thus, I have been informed that I should assume *Yuen* is prior art under at least 35 U.S.C. § 102 (a)(2).

102. *Yuen* generally relates to “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* teaches that the biometric device includes “a user interface to input data/commands and display physiologic data,” “one or more additional sensors to sense, measure and/or detect other physiologic data” and “communication circuitry (wireless and/or wired) to transmit biometric or physiologic data and/or receive...physiologic data” (Ex. 1007, 1:27-29, 1:32-34, 1:38-50). *Yuen* further teaches that biometric device may receive “user activity data, food consumption data, and/or sleep data” which may be measured or monitored by other portable activity monitoring devices, “for example Fitbit's activity monitoring/tracking device and then acquired by the biometric device” (Ex. 1007, 1:54-59).

103. *Yuen* discloses that physiologic data includes, for example, “data which is representative of body fat, fat-free mass, hydration, body cell mass, height, eye color, sun exposure, heart rate, respiratory rate, blood pressure, and/or arterial

stiffness” (Ex. 1007, 1:31-37. *Yuen* further discloses that the one or more sensors include, for example, “a weight sensor and a body fat sensor, heart rate sensor, blood pressure sensor, galvanic skin sensor, stress level sensor and/or arterial stiffness sensor” (Ex. 1007, 4:10-15). These sensors are depicted below in BLUE.

Ex. 1006, Figure 2C (annotated)

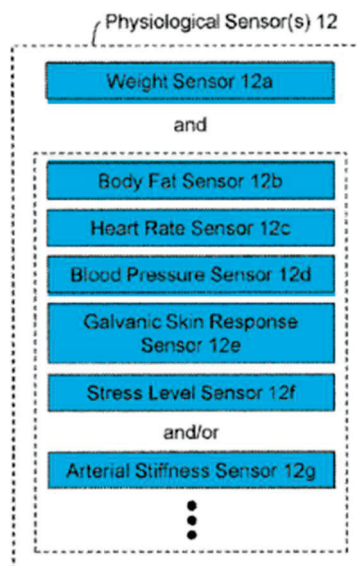


FIGURE 2C

Yuen further discloses that “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).

104. In addition, *Yuen* teaches that biometric device may be programmed or configured via the user interface “to enable or engage (or disable or disengage) one

or more physiologic sensors and/or enable or disable the monitoring, calculating, and/or determining of one or more physiologic data (via enabling and/or disabling selected physiologic sensors)” (Ex. 1007, 10:30-40).

105. *Yuen* also discloses that the physiologic data can be transmitted to destinations, such as “other devices or a network service (e.g., www.fitbit.com)” (Ex. 1007, 12:2-5). Similarly, *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” (Ex. 1007, 24-26). *Yuen* further teaches that “the user may enable or disable acquisition or storage of data by the external destination” (Ex. 1007, 12:27-28). In this way, *Yuen* explains “the user controls, among other things, the ability of or for data destinations to receive the data” (Ex. 1007, 12:30-32).

IX. THE PRIOR ART ANTICIPATES AND/OR RENDERS OBVIOUS CLAIMS 1-11, 16, 18, 20-22, 23, 25-34, 39, 41, AND 43-45 OF THE '898 PATENT

A. Ground 1: *Molettiere* Anticipates and/or Renders Obvious Claims 1-11, 18, 20-23, 25-34, 41, and 43-45 of the '898 Patent.

106. *Molettiere* anticipates and/or renders obvious claims 1-11, 18, 20-23, 25-34, 41, and 43-45 of the '898 Patent. As discussed above in Section VII.B, the Applicant made clear during prosecution that the method of claim 23 and its dependents are allowable for the same reasons as the computer-readable storage-medium (“CRM”) of claim 1 and its dependents (Ex-1002, 211-212). The method

claims are substantially similar to the computer-readable storage-medium claim, other than being written in method form. Thus, my discussion of the CRM claims (i.e., claims 1-11, 18, and 20-22) applies equally to the method claims (i.e., claims 23, 25-34, 41 and 43-45) and will not be repeated for brevity.

Claim 1, Element [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:

107. To the extent that element [1.pre] is found to be limiting, *Molettiere* discloses this claim element. Specifically, *Molettiere* discloses 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 perform the elements of claim 1.

108. For example, *Molettiere* generally relates to “methods, devices, systems, and computer programs for analyzing data, and more particularly, methods, devices, systems, and computer programs for consolidating overlapping data provided by multiple devices” (Ex. 1005, 2:15-19). *Molettiere* explains that its embodiments “can be implemented in numerous ways, such as a method, an apparatus, a system, a device, or a computer program on a computer readable medium” (Ex. 1005, 2:48-52).

109. *Molettiere* further discloses that “a non-transitory computer-readable storage medium storing a computer program is provided” (Ex. 1005, 3:24-25).

Molettiere teaches that the “computer-readable storage medium includes program 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, 3:26-29). *Molettiere* further teaches “the storage medium includes program instructions for assembling a unified activity data stream for the user over a period of time, the unified activity data stream including data segments from the data streams of at least two devices of the plurality of devices, the data streams being organized time-wise over the period of time” (Ex. 1005, 3:29-25).

110. As another example, *Molettiere* discloses a “data synthesizer” that is able to combine or filter information collected from multiple monitoring devices, by “combin[ing] multiple data streams into a single data stream or set of data streams using an algorithm or a set of algorithms” (Ex. 1005, 6:14-28). *Molettiere* explains “data synthesis may be performed on a central device (e.g., a smartphone, a biometric hub such as an activity watch, a personal computer, a tablet computer, a home gaming console, a household sensor (e.g., thermostat)), through a web-based portal (e.g., www.fitbit.com), or via a combination of a central device and a web-based portal” (Ex. 1005, 6:33-38). Specifically, *Molettiere* explains that the data synthesizer “transfers the data to a computing device 216 for visualization of the data for presentation to the user. For example, the data may be visualized on a laptop or a smart phone.” (Ex. 1005, 7:5-9, Fig. 2). A laptop or smartphone are electronic

devices with a display and are capable of displaying data for presentation to the user.

111. As such, *Molettiere* discloses claim element [1.pre].

Claim 1, Element [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;

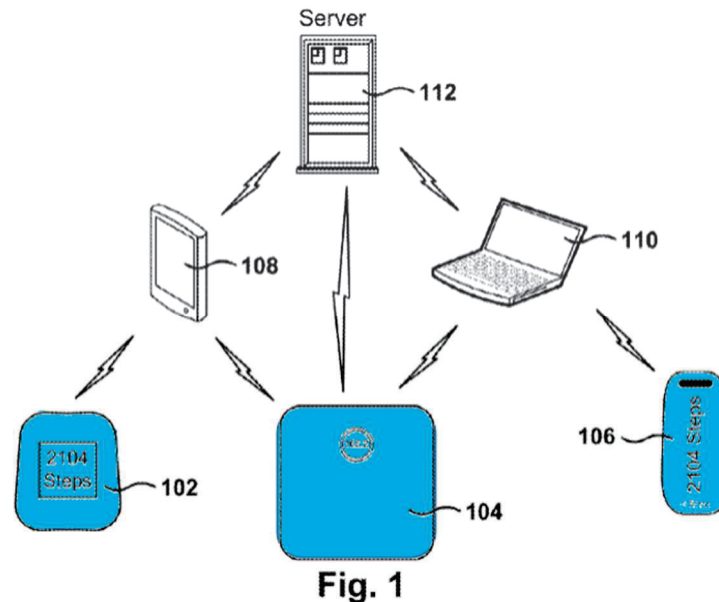
112. *Molettiere* discloses claim element [1.a]. Specifically, *Molettiere* discloses a non-transitory computer-readable storage medium storing one or more programs that cause the device to receive information identifying a plurality of approved sources of wellness data, wherein the plurality of approved sources comprise an electronic device or software application.

113. For example, *Molettiere* discloses “consolidating overlapping data provided by multiple sources” (Ex. 1005, 2:46-48). Specifically, *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 tracking a single user or a group of users” (Ex. 1005, 2:57-63). *Molettiere* describes that “biometric monitoring devices are portable and have shapes and sizes that are adapted to couple to the body of a user (e.g., pedometers 102, 106), while other devices are carried by the user (e.g., mobile phone 106, laptop 110, tablet), and other devices may be stationary (e.g., electronic scale 104, a digital thermometer, personal computer)” (Ex. 1005, 4:62-67). These devices “collect one or more types of physiological or environmental data from embedded sensors or

external devices” (Ex. 1005, 5:1-3).

114. An example of a plurality of approved sources of wellness data is illustrated by Fig. 1, shown below in BLUE.

Ex. 1005, Fig. 1 (annotated)



115. A user approves a source when the user sets up a new device. For example, *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). The interface, similarly, depicts “all the devices connected to the [users] account, as well as a variety of their characteristics, settings or data” (Ex. 1005, 21:50-54).

116. For example, Figure 13 illustrates that a user “has configured [or set

up] a digital scale and wearable fitness tracker” as annotated in GREEN below (Ex. 1005, 21:60-61). Fig. 13 also depicts the button for setting up a new device, annotated in PURPLE. *Molettiere* teaches that once a user has set up a new device, the user is able to “select[] a device (e.g., touches the area associated with one device)” in order to see “further information regarding the device and its configuration” (Ex. 1005, 21:60-64).

Ex. 1005, Fig. 13 (annotated)



Fig. 13

117. As another example, *Molettiere* discloses that data synthesizer may use data 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).

Molettiere further discloses that “third party data streams are accepted if the data

streams meet a set of requirements to ensure that the third party data stream is reliable and properly handled” (Ex. 1005, 10:6-9). *Molettiere* specifically teaches that one requirement may be “the explicit consent of the user to allow the third party data to be combined with their existing data streams” (Ex. 1005, 10:15-17). *Molettiere* further teaches that other requirements may include “the data stream coming from a reputable or verified source” (Ex. 1005, 10:10-12).

118. In addition, *Molettiere* teaches that a user can “upload[], share[], or enter[] high accuracy data with the data synthesizer” (Ex. 1005, 20:53-56). For example, *Molettiere* provides the example of a “upload[ing], enter[ing], or authoriz[ing] the sharing of data that was collected from a doctor’s appointment using high accuracy equipment including but not limited to data regarding blood pressure, body fat, resting heart rate, height and body weight” (Ex. 1005, 20:57-61).

119. Thus, *Molettiere* discloses claim element [1.a].

Claim 1, Element [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;

120. *Molettiere* discloses claim element [1.b]. Specifically, *Molettiere* discloses a non-transitory computer-readable storage medium storing one or more programs that cause the device to receive information identifying a plurality of approved destinations of wellness data, wherein the plurality of approved destinations comprise an electronic device or software application.

121. *Molettiere* discloses that the “data synthesizer may export data in various ways” (Ex. 1005, 19:54, 7:2-9), and that “a user can choose to export their data streams to other devices or services” (Ex. 1005, 19:57-58). A user approves a destination when the user chooses to have their data shared another device and our service. For example, *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 Valt1M or MyFitnessPal™” (Ex. 1005, 19:58-65).

122. As another example, *Molettiere* also teaches that the “data synthesizer can also use data streams from multiple users to improve the data quality of a single user” (Ex. 1005, 19:5-7). *Molettiere* provides the example of providing a default stride length based on typical stride lengths for users of similar age, height, and gender when the user does not enter their stride length data (Ex. 1005, 19:10-14). *Molettiere* teaches that “users can opt in or opt out of allowing the data synthesizer to use their data on other users’ accounts” (Ex. 1005, 19:13-16). *Molettiere* also teaches 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).

123. Thus, *Molettiere* discloses claim element [1.b].

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

124. *Molettiere* discloses and/or renders obvious claim element [1.c.]. Specifically, *Molettiere* discloses a non-transitory computer-readable storage medium storing one or more programs that cause the device to display a detailed view of a sub-category of wellness data, the detailed view comprising elements [1.c.i] and [1.c.ii]. *Molettiere* discloses that “Table 1 below provides examples 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).

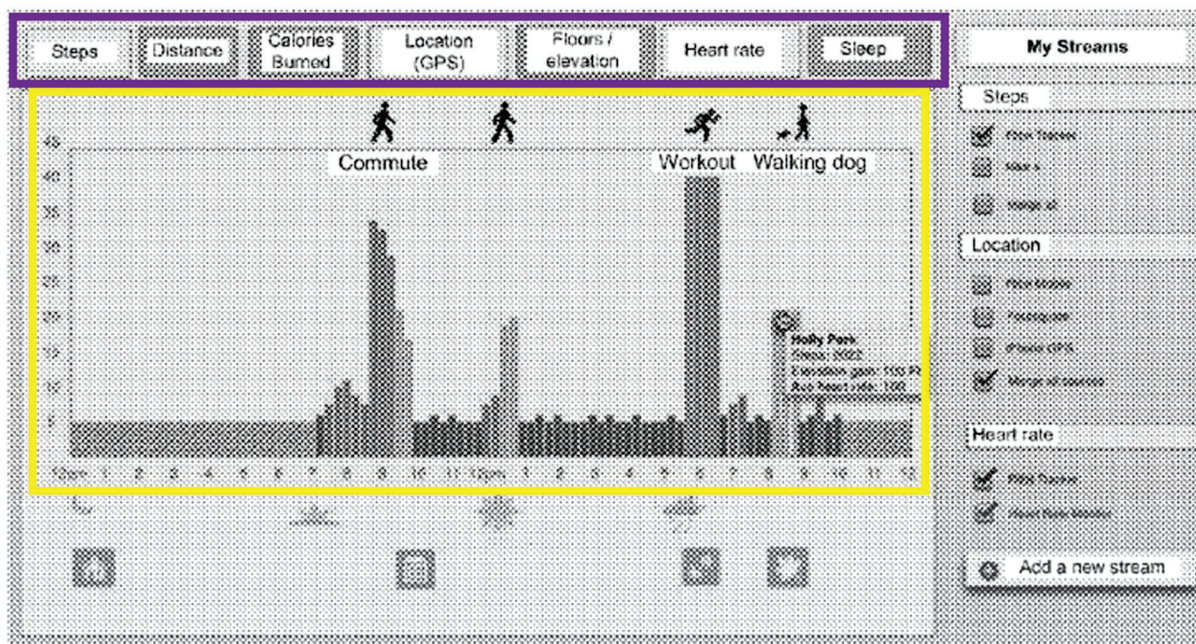
TABLE 1

DATA TYPES			
Biometric Continuous	Discrete	Environmental Continuous	Discrete
steps	weight	location	Raining
elevation gained	BMI	elevation	Snowing
floors gained	BMR	temperature	
calories burned	distance traveled	indoor vs	
speed	SpO2	outdoor	
velocity	blood pressure	watching TV	
heart rate	arterial stiffness	UV exposure	
heart rate while	blood glucose	Ambient noise	
asleep	levels	Air quality	
heart rate while	blood volume		
sedentary	heart rate recovery		
heart rate	time		
variability	fall event		
respiration rate	shower detection		
SpO2	sleep apnea detection		
stress	cardiac arrhythmia		
activity level	cardiac arrest		
detection	pulse transit time		
sitting/standing	Distance of an		
detection	activity		
muscle tension	Distance of a run		
blood flow	Distance of a walk		
laugh detection	Distance of a bike		
respiration type-	ride		
(snoring, breathing)	Distance of a swim		
breathing problems	Duration of an		
user's voice	activity		
swimming detection	Duration of a run		
heat flux	Duration of a walk		
sleep phase	Duration of a bike		
detection	ride		
typing detection	Duration of a swim		
	Duration of a		
	workout		
	Resting heart rate		
	Maximum heart rate		
	Active heart rate		
	Hydration (extra		
	cellular water)		
	Muscle mass		
	Body fat mass		

Molettiere explains that “while the data types are classified into biometric, environmental, continuous and discrete categories, any data listed may be used in any of the listed categories” (Ex. 1005, 9:6-8).

125. *Molettiere* further discloses that the collected data may be graphically displayed in a user interface (Ex. 1005, 11:14-20, 12:14-16). *Molettiere* explains that the user interface may be “a web page,” “a feature of software, or an application on a computing device such as a laptop, desktop computer, or mobile computing

devices such as a smartphone or tablet” (Ex. 1005, 11:16-20). An example of the user interface is depicted in Figure 8, which is reproduced below:



126. Figure 8 contains options for the user to select between sub-categories “Steps,” “Distance,” “Calories Burned,” “Location (GPS),” “Floors/elevation,” “Heart rate” and “Sleep,” as depicted in PURPLE above. A graphical representation of the user’s activity information (e.g., a sub-category of wellness data) is annotated in YELLOW. *Molettiere* teaches that “if the user clicks or hovers the mouse pointer over a period of time, an information window presents more details on the activity, such as the location, the actual number of steps during that interval, elevation gain, etc.” (Ex. 1005, 12:28-31). *Molettiere* explains that “the embodiments illustrated in

FIG. 8 are exemplary” and that “other embodiments may utilize different layouts, data charts, data points, option buttons, data streams, etc.” (Ex. 1005, 12:41-46).

127. As another example, *Molettiere* teaches that a user account may provide “a repository for user’s data” and “visualization of user data through a website, for example” (Ex. 1005, 10:22-26). An exemplary user account website page is illustrated in Figures 17 and 18 (Ex. 1030, 22:40-45, 22:51-57). Figure 18 is annotated below:

Ex. 1005, Fig. 18 (annotated)



Fig. 18

128. Figure 18 illustrates that the user account interface may display the user’s “steps taken,” “miles traveled,” “calories burned,” and “active score”

highlighted in YELLOW above (Ex. 1005, 21:13-23). As illustrated above in ORANGE, Figure 18 also graphically depicts that the user has taken 3161 steps, which is 32% of their goal of 10,000 steps (Ex. 1005, 39-44). Similarly, the user has traveled 1.44 miles, which is 29% of their goal of 5.0 miles.

129. Furthermore, and to the extent it is argued that this element is not disclosed, a POSITA would have been familiar with user interface design and would have understood that the user interfaces of *Molettiere* are exemplary and would be manipulated to display different types of data in different ways so as to provide a user with detailed and manipulatable data that is usable when analyzing past performance. For example, data streams regarding different types of wellness data can be displayed by selecting “Steps,” “Distance,” “Calories Burned,” “Location (GPS),” “Floors/elevation,” “Heart rate” or “Sleep,” highlighted in PURPLE above. As another example, data streams collected from different time periods may be displayed by selecting the Day, Week, Month, or Year options highlighted in BLUE. *Molettiere* teaches that “a user’s account website shows the user the total number of steps the user has as determined by a combination of all of their step counting data streams in a specific period of time including but not limited to hour, day, week, month, year, and the time period that the user has had an account” (Ex. 1005, 21:13-18). *Molettiere* further describes that “other totals of data are selectively provided to the user in a similar manner including, but not limited to calories burned, distance

of walks and/or runs, floors climbed, hours asleep, hours in bed, hours of a specific activity or combination of activities such as walking, biking, running, and/or swimming” (Ex. 1005, 21:18-23). Accordingly, a POSITA would have understood that the user interface could display a variety of detailed views of wellness data once the data is collected.

130. Thus, *Molettiere* discloses and/or renders obvious claim element [1.c].

Claim 1, Element [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;

131. *Molettiere* discloses claim element [1.c.i]. Specifically, *Molettiere* discloses 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.

132. As I discuss above in element [1.c.], *Molettiere* discloses a graph representation of sub-categories of wellness data, such as “Steps,” “Distance,” “Calories Burned,” “Location (GPS),” “Floors/elevation,” “Heart rate” and “Sleep.” I incorporate my discussion of element [1.c] as if set forth fully herein.

133. In addition to my discussion above, *Molettiere* explains “FIG. 8 is a user interface screen showing data from all sources merged and displayed as a graph, according to one embodiment” (Ex. 1005, 12:14-16). *Molettiere* teaches that the

graph bar of Fig. 8 “shows the level of activity” over a 24-hour period, and that the level of activity for each 15-minute interval is represented according to the size of the bar (Ex. 1005, 12:18-21).

134. *Molettiere* further explains that data is combined or aggregated from multiple devices. As I discuss above in element [1.a], *Molettiere* discloses that the “data synthesizer” combines data collected from a variety of approved sources, including devices set up by the user and third-party applications and/or or devices based on the user’s explicit consent. For instance, *Molettiere* discloses that the term “data synthesizer” is used to describe “a computing device that is configured to accept data from two or more 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). *Molettiere* further discloses “the aggregation of data from multiple devices [may be] based on the time associated with the data” (Ex. 1005, 27:62-67).

135. *Molettiere* also discloses that “data synthesis” is “the process by which information from multiple devices is combined or filtered” (Ex. 1005, 6:22-24). *Molettiere* further teaches that “the algorithm that is used to combine data streams changes depending on various factors including the number of data streams, the quality of data streams (precision and accuracy), and the source of the data streams

(which model device, first party or third party, etc.)” (Ex. 1005, 14:6-11). A block diagram of *Molettiere*’s “data synthesis” is depicted below (Ex. 1005, 13:43-66):

Ex. 1005, Fig. 11A

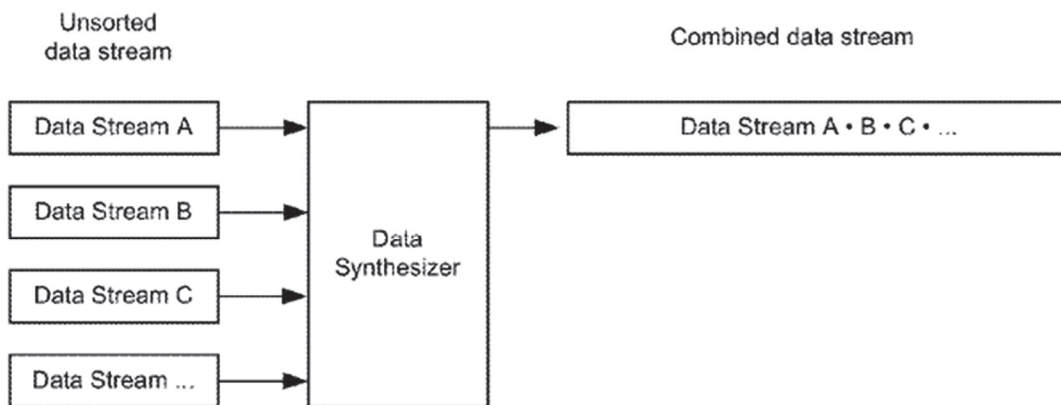


Fig. 11A

136. *Molettiere* also teaches that:

“The data streams or algorithmic combinations of data streams may be used by the data synthesizer or a computing device connected to the data synthesizer (such as a server) to provide a rich interaction between the user and their data, and between the user and the data of others. In one embodiment the user is presented with a simplified view of all of their data streams. *For example, a user’s account website shows the user the total number of steps the user has as determined by a combination of all of their step counting data streams in a specific period of time including but not limited to hour, day, week, month,*

year, and the time period that the user has had an account. Other totals of data are selectively provided to the user in a similar manner including, but not limited to calories burned, distance of walks and/or runs, floors climbed, hours asleep, hours in bed, hours of a specific activity or combination of activities such as walking, biking, running, and/or Swimming.”

(Ex. 1005, 21:7-23) (emphasis added).

137. Thus, *Molettiere* discloses claim element [1.c.i].

Claim 1, Element [1.c.ii]: a selectable data sharing option;

138. *Molettiere* discloses and/or renders obvious claim element [1.c.ii].

Specifically, *Molettiere* discloses a selectable data sharing option. This is illustrated by Figure 16, annotated in ORANGE below.

Ex. 1005, Fig. 16 (annotated)

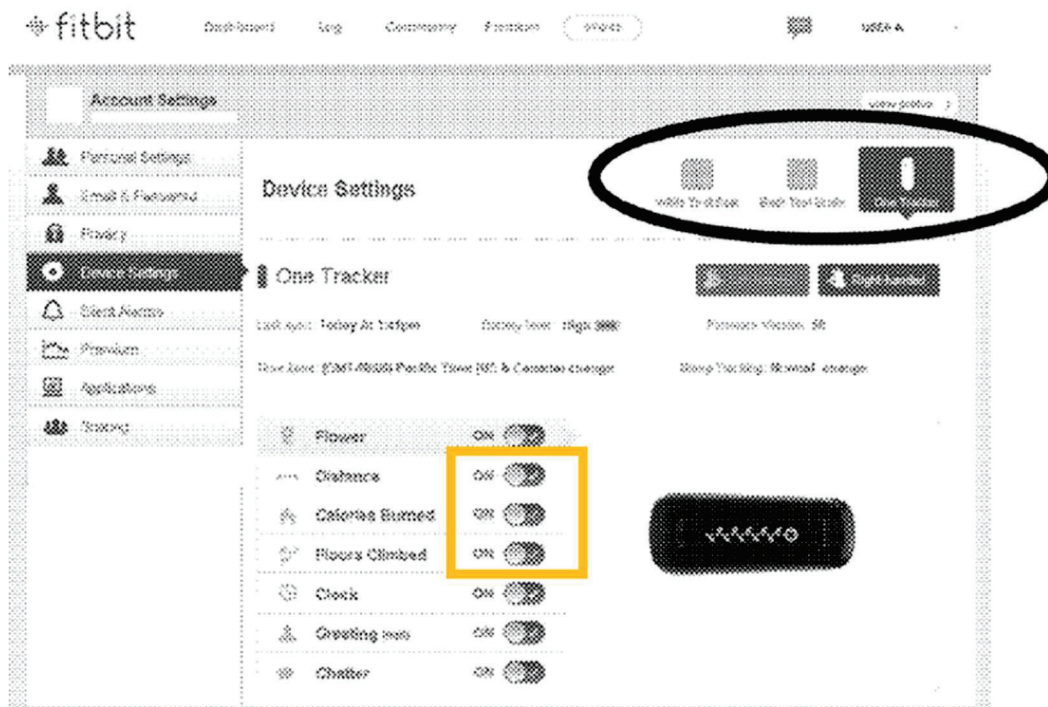


Fig. 16

139. *Molettiere* explains that “a website or application connected to the data synthesizer enables the user to manage the devices that communicate with the data synthesizer” (Ex. 1005, 21:46-49). Specifically, *Molettiere* teaches that the user interface of Fig. 16 is an interface for managing a device, and that the user may 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). For example, the device settings user interface provides selectable options for each type of information tracked or collected by an individual device (annotated in ORANGE) such as “information about tracking steps, tracking distance, tracking calories

burned, tracking floors climbed” (Ex. 1005, 21:64-65, 22:32-39).

140. A POSITA would have understood that the by selecting “ON” in the device settings menu, the device is configured to collect information about that specific metric for use by the data synthesizer. For example, Figure 16 illustrates that distance, calories burned, and floors climbed are all turned ON (or enabled) for that device via use of the selectable sharing options highlighted in ORANGE.

141. Further, the selectable data sharing options of *Molettiere* are identical to the selectable options described in the '898 Patent and depicted in Figure 36 below:

Ex. 1001, Fig. 36 (annotated) and Ex. 1005, Fig. 16 (annotated)

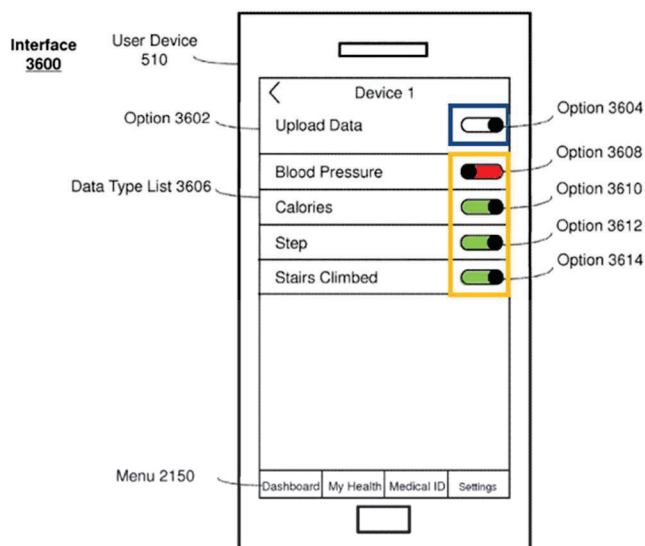


FIG. 36

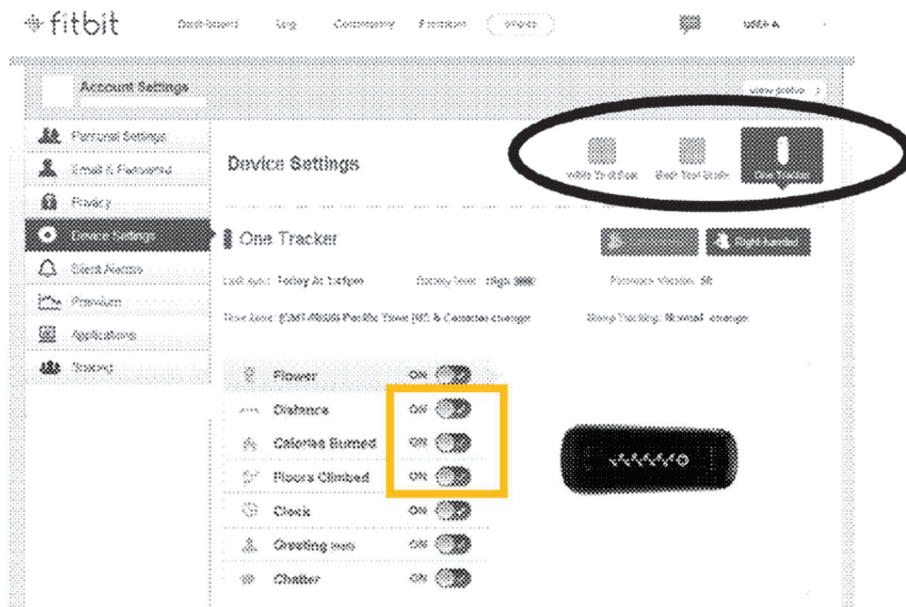


Fig. 16

142. Similarly, the '898 Patent states that the options interface of Figure 36 “allows a user to specifically define what types of data can be provided by a particular device or application” (Ex. 1001, 59:13-15). Specifically, Figure 36 depicts “selectable option 3604” (annotated in BLUE) which “can be used to turn data uploading from the device or application on or off (e.g., to be stored in wellness database)” (Ex. 1001, 58:43-51). Figure 36 further depicts “a list 3606 of data types that can be provided by Device 1” (Ex. 1001, 58:52-53). The '898 Patent explains that “selectable options 3608, 3610, 3612, and 3614” (annotated in ORANGE) can be changed “to turn data uploading on or off” for specific each specific type of data (Ex. 1001, 58:53-64). Figure 16 of *Molettiere* similarly discloses that data sharing

is turned on for distance, calories, and floors climbed (boxed in ORANGE) for a particular device—the One Tracker (circled in BLACK).

143. As another example, and as discussed above with respect to claim element 1[b], *Molettiere* discloses that “a user can **choose** to export their data streams to other devices or services” (Ex. 1005, 19:57-58) (emphasis added) and that “users **can opt in or opt out** of allowing the data synthesizer to use their data on other users’ accounts” (Ex. 1005, 19:14-16) (emphasis added). A POSITA would have understood that in order to do so the user would need to select a button and/or option to share, export, or opt in or opt out of sharing/exporting their data streams. For example, *Molettiere* contemplates that a “user interface may include buttons, switches, cameras, USB ports, keyboards, or any other device that can provide input or output functions” (Ex. 1005, 25:7-9). Therefore, *Molettiere* discloses a selectable data sharing option that allows a user to share and/or export their data, or at the very least a POSITA would have understood that any button on the user interface that allows the user to share and/or export their data constitutes a “selectable data sharing option.”

144. Thus, *Molettiere* discloses and/or renders obvious claim element [1.c.ii].

Claim 1, Element [1.d]: receive user selection of the selectable data sharing option; and;

145. *Molettiere* discloses claim element [1.d]. Specifically, *Molettiere*

discloses a non-transitory computer-readable storage medium storing one or more programs that cause the device to receive user selection of the selectable data sharing option.

146. As discussed above with respect to claim element [1.c.ii], *Molettiere* discloses a user interface with a selectable data sharing option. A POSITA would have understood that the user interface is interactive and allows the user to select various options, areas, buttons, and/or controls on the user interface. For instance, *Molettiere* explains that the user is able to “select[] a device (e.g., touches the area associated with the device)”, to review further information regarding the device and its configuration (Ex. 1005, 21:60-64). With respect to Figure 16, which depicts the selectable sharing option, *Molettiere* teaches that the user can select an active tracking device and review the information corresponding to that device by “click[ing] or touch[ing]” the device in the user interface (Ex. 1005, 22:24-29). *Molettiere* further explains that the information corresponding to that device includes configurable settings regarding “tracking steps, tracking distance, tracking calories burned, tracking floors climbed, setting the clock on the device, changing the greeting on the device, etc.” (Ex. 1005, 21:64-65, 22:32-39). Accordingly, a POSITA would have known that the user interface would cause the device to receive user selection of the selectable data sharing options discussed above in claim element [1.c.ii].

147. Thus, *Molettiere* discloses claim element [1.d].

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

148. *Molettiere* discloses claim element [1.e]. Specifically, *Molettiere* discloses a non-transitory computer-readable storage medium storing one or more programs that cause the device to in response to receiving the selection of the selectable data sharing option, display elements [1.e.i] and [1.e.ii], as discussed below.

149. Thus, *Molettiere* discloses claim element [1.e].

Claim 1, Element [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

150. *Molettiere* discloses claim element [1.e.i]. Specifically, *Molettiere* discloses displaying 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.

151. *Molettiere* discloses that a user is able to set up new devices and “manage the devices that communicate with the data synthesizer” (Ex. 1005, 21:45-49). *Molettiere* teaches that the user may manage the devices 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, 21:50-54). For

instance, Fig. 13, reproduced below, depicts the plurality of devices connected to a user's account—"a digital scale and a wearable fitness tracker" (Ex. 1005, 21:60-61).

Ex. 1005, Fig. 13

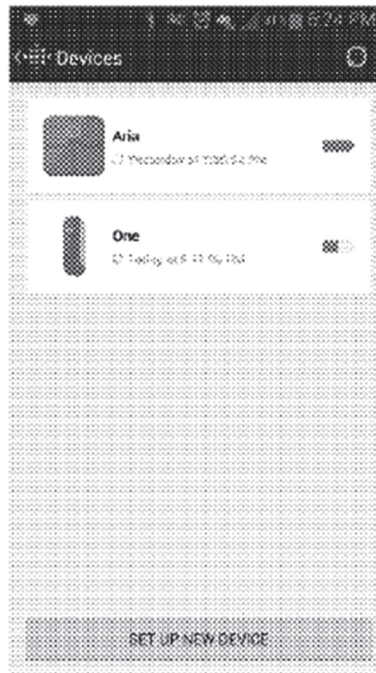


Fig. 13

152. *Molettiere* also discloses "an interface that includes an area with the active devices," which is shown below (Ex. 1005, 22:7-8). For example, Figures 15 and 16 depict that "a user has three active devices, a wearable tracker and two different scales." (Ex. 1005, 22:6-14, 22:24-31). *Molettiere* teaches that "when the user selects one of the active tracking device (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. 1005, Figs. 15 and 16

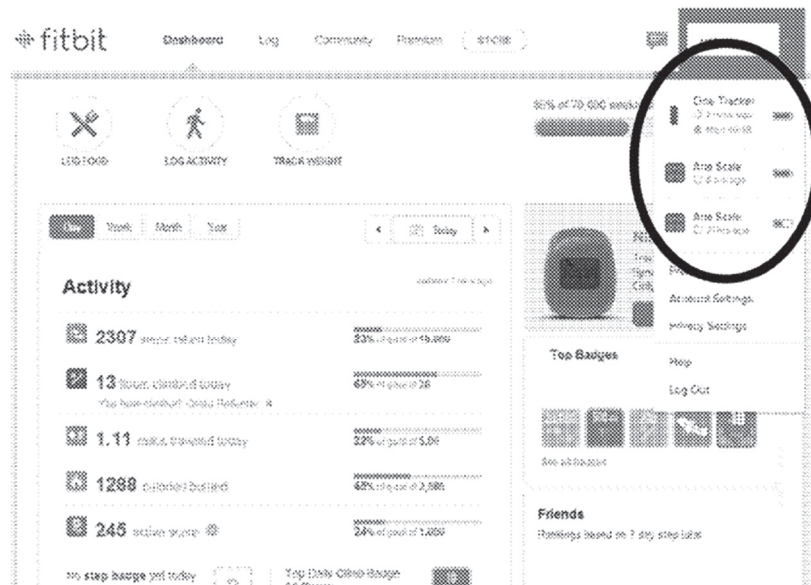


Fig. 15

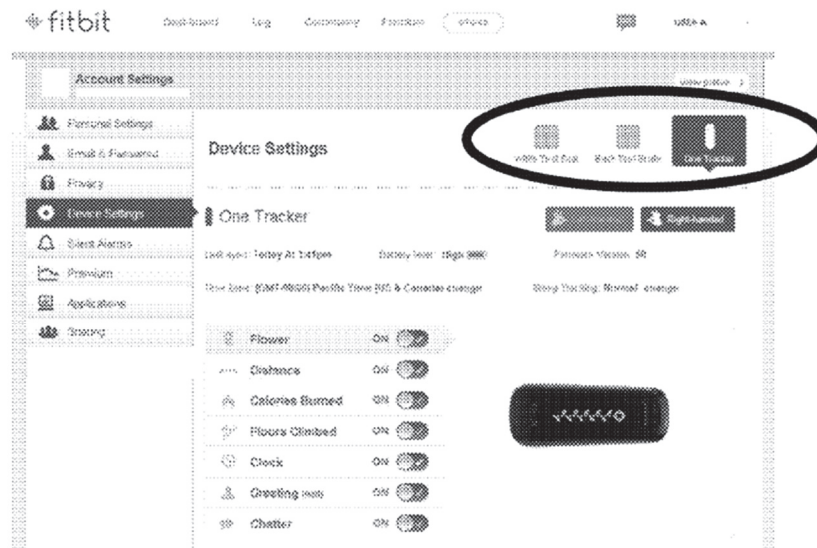


Fig. 16

153. Moreover, as discussed above with respect to element [1.a], *Molettiere* discloses that the data synthesizer may use data collected from both i) biometric monitoring devices (such as Fitbit devices (e.g., the One Tracker and Aria Scale) depicted in Figs. 13-16) and ii) “other sources, including, but not limited to third

party devices” or third party services, such as MyFitnessPal or Garmin™ (Ex. 1005, 4:62-5:14, 7:18-21, 9:66-10:17). *Molettiere* specifically teaches that third-party data streams are only accepted if they meet a set of requirements, such as “the explicit consent of the user to allow the third party data to be combined with their existing data streams” (Ex. 1005, 10:6-9, 10:15-17). Once the user sets up a new device and/or consents to allowing the data synthesizer to collect data from other sources and/or third-party services, the user “approves” these sources as sources of the user’s wellness data.

154. Additionally, *Molettiere* discloses that the data collected from a user’s devices is stored in a database. For example, *Molettiere* teaches that “a storage database keeps all the data collected, as well as the reconciled data, also referred to herein as consolidated data, which is the result of combining two or more data streams” (Ex. 1005, 13:55-59). As another example, *Molettiere* discloses that the data synthesizer includes a “data stream database 1112” that stores the data streams collected from the user’s biometric devices (Ex. 1005, 1112 of Fig. 11B, 14:36-39, 15:22-25). Additionally, 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 the use of a database.

155. Furthermore, as discussed above with respect to elements [1.c.ii] and [1.d], *Molettiere* discloses, or at the very least a POSITA would have understood,

that a user can configure a device's settings, such as "tracking steps, tracking distance, tracking calories burned, tracking floors climbed" by selecting a device and turning the selectable data sharing option for that setting ON or OFF. In this way, the sub-category of wellness data (e.g., data regarding step count, distance traveled, calories burned, floors climbed) is approved to be received from the plurality of approved sources (e.g., the activity monitoring device) and stored in a wellness database (e.g., the storage database (Ex. 1005, 13:51-62)).

156. *Apple's interpretation of claim element [1.e.i]*. Under Apple's own interpretation of claim element [1.e.i], *Molettiere* discloses this element. For purposes of showing alleged infringement, Apple appears to have interpreted claim element [1.e.i] to only require that wellness data is received from a plurality of approved sources (e.g., the connected patient devices) and the data is stored in the wellness database. This is illustrated in at least Apple's infringement contentions served on AliveCor on July 25, 2023 in Apple's suit for patent infringement against AliveCor (see Ex. 1017 at 59-62). Thus, if claim element [1.e.i] only requires that wellness data is received from a plurality of devices (e.g., *Molettiere's* biometric monitoring devices) and then stored in a database, *Molettiere* certainly discloses this element under Apple's own interpretation of the claim.

157. Thus, *Molettiere* discloses claim element [1.e.i].

Claim 1, Element [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.

158. *Molettiere* discloses and/or renders obvious claim element [1.e.ii]. Specifically, *Molettiere* discloses displaying 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.

159. *Molettiere* discloses that the “data synthesizer may export data in various ways” (Ex. 1005, 19:54, 7:2-9), and that “a user can choose to export their data streams to other devices or services” (Ex. 1005, 19:57-58). A user approves a destination when the user chooses to have their data shared another device and our service. For example, *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 Valt1M or MyFitnessPal™” (Ex. 1005, 19:58-65).

160. As another example, *Molettiere* also teaches that the “data synthesizer can also use data streams from multiple users to improve the data quality of a single user” (Ex. 1005, 19:5-7). *Molettiere* provides the example of providing a default stride length based on typical stride lengths for users of similar age, height, and gender when the user does not enter their stride length data (Ex. 1005, 19:10-14).

Molettiere teaches that “users can opt in or opt out of allowing the data synthesizer to use their data on other users’ accounts” (Ex. 1005, 19:13-16). *Molettiere* also teaches 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).

161. *Apple’s interpretation of claim element [1.e.ii]*. Under Apple’s own interpretation of claim element [1.e.ii], *Molettiere* discloses this element. For purposes of showing alleged infringement, Apple appears to have interpreted claim element [1.e.ii] to only 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). This is illustrated in at least Apple’s infringement contentions served on AliveCor on July 25, 2023 in Apple’s suit for patent infringement against AliveCor (*see* Ex. 1017 at 63-67). Thus, if claim element [1.e.ii] only requires that a user approves a destination to access the wellness data, *Molettiere* certainly discloses this element as explained above.

162. And to the extent the claim requires “display[ing] the plurality of approved destinations,” it would have been obvious and well within the skill of a POSITA. Because *Molettiere* discloses that user can choose to share and export their wellness data, a POSITA would have understood that once a user “choose(s) to export their data streams to other devices or services” (e.g., approved destinations)

or shares their data with another user, the user may configure their sharing settings or stop exporting or sharing their data with those devices, services, and/or users altogether. A POSITA would have been motivated to cause the user interface to display the other devices and/or third-party services (e.g., approved destinations) the user has chosen to share their data with or a list of the user accounts that the user has “friended” who are able to view the user’s activity. Further, 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 and what types of information is being shared, via the user interface display, which would require the approved destinations to be displayed to the user. For example, according to *mHealth Devices*, it was known that privacy concerns existed with information collected from remote monitoring and portable sensor devices and that there was a need for “sensible default settings and flexible privacy controls to allow people to choose different settings for different recipients, and to change their settings at any time.” (Ex. 1012, 117).

163. As such, 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, just like *Molettiere*’s list of connected devices (e.g., Fig. 13). And just like *Molettiere*’s list of connected devices, a POSITA would have been motivated to allow the user to select

any of the approved destinations to view the information or settings for that approved 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).

164. Moreover, a person of ordinary skill in the art 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., approved destinations) the user has chosen to share their data with and the settings for each destination such that the user could choose the types of information each destination has access to. This is because, as discussed above, *Molettiere* discloses similar interfaces and functionality for the biometric monitoring devices (e.g., approved sources) and *Molettiere* allows the user to define the specific types of information collected from them. Thus, if argued that this limitation is not disclosed by *Molettiere*, it is my opinion that it would have been obvious in light of the general knowledge of the POSITA and well within the skill of a POSITA, which likewise would have provided a reasonable expectation of success.

165. Thus, *Molettiere* discloses and/or renders obvious claim element [1.e.ii].

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

166. *Molettiere* discloses claim element [2.pre]. Specifically, *Molettiere* discloses the non-transitory computer-readable storage medium of claim 1. I incorporate herein my earlier discussion of claim 1.

167. Thus, *Molettiere* discloses claim element [2.pre].

Claim 2, Element [2.a]: wherein the plurality of approved sources are ranked amongst each other.

168. *Molettiere* discloses claim element [2.a]. Specifically, *Molettiere* discloses the non-transitory computer-readable storage medium of claim 1, wherein the plurality of approved sources are ranked amongst each other.

169. *Molettiere* discloses that data collected from one approved source may be prioritized (e.g., ranked) over the data collected from another approved source. For example, *Molettiere* discloses “data streams are combined using a hierarchical prioritization structure” (Ex. 1005, 10:19-20). A POSITA would have understood that prioritization is a form of ranking. Indeed, *Molettiere* explains that data stream prioritization “is provided through heuristic rules, also referred to herein simply as ‘rules’” (Ex. 1005, 11:27-31). Figure 10 below depicts a ranking of streams A through C, where stream B is prioritized from a device over data streams A and C collected from other devices:

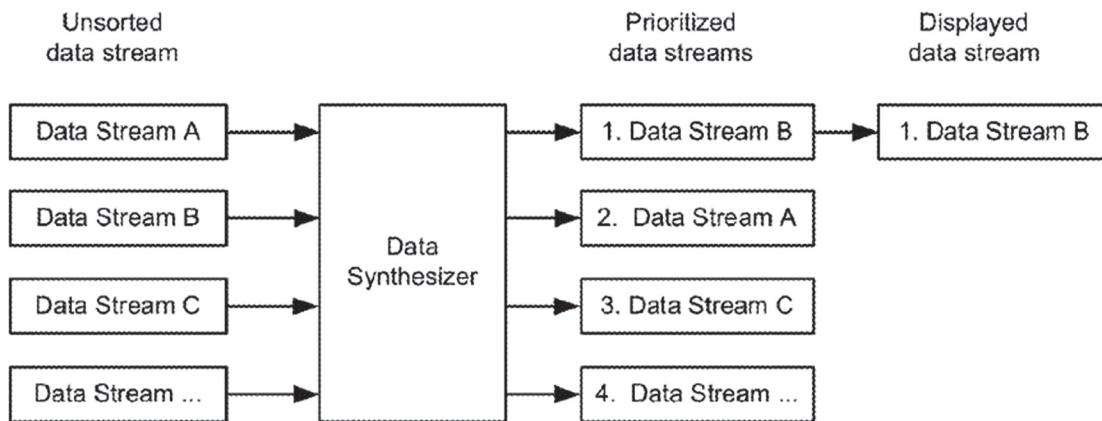


Fig. 10

170. *Molettiere* further 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).

171. For instance, *Molettiere* provides the following example:

“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. If both devices also measure altitude gained, data

from the monitoring device on the waistband may be given priority if the device is more accurate for the “Altitude Gained” class of data. In this case, the shoe’s pedometer “Step Count” data class has priority over the waistband pedometer. However, the shoe’s pedometer “Altitude Gained” data class has a lower priority than the waistband pedometer.”

(Ex. 1005, 10:30-42). *Molettiere* explains that “this illustrates that a single device may have different priority assignments for different classes” and that this method is applicable to “a plurality of devices and data classes” (Ex. 1005, 10:42-45).

172. *Molettiere* provides an additional example of a user wearing “a device on their wrist (e.g., in a watch or bracelet) and a device on their waistband.” (Ex. 1005, 10:54-55. *Molettiere* explains that in this case, “the wrist-mounted device data is prioritized over the data of the waistband for swimming stroke rate if the wrist mounted device is more accurate for that specific data type” (Ex. 1005, 10:55-58).

173. *Molettiere* teaches that the “default prioritization hierarchy” may be determined by “the accuracy of the streams” or “precision, measurement frequency, and syncing frequency” (Ex. 1005, 10:61-66). *Molettiere* further teaches that “users are able to modify the default prioritization hierarchy” (Ex. 1005, 10:66-67). *Molettiere* further teaches that “rules for combining or selecting data are obtained” and stored in a “rules database” (Ex. 1005, 16:38-42).

174. Thus, *Molettiere* discloses claim element [2.a].

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

175. *Molettiere* discloses and/or renders obvious claim element [3.pre]. Specifically, *Molettiere* discloses and/or renders obvious the non-transitory computer-readable storage medium of claim 1, further comprising instructions to cause the electronic device to perform the elements of claim 3. I incorporate herein my earlier discussion of claim 1.

176. Thus, *Molettiere* discloses and/or renders obvious claim element [3.pre].

Claim 3, Element [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

177. *Molettiere* discloses and/or renders obvious claim element [3.a]. Specifically, *Molettiere* discloses and/or renders obvious the non-transitory computer-readable storage medium of claim 1, further comprising instructions to cause the electronic device to 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.

178. As discussed above with respect to claim 1, *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). *Molettiere* teaches that the data synthesizer includes a “data stream database 1112” that stores the data streams collected from the user’s biometric devices (Ex. 1005, 1112 of Fig. 11B, 14:36-39, 15:22-25). *Molettiere* further teaches that the data streams may be “saved in the time series database as the data comes in” (Ex. 1005, 15:61-62).

179. In addition, *Molettiere* further discloses that the data synthesizer includes “a data selector/combiner module 1110” (Ex. 1005, 14:38). *Molettiere* explains:

“The data selector/combiner consolidates, also referred to as reconciles, the multiple data streams to create a consolidated data. As used herein, consolidated data refers to the analysis of data received from multiple sources to generate a data source with information available for presentation to the user. For example, consolidated data may include filling gaps in the data stream from one device with data from another device, selecting which data to choose when multiple sources of data

provide information about the same event (e.g., step counts during a certain time interval), or any combination thereof.”

(Ex. 1005, 14:52-62).

180. *Molettiere* additionally teaches that each data source (e.g., biometric device) may “adhere to a standard data format” (Ex. 1005, 7:56-59). *Molettiere* teaches that “standard data formats” may “require the data stream to specify the frequency of the data measurements or sampling frequency” or “require a timestamp” (Ex. 1005, 8:4-6, 8:64). *Molettiere* further 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).

181. As another example, *Molettiere* teaches that “step count is stored as minute data, meaning that the number of steps taken in one minute is stored in the database together with the timestamp” (Ex. 1005, 16:2-5). *Molettiere* also teaches that “a plurality of activity data streams are received from a plurality of devices, each activity data stream being associated with physical activity data of a user” (Ex. 1005, 27:54-56). *Molettiere* explains that “the data includes physical activity data of the user tagged with the timestamp for when the activity took place” (Ex. 1005, 27:65-67).

182. Thus, *Molettiere* discloses and/or renders obvious claim element [3.a].

Claim 3, Element [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.

183. *Molettiere* discloses and/or renders obvious claim element [3.b]. Specifically, *Molettiere* discloses and/or renders obvious the non-transitory computer-readable storage medium of claim 1, further comprising instructions to cause the electronic device to 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.

184. As discussed above with respect to element [3.a], which I incorporate herein, *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 one or more of the user’s biometric devices. And as I explained above, the stored data includes a timestamp.

185. Further, *Molettiere* specifically discloses that data streams associated with the same wellness data may be received from different devices within threshold periods of time. *Molettiere* explains that “the user may utilize different trackers” throughout the day and may, for example, have “multiple devices tracking user

activities, such as a pedometer, a mobile phone, the step tracker, etc.” *Molettiere* explains that its embodiments “consolidate the information obtained from multiple device to provide the best available picture to the user about the users levels of activity” (Ex. 1005, 12:64-66). *Molettiere* further explains that “when the same information is provided by two different trackers, there can be two different data points and the 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).

186. For instance, *Molettiere* provides the following example:

“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. If both devices also measure altitude gained, data from the monitoring device on the waistband may be given priority if the device is more accurate for the “Altitude Gained” class of data. In this case, the shoe’s pedometer “Step Count” data class has priority over the waistband pedometer. However, the shoe’s pedometer “Altitude Gained” data class has a lower priority than the waistband pedometer.”

187. (Ex. 1005, 10:30-42). As another example, *Molettiere* teaches:

“Consider a user using an activity tracker and a treadmill concurrently.

The data synthesizer uses the following rules in an embodiment to determine which data to select:

1. Treadmill distance overwrites tracker distance.
2. Tracker steps overwrites treadmill steps (if any).
3. Treadmill overwrites tracker stair gain (using slope information, or just to 0 if the tracker counted any floors).
4. Treadmill calories overwrites tracker calories.
5. Treadmill distance measurement is used in the auto calibration of tracker stride length and/or calorie burn rate.”

(Ex. 1005, 17:14-22). In this example, distance, steps, floors climbed, and calories are collected by both the activity tracker and treadmill.

188. Accordingly, a POSITA would have understood that *Molettiere* discloses that a sub-category of wellness data can be received from multiple devices within threshold periods of time.

189. Thus, *Molettiere* discloses and/or renders obvious claim element [3.b].

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

190. *Molettiere* discloses claim element [4.pre]. Specifically, *Molettiere* discloses the non-transitory computer-readable storage medium of claim 3. I incorporate herein my earlier discussion of claim 3.

191. Thus, *Molettiere* discloses claim element [4.pre].

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

192. *Molettiere* discloses claim element [4.a]. Specifically, *Molettiere* discloses the non-transitory computer-readable storage medium of claim 3, wherein the first approved source has been identified by the user as being preferred over the second approved source.

193. As discussed above with respect element [2.a], *Molettiere* discloses data collected from one approved source may be prioritized (e.g., preferred) over another approved source. Further, as discussed above with respect to element [2.a], *Molettiere* also discloses that the “users are able to modify the default prioritization hierarchy” (Ex. 1005, 10:66-67), which specifies whether a device is preferred over another device. I incorporate herein my earlier discussion of claim [2.a].

194. Thus, *Molettiere* discloses claim element [4.a].

Claim 4, Element [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.

195. *Molettiere* discloses claim element [4.a]. Specifically, *Molettiere* discloses the non-transitory computer-readable storage medium of claim 3, wherein the first approved source has been identified by the user as being preferred over the second approved source.

196. As discussed above with respect element [2.a], *Molettiere* discloses data collected from one approved source may be prioritized (e.g., preferred) over another approved source. Further, as discussed above with respect to element [2.a], *Molettiere* also discloses that the “users are able to modify the default prioritization hierarchy” (Ex. 1005, 10:66-67), which specifies whether a device is preferred over another device. I incorporate herein my earlier discussion of claim [2.a].

197. *Molettiere* further explains that when a device is prioritized over another, the data from one device may overwrite the data from another. For instance, *Molettiere* teaches that “a swim tracker takes precedence over a step tracker, and overwrites calories, floor count, etc.” (Ex. 1005, 17:28-30). *Molettiere* additionally provides numerous examples of using data from one device over another. For instance, *Molettiere* provides the following example:

“Consider a user wearing a step tracker and a swim tracker. If the data from the swim tracker is present for a given interval with data from the step tracker during the same interval, then the data of the step tracker can be removed (or at least not presented to the user) in favor of the swim data.”

(Ex. 1005, 17:8-13).

198. As another example, *Molettiere* teaches:

“Consider a user using an activity tracker and a treadmill concurrently.

The data synthesizer uses the following rules in an embodiment to determine which data to select:

1. Treadmill distance overwrites tracker distance.
2. Tracker steps overwrites treadmill steps (if any).
3. Treadmill overwrites tracker stair gain (using slope information, or just to 0 if the tracker counted any floors).
4. Treadmill calories overwrites tracker calories.
5. Treadmill distance measurement is used in the auto calibration of tracker stride length and/or calorie burn rate.”

(Ex. 1005, 17:14-22). In this example, data from activity tracker overwrites data from treadmill and vice versa depending on the type of data being collected.

199. *Molettiere* additionally explains that “data streams may be available from two or more devices, and the consolidated data may correspond to the data from one of the devices, or to a combination of the data from the multiple devices” (Ex. 1005, 18:17-20).

200. Thus, *Molettiere* discloses claim element [4.b].

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

201. *Molettiere* discloses claim element [5.pre]. Specifically, *Molettiere* discloses the non-transitory computer-readable storage medium of claim 3. I incorporate herein my earlier discussion of claim 3.

202. Thus, *Molettiere* discloses claim element [5.pre].

Claim 5, Element [5.a]: wherein the first approved source has been identified by the user as being preferred over the second approved source,

203. *Molettiere* discloses this element for the same reasons as claim element [4.a] above.

204. Thus, *Molettiere* discloses claim element [5.a].

Claim 5, Element [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.

205. *Molettiere* discloses claim element [5.a]. Specifically, *Molettiere* discloses the non-transitory computer-readable storage medium of claim 3, 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.

206. As discussed above with respect element [2.a], *Molettiere* discloses data collected from one approved source may be prioritized over another approved source. Further, as discussed above with respect to element [2.a], *Molettiere* also

discloses that the “users are able to modify the default prioritization hierarchy” (Ex. 1005, 10:66-67), which specifies whether a device is preferred over another device. I incorporate herein my earlier discussion of claim [2.a].

207. *Molettiere* further explains that “when the same information is collected by two different trackers, there can be two different data points and the 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).

208. As another example, *Molettiere* teaches that an “algorithm [] is used to combine data streams” that “changes on depending on the various factors including the number of data streams, the quality of data streams (precision and accuracy), and the source of the data streams (which model device, first party or third-party, etc.)” (Ex. 1005, 14:7-11). *Molettiere* further teaches that the algorithm “uses rules that define priorities for the data streams” (Ex. 1005, 14:11-12). For example, *Molettiere* provides the following example:

“When one device does not acquire data for a certain period of time, the data synthesizer is able to maintain a continuous data stream by filling in the gap with data from other devices. The data synthesizer can fill in the gap of data even if one device’s data has a lower priority than another device that was not acquiring data. In some cases, more than one device may have the same priority. In such cases, the device that is

currently measuring data can be used. This is useful in cases when one device is not able to measure data, for example because of low battery.” (Ex. 1005, 14:16-25). Accordingly, a POSITA would understand that while a device may have priority for a certain class of data (e.g., sub-category of data), that device’s data may not always be used for that class of data in all circumstances. For example, when the device is unable to measure data because of a low battery.

209. Thus, *Molettiere* discloses element [5.b].

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

210. *Molettiere* discloses claim element [6.pre]. Specifically, *Molettiere* discloses the non-transitory computer-readable storage medium of claim 5, further comprising instructions to cause the electronic device to perform the elements of claim 6. I incorporate herein my earlier discussion of claim 5.

211. Thus, *Molettiere* discloses claim element [6.pre].

Claim 6, Element [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.

212. *Molettiere* discloses claim element [6.a]. Specifically, *Molettiere* discloses the non-transitory computer-readable storage medium of claim 5, 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.

213. *Molettiere* discloses this element for the same reasons as Claims 2 and 4 above. As discussed above with respect to claim 2, which I incorporate herein, *Molettiere* discloses data collected from one approved source may be prioritized over another approved source. *Molettiere* also discloses that the “users are able to modify the default prioritization hierarchy” (Ex. 1005, 10:66-67), which specifies whether a device is preferred over another device.

214. And as I discussed above with respect to claim 4, which I incorporate herein, *Molettiere* further explains that when a device is preferred over another, the data from one device may be used over the data from another device, by for example overwriting the data from another device.

215. Thus, *Molettiere* discloses claim element [6.a].

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

216. *Molettiere* discloses claim element [7.pre]. Specifically, *Molettiere* discloses the non-transitory computer-readable storage medium of claim 3. I incorporate herein my earlier discussion of claim 3.

217. Thus, *Molettiere* discloses claim element [7.pre].

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

218. *Molettiere* discloses claim element [7.a]. Specifically, *Molettiere* discloses the non-transitory computer-readable storage medium of claim 3, wherein the second approved source has been identified by the user as being preferred over the first approved source.

219. As discussed above with respect element [2.a], *Molettiere* discloses data collected from one approved source may be prioritized (e.g., preferred) over another approved source. Further, as discussed above with respect to element [2.a], *Molettiere* also discloses that the “users are able to modify the default prioritization hierarchy” (Ex. 1005, 10:66-67), which specifies whether a device is preferred over another device. I incorporate herein my earlier discussion of claim [2.a].

220. Thus, *Molettiere* discloses claim element [7.a].

Claim 7, Element [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.

221. *Molettiere* discloses claim element [7.a]. Specifically, *Molettiere* discloses the non-transitory computer-readable storage medium of claim 3, 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.

222. As discussed above with respect element [2.a], *Molettiere* discloses data collected from one approved source may be prioritized over another approved source. Further, as discussed above with respect to element [2.a], *Molettiere* also discloses that the “users are able to modify the default prioritization hierarchy” (Ex. 1005, 10:66-67), which specifies whether a device is preferred over another device. I incorporate herein my earlier discussion of claim [2.a].

223. *Molettiere* further explains that “when the same information is collected by two different trackers, there can be two different data points and the 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).

224. As another example, *Molettiere* teaches that an “algorithm [] is used to combine data streams” that “changes on depending on the various factors including the number of data streams, the quality of data streams (precision and accuracy), and the source of the data streams (which model device, first party or third-party, etc.)” (Ex. 1005, 14:7-11). *Molettiere* further teaches that the algorithm “uses rules that define priorities for the data streams” (Ex. 1005, 14:11-12). For example, *Molettiere* provides the following example:

“When one device does not acquire data for a certain period of time, the data synthesizer is able to maintain a continuous data stream by filling in the gap with data from other devices. The data synthesizer can

fill in the gap of data even if one device's data has a lower priority than another device that was not acquiring data. In some cases, more than one device may have the same priority. In such cases, the device that is currently measuring data can be used. This is useful in cases when one device is not able to measure data, for example because of low battery."

(Ex. 1005, 14:16-25). Accordingly, a POSITA would understand that while a device may have priority for a certain class of data (e.g., sub-category of data), that device's data may not always be used for that class of data in all circumstances. For example, when the device is unable to measure data because of a low battery.

225. Thus, *Molettiere* discloses element [7.b].

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

226. *Molettiere* discloses claim element [8.pre]. Specifically, *Molettiere* discloses the non-transitory computer-readable storage medium of claim 7, further comprising instructions to cause the electronic device to perform the elements of claim 8. I incorporate herein my earlier discussion of claim 7.

227. Thus, *Molettiere* discloses claim element [8.pre].

Claim 8, Element [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.

228. *Molettiere* discloses claim element [8.a]. Specifically, *Molettiere* discloses the non-transitory computer-readable storage medium of claim 7, further comprising instructions to cause the electronic device to: in accordance with the determination that the second wellness data entry is prioritized over the first wellness data entry, use the second wellness data entry instead of using the first wellness data entry.

229. *Molettiere* discloses this element for the same reasons as Claims 2 and 4 discussed above. As discussed above with respect to claim 2, which I incorporate herein, *Molettiere* discloses data collected from one approved source may be prioritized over another approved source. *Molettiere* also discloses that the “users are able to modify the default prioritization hierarchy” (Ex. 1005, 10:66-67), which specifies whether a device is preferred over another device.

230. And as I discussed above with respect to claim 4, which I incorporate herein, *Molettiere* further explains that when a device is preferred over another, the data from one device may overwrite the data from another.

231. Thus, *Molettiere* discloses claim element [8.a].

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

232. *Molettiere* discloses and/or renders obvious claim element [9.pre]. Specifically, *Molettiere* discloses 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 perform the elements of claim 1. I incorporate herein my earlier discussion of claim 1.

233. Thus, *Molettiere* discloses and/or renders obvious claim element [9.pre].

Claim 9, Element 9[a]: display on the display a plurality of categories of wellness data stored in the wellness database.

234. *Molettiere* discloses and/or renders obvious claim element [9.a]. Specifically, *Molettiere* discloses and/or renders obvious a non-transitory computer-readable storage medium storing one or more programs that cause the device to display on the display a plurality of categories of wellness data stored in the wellness database.

235. As discussed above with respect to elements [1.c] and [1.c.i], which I incorporate herein, *Molettiere* discloses a variety of data types that can be collected by the biometric devices and/or processed by the data synthesizer and displayed via

the user interface. These exemplary data types are listed in Table 1, reproduced below:

TABLE 1

DATA TYPES			
Biometric Continuous	Discrete	Environmental Continuous	Discrete
steps	weight	location	Raining
elevation gained	BMI	elevation	Snowing
floors gained	BMR	temperature	
calories burned	distance traveled	indoor vs	
speed	SpO2	outdoor	
velocity	blood pressure	watching TV	
heart rate	arterial stiffness	UV exposure	
heart rate while	blood glucose	Ambient noise	
asleep	levels	Air quality	
heart rate while	blood volume		
sedentary	heart rate recovery		
heart rate	time		
variability	fall event		
respiration rate	shower detection		
SpO2	sleep apnea detection		
stress	cardiac arrhythmia		
activity level	cardiac arrest		
detection	pulse transit time		
sitting/standing	Distance of an		
detection	activity		
muscle tension	Distance of a run		
blood flow	Distance of a walk		
laugh detection	Distance of a bike		
respiration type-	ride		
(snoring, breathing)	Distance of a swim		
breathing problems	Duration of an		
user's voice	activity		
swimming detection	Duration of a run		
heat flux	Duration of a walk		
sleep phase	Duration of a bike		
detection	ride		
typing detection	Duration of a swim		
	Duration of a		
	workout		
	Resting heart rate		
	Maximum heart rate		
	Active heart rate		
	Hydration (extra		
	cellular water)		
	Muscle mass		
	Body fat mass		

Molettiere explains that these 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). Accordingly, a POSITA would understand that *Molettiere*’s categories of wellness data refer to how the wellness data is being collected—e.g., wellness data collected continuously or

wellness data collected through discrete measurements. Further, a POSITA would have understood the term “category” to refer to any broad category of data that more detailed types of data (e.g., sub-categories) fall under. Indeed, the ’898 Patent explains that “categories can include one more or more sub-categories of wellness or non-wellness data” (Ex. 1001, 54:77-59). For example, “the category “Vital Signs” can include sub-categories “Heart Rate,” “Systolic Blood Pressure,” “Diastolic Blood Pressure,” “Oxygen Saturation,” “Respiratory Rate,” and “Body Temperature”” (Ex. 1001, 54:19-22)

236. Furthermore, it would have been obvious to a POSITA to display these categories to the user. As I explained earlier in Section VI.B (which is incorporated by reference), a POSITA would have known that many types of wellness data could be collected by a biometric device and/or activity monitoring device and that each device may collect a certain type of information in a certain manner (e.g., continuously, intermittently, discretely, etc.). And as I discussed above, Table 1 discloses a variety of data types that can be collected by *Molettiere’s* biometric device. From this, 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 the types of wellness data within that category. Further, a POSITA would have been motivated to display the categories of wellness data by grouping the types of data

being collected in order for the “the user to quickly review and comprehend data from many different devices” (Ex. 1005, 21:4-6).

237. This would allow the user to easily view and digest how their data is being collected and the types of data that is being collected. For instance, if a user selected “continuous,” the display would display the types of data being collected continuously—such as steps, elevation gained, floors gained, and calories burned. Alternatively, if the user selected “vital signs,” the display would display the types of wellness data associated with a user’s vitals, such as blood pressure and heart rate. By allowing a user to select a category and drill down, the user can more efficiently find the desired sub-category of data.

238. Further, a POSITA would have a had a reasonable expectation of success of displaying categories of wellness data as *Molettiere* already discloses that the several metrics can be displayed via the user interface and that buttons allow the user to select that metric to view more detailed information (Ex. 1005, 12:22-25, 12:28-21). *Molettiere* also expressly discloses that the user interface displays “may utilize different layouts, data charts, data points, option buttons, data streams, etc.” (Ex. 1005, 12:41-43). Consequently, “display on the display a plurality of categories of wellness data” would have been obvious and well within the skill of a POSITA.

239. Moreover, *Molettiere* discloses several databases including rules database 1104, data stream database 1112 and a geo-location database (*see* Ex. 1005,

14:34-39). *Molettiere* discloses that the data stream database stores the data streams (*i.e.*, the wellness data) consolidated or reconciled by the data synthesizer (Ex. 1005, 15:22-33). *Molettiere* explains that the “data stream database 112 is a time series database” and that the data streams can be “saved in the time series database as the data comes in” (Ex. 1005, 15:34-35, 15:61-62). *Molettiere* further explains that the time series database is used to allow for “easy extraction of data from the database to present many types of graphs or many types of data made available to the user” (Ex. 1005, 15:66-16:1).

240. In addition, *Molettiere* teaches:

“In one embodiment, the system stores all the sensor data (either locally in the device or remotely in the server), so it is possible to reconcile the data stream for different use cases when new data is available, even going back in time and reconcile historical data with the newly available data. In one embodiment, a storage database keeps all the data collected, as well as the reconciled data, also referred to herein as consolidated data, which is the result of combining two or more data streams. Further, it is possible to do further reconciliation of historical data by going back to a specific time period and request the system to perform a reconciliation of the multiple data streams.”

(Ex. 1005, 13:51-62).

241. Accordingly, *Molettiere* discloses that any of the wellness data collected from *Molettiere*'s biometric devices or third-party sources can be stored in a database—such as *Molettiere*'s disclosed data stream database or storage database. From these disclosures, a POSITA would have understood that these databases store a plurality of categories of wellness data.

242. Thus, *Molettiere* discloses and/or renders obvious claim element [9.a].

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

243. *Molettiere* discloses claim element [10.pre]. Specifically, *Molettiere* discloses the non-transitory computer-readable medium of claim 9, further comprising instructions that cause the electronic device to perform the elements of claim 9. I incorporate herein my earlier discussion of claim 9.

244. Thus, *Molettiere* discloses claim element [10.pre].

Claim 10, Element [10.a]: detect a selection of a category of wellness data from the displayed plurality of categories of wellness data; and

245. *Molettiere* discloses and/or renders obvious claim element [10.a]. Specifically, *Molettiere* discloses and/or renders obvious the non-transitory computer-readable medium of claim 9, further comprising instructions that cause the electronic device to detect a selection of a category of wellness data from the displayed plurality of categories of wellness data.

246. As discussed above with respect to element [9.a], which I incorporate herein, *Molettiere* discloses and/or renders obvious a non-transitory computer-readable storage medium storing one or more programs that cause the device to display on the display a plurality of categories of wellness data stored in the wellness database. It would have been obvious to a POSITA to display the categories of wellness data to allow the user to select a category of wellness data to view more detailed information relating to that category (i.e., sub-categories of wellness data). A POSITA would have understood that if a user selected a category of wellness data, it would cause the device to detect a selection of a category of wellness data from the displayed plurality of categories of wellness data.

247. Further, a POSITA would have understood that the user interface is interactive and allows the user to select various options, areas, buttons, and/or controls on the user interface. For instance, *Molettiere* explains that the user is able to “select[] a device (e.g., touches the area associated with the device)”, to review further information regarding the device and its configuration (Ex. 1005, 21:60-64). With respect to Figure 16, which depicts the selectable sharing option, *Molettiere* teaches that the user can select an active tracking device and review the information corresponding to that device by “click[ing] or touch[ing]” the device in the user interface (Ex. 1005, 22:24-29). Accordingly, a POSITA would have known that the

user interface would cause the device to detect a selection of a category of wellness data from the displayed plurality of categories of wellness data.

248. Thus, *Molettiere* discloses and/or renders obvious claim element [10.a].

Claim 10, Element [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.

249. *Molettiere* discloses and/or renders obvious claim element [10.b]. Specifically, *Molettiere* discloses and/or renders obvious the non-transitory computer-readable medium of claim 9, further comprising instructions that cause the electronic device to 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.

250. As discussed above with respect to elements [9.a], which I incorporate herein, *Molettiere* discloses a non-transitory computer-readable storage medium storing one or more programs that cause the device to display on the display a plurality of categories of wellness data stored in the wellness database. And as I discussed above with respect to element [9.a], a POSITA would have understood that the user could select a category of wellness data to view more detailed information relating to that category (i.e., sub-categories of wellness data). A POSITA would have understood that if a user selected a category of wellness data, it would cause the device to “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.” Further, it would have been obvious to a POSITA to display sub-categories of wellness data. For instance, if a user selected “continuous,” the display would display the types of data being collected continuously—such as steps, elevation gained, floors gained, and calories burned. Thus, as I explained above with respect to element [9.a], and incorporate herein, 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 within that category. This would allow the user to easily view and digest how their data is being collected, as well as the types of data being collected.

251. Thus, *Molettiere* discloses and/or renders obvious claim element [10.b].

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

252. *Molettiere* discloses claim element [11.pre]. Specifically, *Molettiere* discloses the non-transitory computer-readable medium of claim 10. I incorporate herein my earlier discussion of claim 10.

253. Thus, *Molettiere* discloses claim element [11.pre].

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

254. *Molettiere* discloses and/or renders obvious claim element [11.a]. Specifically, *Molettiere* discloses and/or renders obvious the non-transitory

computer-readable medium of claim 10, wherein the detailed view of the sub-category further comprises an input field for entering a wellness data entry.

255. *Molettiere* discloses that a user can enter wellness data information via the user interface. For instance, *Molettiere* teaches that the user interface allows the user to 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” (Ex. 1005, 21:64-3). A POSITA very familiar with user interface design would have understood *Molettiere* to disclose an input field for entering a wellness data entry. Further, it would have been obvious to implement the input field on the display of a detailed view of a sub-category of wellness data to allow the user to modify, correct, or update the user’s data if their data was entered incorrectly.

256. Thus, *Molettiere* discloses and/or renders obvious claim element [11.a].

Claim 11, Element [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.

257. *Molettiere* discloses and/or renders obvious claim element [11.b]. Specifically, *Molettiere* discloses and/or renders obvious the non-transitory computer-readable medium of claim 10, 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.

258. *Molettiere* discloses that a user can enter wellness data information via the user interface. For instance, *Molettiere* teaches that the user interface allows the user to 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” (Ex. 1005, 21:64-3). In addition, as I discussed above with respect to element [1.e.i], *Molettiere* discloses that the collected data is stored in the database. Thus, a POSITA very familiar with user interface design would have understood *Molettiere* to disclose an input field for entering a wellness data entry and would have understood that data inputted into this field would be received and stored in the wellness database.

259. Thus, *Molettiere* discloses and/or renders obvious element [11.b].

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

260. *Molettiere* discloses claim element [18.pre]. Specifically, *Molettiere* discloses the non-transitory computer-readable storage medium of claim 9, further comprising instructions to cause the electronic device to perform element [18.a]. I incorporate herein my earlier discussion of claim 9.

261. Thus, *Molettiere* discloses claim element [18.pre].

Claim 18, Element [18.a]: display, on the display, a source interface comprising a list of known sources.

262. *Molettiere* discloses claim element [18.a]. Specifically, *Molettiere* discloses the non-transitory computer-readable storage medium of claim 9, further comprising instructions to cause the electronic device to display, on the display, a source interface comprising a list of known sources. I incorporate herein my earlier discussion of claim 9.

263. For example, as discussed above with respect to element [1.a], *Molettiere* discloses a user interface display with a list of known sources. For example, *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, 64-65). The interface, similarly, depicts “all the devices connected to the [users] account, as well as a variety of their characteristics, settings or data” (Ex. 1005, 21:50-54).

264. For example, Figure 13 illustrates that a user “has configured [or set up] a digital scale and wearable fitness tracker” as annotated in GREEN below. Fig. 13 also depicts the button for setting up a new device, annotated in PURPLE. *Molettiere* teaches that once a user has set up a new device, the user is able to “select[] a device (e.g., touches the area associated with one device)” in order to see “further information regarding the device and its configuration” (Ex. 1005, 21:60-

64).

Ex. 1005, Fig. 13 (annotated)



Fig. 13

265. As another example, *Molettiere* discloses “an interface for managing a device on a web service” (Ex. 1005, 22:24-25). *Molettiere* specifically 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

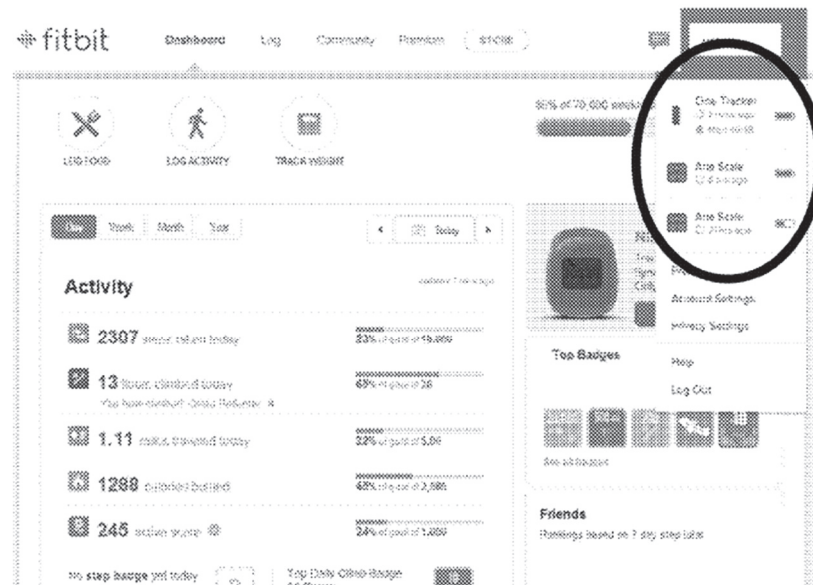


Fig. 15

266. Thus, *Molettiere* discloses claim element [18.a].

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

267. *Molettiere* discloses claim element [20.pre]. Specifically, *Molettiere* discloses the non-transitory computer-readable storage medium of claim 18, further comprising instructions to cause the electronic device to perform elements [20.a] and [20.b], as discussed below. I incorporate herein my earlier discussion of claim 18.

268. Thus, *Molettiere* discloses claim element [20.pre].

Claim 20, Element [20.a]: detect a selection of a known source from the displayed list of known sources; and

269. *Molettiere* discloses claim element [20.a]. Specifically, *Molettiere* discloses the non-transitory computer-readable storage medium of claim 18, further comprising instructions to cause the electronic device to detect a selection of a known source from the displayed list of known sources. I incorporate herein my earlier discussion of claim 9.

270. For example, as discussed above with respect to element [18.a], which I incorporate herein, *Molettiere* discloses a display with a list of known sources. *Molettiere* teaches 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 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). Accordingly, a POSITA would have understood that *Molettiere* discloses detecting a selection of a known source from the displayed list of known sources.

271. Thus, *Molettiere* discloses claim element [20.a].

Claim 20, Element [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.

272. *Molettiere* discloses and/or renders obvious claim element [20.b]. Specifically, *Molettiere* discloses the non-transitory computer-readable storage medium of claim 18, further comprising instructions to cause the electronic device to 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. I incorporate herein my earlier discussion of claim 18.

273. For example, as discussed above with respect to element [19.a], *Molettiere* discloses a display with a list of known sources. *Molettiere* further discloses 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). Figure 16 is reproduced below:

Ex. 1005, Fig. 16 (annotated)

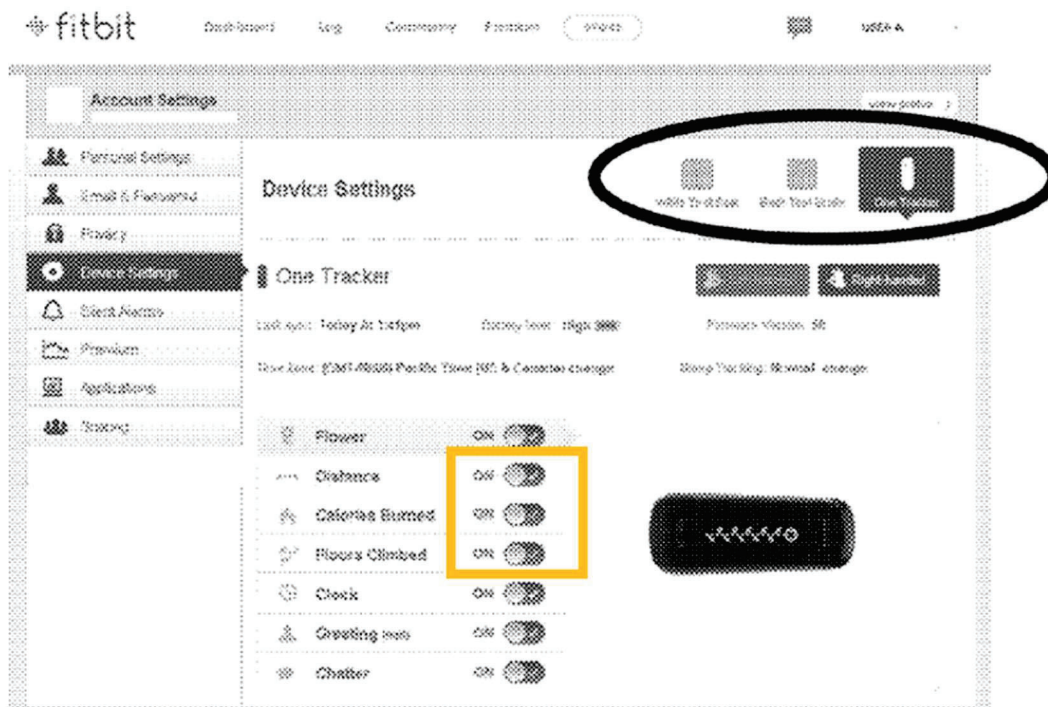


Fig. 16

274. As shown above, and explained with respect to element [1.c.ii], the device settings user interface provides selectable options for each type of information tracked or collected by an individual device (annotated in ORANGE) such as “information about tracking steps, tracking distance, tracking calories burned, tracking floors climbed” (Ex. 1005, 21:64-65, 22:32-39).

275. A POSITA would have understood that the by selecting “ON” in the device settings menu, the device is configured to collect information about that specific metric for use by the data synthesizer. For example, Figure 16 illustrates that distance, calories burned, and floors climbed are all turned ON (or enabled) for

that device via use of the selectable sharing options highlighted in ORANGE.

276. Thus, *Molettiere* discloses and/or renders obvious claim element [20.a].

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

277. *Molettiere* discloses claim element [21.pre]. Specifically, *Molettiere* discloses the non-transitory computer-readable storage medium of claim 20. I incorporate herein my earlier discussion of claim 20.

278. Thus, *Molettiere* discloses claim element [21.pre].

Claim 21, Element [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.

279. *Molettiere* discloses claim element [21.a]. Specifically, *Molettiere* discloses the non-transitory computer-readable storage medium of claim 20, 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. As discussed above with respect to claim elements [20.b] and [1.c.ii], which I incorporate herein, *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.

280. Thus, *Molettiere* disclose element [21.a].

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

281. *Molettiere* discloses claim element [22.pre]. Specifically, *Molettiere* discloses the non-transitory computer-readable storage medium of claim 21, further comprising instructions to cause the electronic device to perform claim elements [22.a] and [22.b] as discussed below. I incorporate herein my earlier discussion of claim 21.

282. Thus, *Molettiere* discloses claim element [22.pre].

Claim 22, Element [22.a]: detect a selection of the selectable option for a type of wellness data that the known source can provide; and

283. *Molettiere* discloses and/or renders obvious claim element [22.a]. Specifically, *Molettiere* discloses and/or renders obvious the non-transitory computer-readable storage medium of claim 21, further comprising instructions to cause the electronic device to detect a selection of the selectable option for a type of wellness data that the known source can provide.

284. As discussed above with respect to claim elements [20.b] and [1.c.ii], which I incorporate herein, *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.

285. A POSITA would have understood that the user interface is interactive and allows the user to select various options, areas, buttons, and/or controls on the

user interface. For instance, *Molettiere* explains that the user is able to “select[] a device (e.g., touches the area associated with the device)”, to review further information regarding the device and its configuration (Ex. 1005, 21:60-64). With respect to Figure 16, which depicts the selectable sharing option, *Molettiere* teaches that the user can select an active tracking device and review the information corresponding to that device by “click[ing] or touch[ing]” the device in the user interface (Ex. 1005, 22:24-29). *Molettiere* further explains that the information corresponding to that device includes configurable settings regarding “tracking steps, tracking distance, tracking calories burned, tracking floors climbed, setting the clock on the device, changing the greeting on the device, etc.” Accordingly, a POSITA would have known that the user interface would cause the device to receive user selection of the selectable data sharing options discussed above in claim element [21.a] and [1.c.ii].

286. Thus, *Molettiere* discloses and/or renders obvious claim element [22.a].

Claim 22, Element [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.

287. *Molettiere* discloses claim element [22.b]. Specifically, *Molettiere* discloses the non-transitory computer-readable storage medium of claim 21, further comprising instructions to cause the electronic device to 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.

288. As discussed above with respect to claim elements [20.b] and [1.c.ii], which I incorporate herein, *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. A POSITA would have understood that the by selecting “ON” in the device settings menu, the device is configured to collect information about that specific metric for use by the data synthesizer. In that same regard, a POSITA would have understood that by toggling the “ON” button to “OFF,” the device is *not* configured to collect information about that specific metric. For example, Figure 16 illustrates that distance, calories burned, and floors climbed are all turned ON (or enabled) for that device via use of the selectable sharing options highlighted in ORANGE.

289. Further, the selectable data sharing options of *Molettiere* are identical to the selectable options described in the '898 Patent and depicted in Figure 36 below:

Ex. 1001, Fig. 36 (annotated) and Ex. 1005, Fig. 16 (annotated)

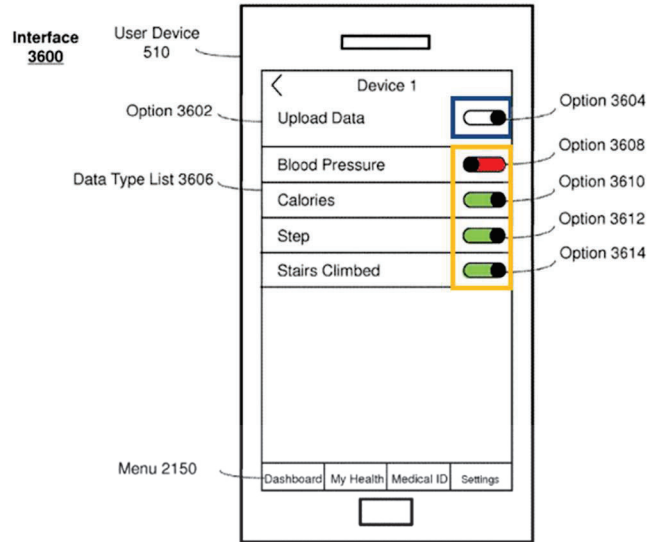


FIG. 36

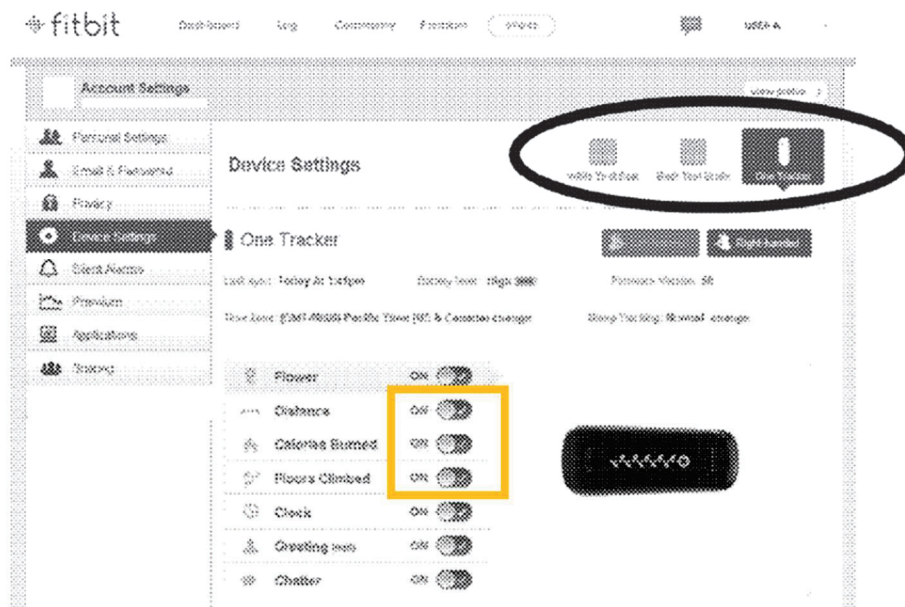


Fig. 16

290. Similarly, the '898 Patent states that the options interface of Figure 36 “allows a user to specifically define what types of data can be provided by a particular device or application” (Ex. 1001, 59:13-15). Specifically, Figure 36

depicts “selectable option 3604” (annotated in BLUE) which “can be used to turn data uploading from the device or application on or off (e.g., to be stored in wellness database)” (Ex. 1001, 58:43-51). Figure 36 further depicts “a list 3606 of data types that can be provided by Device 1” (Ex. 1001, 58:52-53). The ’898 Patent explains that “selectable options 3608, 3610, 3612, and 3614” (annotated in ORANGE can be changed “to turn data uploading on or off” for specific each specific type of data (Ex. 1001, 58:53-64). Figure 16 of *Molettiere* similarly discloses that data sharing is turned on for distance, calories, and floors climbed (boxed in ORANGE) for a particular device—the One Tracker (circled in BLACK).

291. Thus, *Molettiere* discloses and/or renders obvious claim element [22.b].

Claim 23, Element [23.pre]

292. *Molettiere* discloses this element for the same reasons as claim element [1.pre] above.

Claim 23, Element [23.pre.i]

293. *Molettiere* discloses this element for the same reasons as claim element [1.pre] above.

Claim 23, Element [23.a]

294. *Molettiere* discloses this element for the same reasons as claim element [1.a] above.

Claim 23, Element [23.b]

295. *Molettiere* discloses this element for the same reasons as claim element [1.b] above.

Claim 23, Element [23.c]

296. *Molettiere* discloses this element for the same reasons as claim element [1.c] above.

Claim 23, Element [23.c.i]

297. *Molettiere* discloses this element for the same reasons as claim element [1.c.i] above.

Claim 23, Element [23.c.ii]

298. *Molettiere* discloses this element for the same reasons as claim element [1.c.ii] above.

Claim 23, Element [23.d]

299. *Molettiere* discloses this element for the same reasons as claim element [1.d] above.

Claim 23, Element [23.e]

300. *Molettiere* discloses this element for the same reasons as claim element [23.e] above.

Claim 23, Element [23.e.i]

301. *Molettiere* discloses this element for the same reasons as claim element [1.e.i] above.

Claim 23, Element [23.e.ii]

302. *Molettiere* discloses this element for the same reasons as claim element [1.e.ii] above.

Claim 25, Element [25.pre]

303. *Molettiere* discloses this element for the same reasons as claim element [2.pre] above.

Claim 25, Element [25.a]

304. *Molettiere* discloses this element for the same reasons as claim element [2.a] above.

Claim 26, Element [26.pre]

305. *Molettiere* discloses this element for the same reasons as claim element [3.pre] above.

Claim 26, Element [26.a]

306. *Molettiere* discloses this element for the same reasons as claim element [3.a] above.

Claim 26, Element [26.b]

307. *Molettiere* discloses this element for the same reasons as claim element [3.b] above.

Claim 27, Element [27.pre]

308. *Molettiere* discloses this element for the same reasons as claim element [4.pre] above.

Claim 27, Element [27.a]

309. *Molettiere* discloses this element for the same reasons as claim element [4.a] above.

Claim 27, Element [27.b]

310. *Molettiere* discloses this element for the same reasons as claim element [4.b] above.

Claim 28, Element [28.pre]

311. *Molettiere* discloses this element for the same reasons as claim element [5.pre] above.

Claim 28, Element [28.a]

312. *Molettiere* discloses this element for the same reasons as claim element [5.a] above.

Claim 28, Element [28.b]

313. *Molettiere* discloses this element for the same reasons as claim element [5.b] above.

Claim 29, Element [29.pre]

314. *Molettiere* discloses this element for the same reasons as claim element [6.pre] above.

Claim 29, Element [29.a]

315. *Molettiere* discloses this element for the same reasons as claim element [6.a] above.

Claim 30, Element [30.pre]

316. *Molettiere* discloses this element for the same reasons as claim element [7.pre] above.

Claim 30, Element [30.a]

317. *Molettiere* discloses this element for the same reasons as claim element [7.a] above.

Claim 30, Element [30.b]

318. *Molettiere* discloses this element for the same reasons as claim element [7.b] above.

Claim 31, Element [31.pre]

319. *Molettiere* discloses this element for the same reasons as claim element [8.pre] above.

Claim 31, Element [31.a]

320. *Molettiere* discloses this element for the same reasons as claim element [8.a] above.

Claim 32, Element [32.pre]

321. *Molettiere* discloses this element for the same reasons as claim element [9.pre] above.

Claim 32, Element [32.a]

322. *Molettiere* discloses this element for the same reasons as claim element [9.a] above.

Claim 33, Element [33.pre]

323. *Molettiere* discloses this element for the same reasons as claim element [10.pre] above.

Claim 33, Element [33.a]

324. *Molettiere* discloses this element for the same reasons as claim element [10.a] above.

Claim 33, Element [33.b]

325. *Molettiere* discloses this element for the same reasons as claim element [10.b] above.

Claim 34, Element [34.pre]

326. *Molettiere* discloses this element for the same reasons as claim element [11.pre] above.

Claim 34, Element [34.a]

327. *Molettiere* discloses this element for the same reasons as claim element [11.a] above.

Claim 34, Element [34.b]

328. *Molettiere* discloses this element for the same reasons as claim element [11.b] above.

Claim 41, Element [41.pre]

329. *Molettiere* discloses this element for the same reasons as claim element [18.pre] above.

Claim 41, Element [41.a]

330. *Molettiere* discloses this element for the same reasons as claim element [18.a] above.

Claim 43, Element [43.pre]

331. *Molettiere* discloses this element for the same reasons as claim element [20.pre] above.

Claim 43, Element [43.a]

332. *Molettiere* discloses this element for the same reasons as claim element [20.a] above.

Claim 43, Element [43.b]

333. *Molettiere* discloses this element for the same reasons as claim element [20.b] above.

Claim 44, Element [44.pre]

334. *Molettiere* discloses this element for the same reasons as claim element [21.pre] above.

Claim 44, Element [44.a]

335. *Molettiere* discloses this element for the same reasons as claim element [21.a] above.

Claim 45, Element [45.pre]

336. *Molettiere* discloses this element for the same reasons as claim element [22.pre] above.

Claim 45, Element [45.a]

337. *Molettiere* discloses this element for the same reasons as claim element [22.a] above.

Claim 45, Element [45.b]

338. *Molettiere* discloses this element for the same reasons as claim element [22.b] above.

B. Ground 2: *Cohen* Renders Obvious Claims 1, 3, 9, 10, 16, 18, 23, 26, 32, 33, 39 and 41 of the '898 Patent.

339. *Cohen* renders obvious claims 1, 3, 9, 10, 16, 18, 23, 26, 32, 33, 39 and 41 of the '898 Patent. As discussed above in Section VII.B, the Applicant made clear during prosecution that the method of claim 23 and its dependents are allowable for the same reasons as the computer-readable storage-medium (“CRM”) of claim 1 and its dependents (Ex-1002, 211-212). The method claims are substantially similar to the computer-readable storage-medium claim, other than being written in method form. Thus, my discussion of the CRM claims (i.e., claims 1, 3, 9, 10, 16, and 18) applies equally to the method claims (i.e., claims 23, 26, 32, 33, 39 and 41) and will not be repeated for brevity.

Claim 1, Element [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:

340. To the extent that element [1.pre] is found to be limiting, *Cohen* renders obvious this claim element. Specifically, *Cohen* renders obvious 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 perform the elements of claim 1.

341. For example, *Cohen* generally relates to “methods and apparatus, including computer program products, [] for remote monitoring,” (Ex. 1006, Abstract, 1:62-64). Specifically, *Cohen* describes 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). The health monitoring system 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* explains that in some implementations “each host monitoring system 198A-198N comprises a smart device, such as an iPhone mobile phone or iPod Touch® mobile device from Apple, Inc., and, likewise, each remote monitor 114A-114M has a smart device, such as an iPhone or iPod touch” (Ex. 1006, 8:27-32). Further, *Cohen* teaches that both the host and remote monitoring devices 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). An Apple iPhone or iPod touch are electronic devices with a display.

342. *Cohen* further explains that the disclosed methods “may be

implemented on an apparatus comprising at least one processor and at least on memory including code, which when executed by at least one processor causes the apparatus to provide the method” (Ex. 1006, 3:3-7). *Cohen* further discloses that “a computer-readable storage medium may include code which when executed by at least one processor causes the method” (Ex. 1006, 3:7-9).

343. As another example, *Cohen* discloses that the remote monitor “may include a processor, a non-transitory computer-readable storage medium (e.g., memory, storage, and the like), a radio access mechanism (e.g., a modem and the like), and/or a user interface” (Ex. 1006, 9:36-40). *Cohen* further explains that “[t]he computer readable medium may include code which when executed by a processor provides one or more applications, operating systems, and the like” (Ex. 1006, 9:410-42).

344. As such, *Cohen* renders obvious claim element [1.pre].

Claim 1, Element [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;

345. *Cohen* renders obvious claim element [1.a]. Specifically, *Cohen* renders obvious a non-transitory computer-readable storage medium storing one or more programs that cause the device to receive information identifying a plurality of approved sources of wellness data, wherein the plurality of approved sources comprise an electronic device or software application.

346. *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). *Cohen* explains that:

“The 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. In addition, other characteristics of a host can be monitored to facilitate care of a host, such as a geographic location of the host, state of a host (e.g., exercising, sleeping, or working) and the like.”

(Ex. 1006, 6:25-31).

347. *Cohen* teaches that the remote monitoring system includes “a plurality of host monitoring systems 198A-198N connected to a plurality of remote monitors 114A-114M” (Ex. 1006, 7:46-48). Figure 1, which I have annotated below, is a high-level diagram of *Cohen*’s remote monitoring system. As I explain herein, *Cohen*’s “host monitoring system[s]” annotated in BLUE comprise a plurality of approved sources of wellness data and *Cohen*’s “remote monitor[s]” annotated in GREEN comprise a plurality of approved destinations of wellness data.

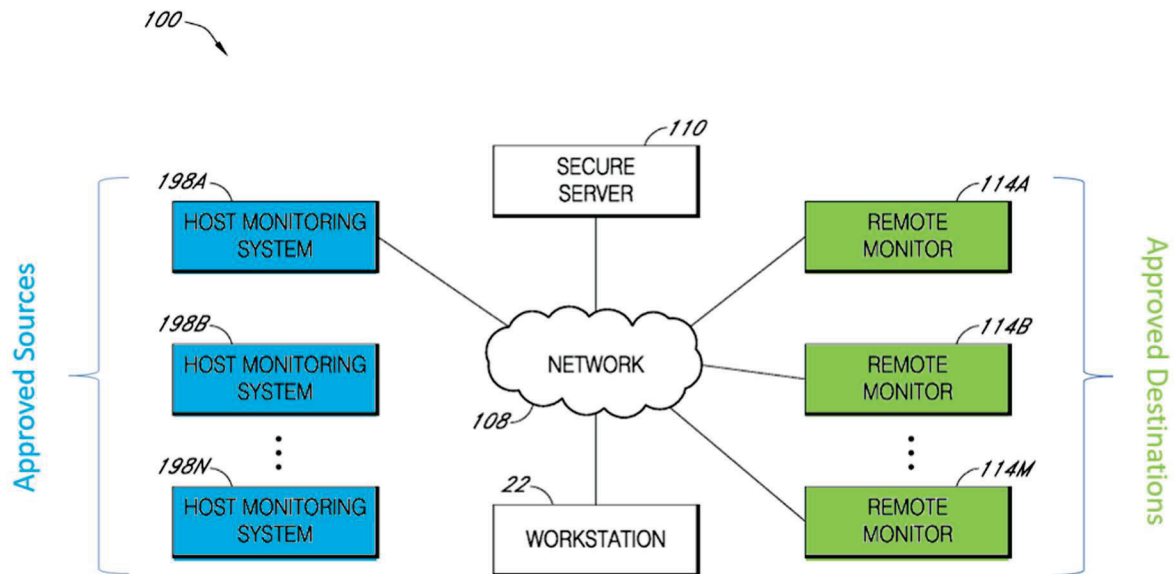


FIG. 1

348. *Cohen* further discloses that a “host monitoring system” is an approved source of wellness data. For example, once the user downloads the host monitoring application, *Cohen* teaches that user can use the application to “create an account” (Ex. 1006, 41:13-18). During the account creation process, *Cohen* explains that the user may register their devices by, for example, entering a unique identifier associated with “the receiver 102, such as the receiver’s serial number” or “the sensor system 18, such as the serial number of sensor electronics 12” (Ex. 1006, 41:20-30). *Cohen* also discloses that “secure server 110 may register and/or configure one or more of the receiver 102, the continuous analyte sensor 10, the

delivery pump 2, the glucose meter 4, and the host 199 before process 197 is initiated” (Ex. 1006, 10:44-58).

349. Figure 9, reproduced below, depicts an interface for registering a receiver:

Ex. 1006, Fig. 9

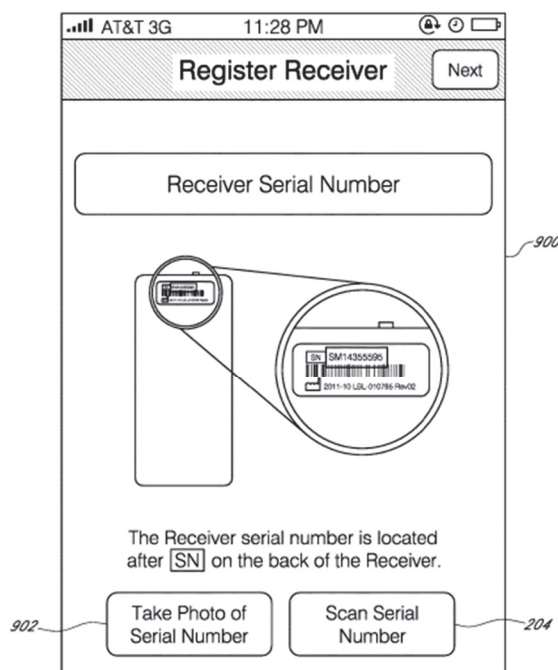


FIG. 9

350. As another example, *Cohen* explains that each remote monitor may approve the monitoring of each host by accepting an invitation from the host to monitor the host. An exemplary invitation is depicted in Figure 12, below:

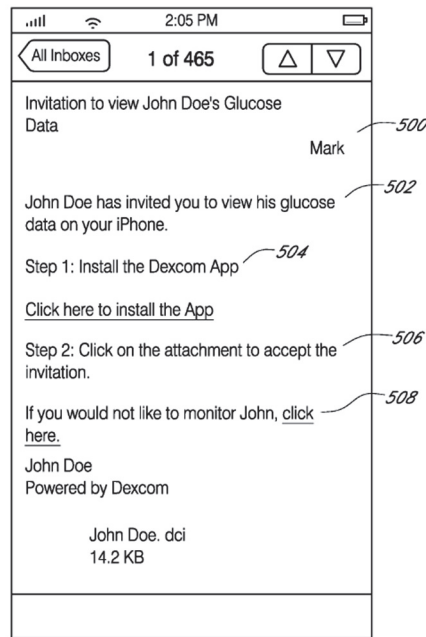
Ex. 1006, Fig. 12

FIG. 12

351. As *Cohen* explains, and exemplified above in Fig. 12, “[i]n this example, a user, “John Doe” associated with a system 8 and receiver 102 has invited remote monitor 114 to be a monitor as indicated by the invitation at 502” (Ex. 1006, 34:61-65). The invitation includes options and instructions for the remote monitor “to accept[] the invite” (*i.e.*, 506) or “to not accept the invitation” (*i.e.*, 508) (Ex. 1006, 35:3-8). Once the remote monitor accepts the invitation, the remote monitor is connected to the remote monitoring system and able to receive and/or view wellness data collected from the host monitoring system, such as “receiv[ing] notification messages for events associated with receiver 102” and accessing “sensor

data and reports at secure server 110” (Ex. 1006, 35:13-17, 35:22-25, 35:29-33).

352. As an additional example, *Cohen* teaches that “in addition to sensor data, the secure server 110 may also receive data from source systems, such as health care management systems, patient management systems, precision management systems, electronic medical record systems, personal health record systems, and the like” (Ex. 1006, 26:57-62).

353. Finally, *Cohen*’s host-monitoring system comprises an electronic device or software application. For example, *Cohen* explains that each of the “health characteristics and other characteristics can be gathered using a host monitoring system that incorporates a computing device, such as a smart phone, and one or more sensors, such a continuous glucose sensor, heart-rate monitor, GPS device, etc.” (Ex. 1006, 6:31-36). *Cohen* further explains 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 network 108” (Ex. 1006, 7:48-51). For example, *Cohen* teaches the host monitoring system may include “a continuous analyte monitoring system” and “other devices and/or sensors, such as medicament delivery pump 2 (e.g., an insulin or glucagon pump), a glucose meter 4, and/or other devices/sensors” (Ex. 1006, 8:43-60).

354. As another example, *Cohen* also teaches that “each host monitoring system 198A-198N comprises a smart device, such as an iPhone mobile phone or

iPod Touch® mobile device from Apple,” and that each host device “has a host software application” that “configur[es] the smart device to perform any of the functions by host monitoring system 198 described herein, including gathering and transmitting health-related data used in remote monitoring system 100” (Ex. 1006, 8:27-37). *Cohen* further teaches that “the host software application can be an application downloaded using the Apple store service hosted by Apple, Inc” (Ex. 1006, 8:38-39).

355. Thus, *Cohen* renders obvious claim element [1.a].

Claim 1, Element [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;

356. *Cohen* renders obvious claim element [1.b]. Specifically, *Cohen* renders obvious a non-transitory computer-readable storage medium storing one or more programs that cause the device to receive information identifying a plurality of approved destinations of wellness data, wherein the plurality of approved destinations comprise an electronic device or software application.

357. *Cohen* describes 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). To allow for such remote monitoring, *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).

Cohen teaches the remote monitors may be 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) and “caretakers, such as a parent, spouse, doctor, nurse, hospital, and the like” (Ex. 1006, 8:1-2).

358. As discussed above, *Cohen* teaches that the remote monitoring system includes “a plurality of host monitoring systems 198A-198N connected to a plurality of remote monitors 114A-114M” (Ex. 1006, 7:46-48). Figure 1, which I have annotated below, is a high-level diagram of *Cohen*’s remote monitoring system. As I explain herein, *Cohen*’s “host monitoring system[s]” annotated in BLUE comprise a plurality of approved sources of wellness data and *Cohen*’s “remote monitor[s]” annotated in GREEN comprise a plurality of approved destinations of wellness data.

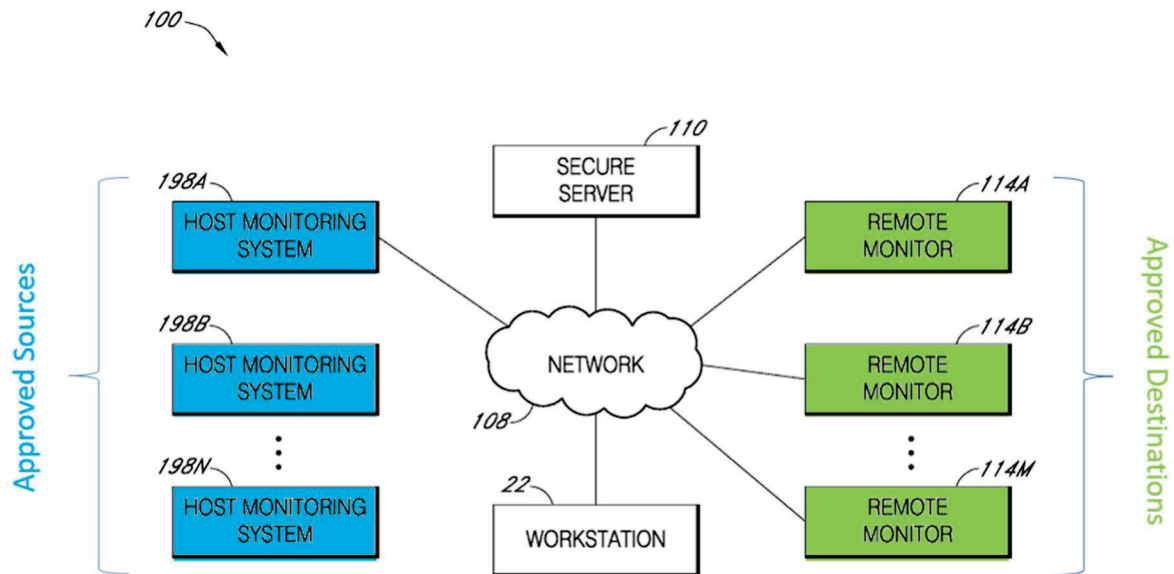


FIG. 1

359. *Cohen* discloses that the host can approve monitors to view their wellness data. For example, *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). For instance, *Cohen* explains that “the remote monitor 114 may be provided with notification messages for events associated with receiver 102 and access to sensor data and reports associated with host 199” (Ex. 1006, 34:7-10). *Cohen* further explains that “a host 199 or caretaker of host may manage the status of invitations (e.g., invitations sent, invitations accepted, monitoring cancelled, and the like) via receiver 102, gateway 104, user communication device 105, and/or secure server 110” (Ex. 1006, 34:36-

40).

360. *Cohen* further discloses that permissions and/or rules may be set for each remote monitor. For example, *Cohen* teaches that “one or more pages user-interactive pages may be presented on a computer display” that allow a user to “change[] the rules associated with remote monitors 114A-114M” and “configure[] permissions, such as whether a remote monitor 114 is authorized to receive one or more of notification messages, authorized to view patient data (e.g., sensor data including current and/or past data and the like” (Ex. 1006, 34:40-60). Furthermore, *Cohen* explains that “a user, such as a host 199, may access an Internet browser using workstation 22 of Fig. 1, for example, to access secure server 110 and login to view and manage the one or more devices granted remote monitoring privileges” (Ex. 1006, 35:17-21).

361. As another example, *Cohen* discloses that “the user uses the application on the host device 105 to invite remote monitors 114” (Ex. 1006, 42:54-55). *Cohen* explains that the application “can prompt the user for permission that the user wants the remote monitor 114 to have, such as permissions to view trend graph data, and alert settings that the user wants the remote monitor 114 to have. Once finished, the application sends an invitation to remote monitor 114” (Ex. 1006, 42:60-64). *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).

362. Finally, *Cohen*'s remote monitors comprise an electronic device or software application. *Cohen* explains that "each remote monitor 114A-114M has a smart device, such as an iPhone or iPod touch" and that each remote monitor "has a remote monitoring application" that configures the device "to perform any of the remote monitoring functions described herein, including receiving notifications and requesting health-related data of a host" (Ex. 1006, 8:30-32, 8:40-45). *Cohen* further teaches that the remote monitor application can be downloaded from "the App Store service hosted by Apple, Inc." (Ex. 1006, 8:45-47).

363. Thus, *Cohen* renders obvious claim element [1.b].

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

364. *Cohen* renders obvious claim element [1.c.]. Specifically, *Cohen* renders obvious a non-transitory computer-readable storage medium storing one or more programs that cause the device to display a detailed view of a sub-category of wellness data, the detailed view comprising elements [1.c.i] and [1.c.ii].

365. *Cohen*'s remote monitoring system allows remote monitors (such as a parent, spouse, school teacher, or health care practitioner) "to remotely monitor health characteristics of one or more hosts" (Ex. 1006, 6:22-25). *Cohen* explains that:

"The 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. In addition, other characteristics of a host can be monitored to facilitate care of a host, such as a geographic location of the host, state of a host (e.g., exercising, sleeping, or working) and the like.”

(Ex. 1006, 6:25-31). *Cohen* further explains that each of these “health characteristics and other characteristics can be gathered using a host monitoring system that incorporates a computing device” and then “transmitted to one or more remote monitors used by caretakers” (Ex. 1006, 6:31-36, 6:39-41).

366. The health characteristics monitored by *Cohen*’s remote monitoring system, including analyte concentration of a host, glucose, heart rate, blood pressure, temperature, exercising, and sleeping are examples of sub-categories of wellness data. Indeed, the ’898 Patent teaches that “wellness data can include, but is not limited to, any type of data associated with a person’s health, such as their weight, heart rate, blood pressure, blood glucose level, medication compliance, activity level, or the like” (Ex. 1001, 1:34-38, 31:41-45).

367. *Cohen* further explains that both the host and the remote monitor may view information relating to the status of each host, such as a host’s glucose levels, through a dashboard (Ex. 1006, 30:35-31:30, 48:26-49:11, 51:10-15). For example, *Cohen* explains that “FIG. 19 is an exemplary page of a host’s monitored analyte

concentration” (Ex. 1006, 50:18-20). As discussed above, a host’s analyte concentration (such as a host’s glucose concentration level) is an example of a sub-category of wellness data. Figure 19 below depicts a graph representation of the host’s wellness data, highlighted in YELLOW.

Ex. 1006, Fig. 9 (annotated)

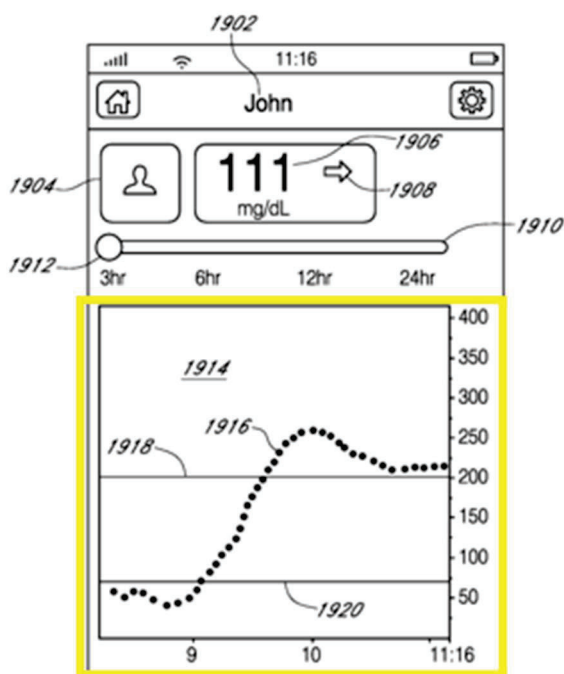


FIG. 19

368. *Cohen* teaches that 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). *Cohen* further teaches that the above trend graph page

“include[s] a user selectable slider bar that allows a user to select different time frames of sensor data to view, such as three six, 12 and 24 hour views” (Ex. 1006, 50:24-27). *Cohen* explains that trend graph may be automatically modified based on one or more criteria, such as “time of day (e.g. morning, lunch-time, bed-time, night), a current analyte value being monitored (e.g. a glucose concentration being monitored and displayed on trend graph 1914), a current rate of change of a measured analyte concentration being monitored, whether a particular alarm and/or threshold has been triggered, such as a hypoglycemia-related or hyperglycemia-related alarm, and the like” (Ex. 1006, 50:47-54).

369. *Cohen* further teaches that both the host and the remote monitors may view the host’s health characteristics (*i.e.*, the sub-categories of wellness data) collected by the host monitoring system (Ex. 1006, 8:32-45, 9:11-20, 17:16:64-17:5). For example, *Cohen* explains that the remote monitor can be used “by a caretaker to monitor health characteristics of a host, which in this exemplary environment is a glucose concentration level of the host” (Ex. 1006, 7:23-26). Thus, a POSITA would have understood that glucose concentration level of a host is just one example of a sub-category of wellness data that can be displayed by *Cohen*’s remote monitoring system.

370. *Cohen* teaches that the remote monitor may “view historical information about the monitored glucose levels of the host” (Ex. 1006, 7:36-39).

Cohen explains that remote monitor may receive information related to the host, including “all available sensor data not currently stored in the remote monitor 114, sensor data over a predetermined amount of time, such as the previous 3 or 24 hours of glucose data obtained from the sensor system 100, receiver 102, and/or secure server 110, a plot of the glucose levels over time, a glucose variability value, instructions, motivational messages, status of host, remote monitoring permissions modified by the host, and the like” (Ex. 1006, 13:54-63).

371. For example, *Cohen* explains “a page may be generated by secure server 110 and then sent to one or more remote monitors for presentation at a user interface at each of the remote monitors” (Ex. 1006, 30:38-41). By way of example, *Cohen* teaches that “[t]he page may include a textual and/or a graphical indication of the status of the one or more hosts being monitored” (Ex. 1006, 30:44-45. *Cohen* provides the example of a page displayed to a school nurse who is monitoring students associated with host monitoring systems 198A-198N. *Cohen* provides that “[i]n this example, the page may have the status information for each of the students, the most recent notification message for each of the students, a graphical or a textual indication that the student is within limits, or an indication that the student is above limits, and the like.” *Cohen* also describes that the nurse may be presented with more detail about the student, by for example selecting the student which “may cause the remote monitor 114 to access the secure server 110 and then receive additional

information, such as one or more of current and prior glucose levels, patient information, and the like, and update the display page or transition to a new display page that displays 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, 30:35-31:9).

372. Further, *Cohen* explains that while the previous example “refers to glucose levels and specific types of messages and icons, other types of events, messages, and icons discussed herein may be used to convey the status of a host.” (Ex. 1006, 31:9-12). And, as discussed above, *Cohen* explains that other health characteristics such as heart rate, blood pressure, blood oxygen, temperature, sleep, caloric intake, and the like can be monitored by the health monitoring system (Ex. 1006, 6:25-36, 17:40-60). As such, a POSITA would understand that any wellness data collected by *Cohen*’s host monitoring system would be displayed to the host and/or remote monitor.

373. Thus, *Cohen* renders obvious claim element [1.c].

Claim 1, Element [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;

374. *Cohen* renders obvious claim element [1.c.i]. Specifically, *Cohen* renders obvious 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.

375. As I discuss above in element [1.c.], which I incorporate herein, *Cohen* teaches that both the host and the remote monitors may view the wellness data collected by the host monitoring system. And as I discussed above in element [1.c], *Cohen* discloses that the wellness data may be displayed through a graph representation, such as *Cohen*'s trend graph depicted in Fig. 19 (see Ex. 1006, Fig. 19, 27:55-61, 50:17-51:15).

376. Further, a person of ordinary skill of the art would have understood that Figure 19 depicts aggregated values of the host's analyte concentration (i.e., a sub-category of wellness data). For example, *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* also teaches that the data storage memory "may be configured to store a variety of sensor information" (Ex. 1006, 20:29-31). *Cohen* explains that the variety of sensor information may include "one or more days of continuous analyte sensor data" (Ex. 1006, 20:31-33). For instance, "the data storage memory may store 1, 3, 4, 5, 6, 7, 8, 9, 10, 12, 12, 13, 14, 15, 20, and/or 30 (or more days) of continuous analyte sensor data received from the sensor" (Ex. 1006, 20:33-35). *Cohen* further explains that a 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). From this, a POSITA would have understood that *Cohen's* remote monitoring system collects continuous health information from the host monitoring system that can be aggregated and displayed via the host and/or remote monitor's user interface. The aggregated wellness data allows the remote monitor, for example, 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, 36 hours' worth, etc.) (Ex. 1006, 14:25-32). Further, a POSITA would want to aggregate the data collected by the continuous remote monitoring system to obtain higher quality data and to better understand the data collected over a period of time.

377. Thus, *Cohen* renders obvious claim element [1.c.i].

Claim 1, Element [1.c.ii]: a selectable data sharing option;

378. *Cohen* renders obvious claim element [1.c.ii]. Specifically, *Cohen* renders obvious a selectable data sharing option. This is illustrated by Figure 15 annotated below.

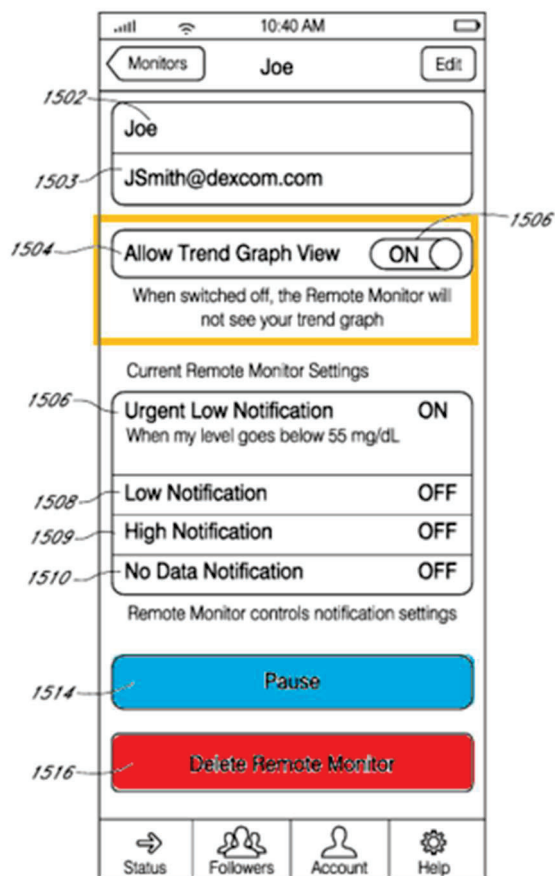


FIG. 15

379. *Cohen* discloses that the host monitoring application can include “various display pages that allow the user to view statuses of remote monitors 114 and configure permissions and settings associated with remote monitors” (Ex. 1006, 46:44-47). One such “settings display page” is depicted in Figure 15 above (Ex. 1006, 47:24-25).

380. *Cohen* explains that “settings display page 1500 can include

identification information, such as a name 1502 and email address 1504 associated with the remote monitor, permissions of the remote monitor and notification settings of the remote monitor” (Ex. 1006, 47:24-29). For example, *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* further explains that user can set “notification settings” for when a monitor receives an alert—“include[ing] an urgent low notification alert 1506, a low notification alert 1508, a high notification alert 1509 and a no data notification alert 1510, and each alerts associated status (e.g., associated threshold values and whether the alert is off or on)” (Ex. 1006, 47:36-47).

381. Further, the trend graph permission 1504 tab described in *Cohen* is identical to the selectable options described in the ’898 Patent and depicted in Figure 34 below:

Ex. 1001, Fig. 34 (annotated) and Ex. 1006, Fig. 15 (annotated)

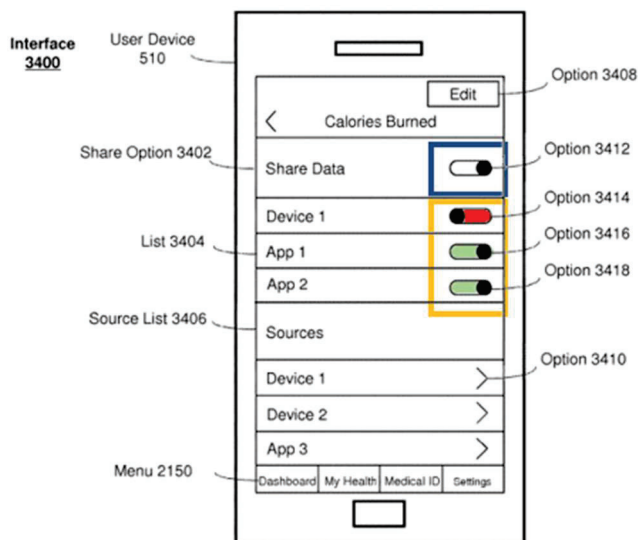


FIG. 34

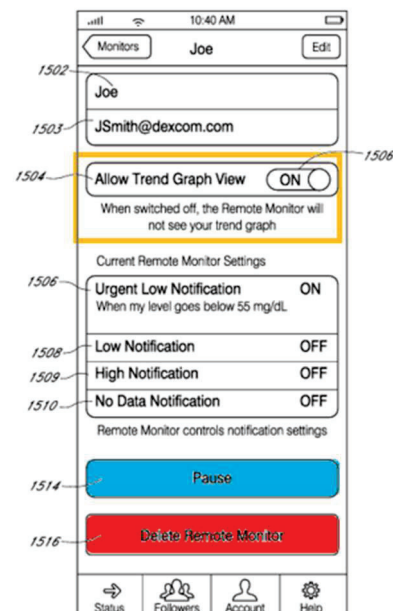


FIG. 15

382. The '898 Patent describes that the options interface of Figure 34 allow the user to turn on or off data sharing (Ex. 1001, 57:28-57). Specifically, Figure 34 depicts “selectable option 3412” (annotated in BLUE) which can be used to turn on or off sharing calories burned, which is an example of a sub-category of wellness data approved to be accessed by certain destinations (Ex. 1001, 57:20-27). For example, Figure 34 further depicts “selectable options 3414, 3416, and 3418 associated with the destinations in list 3404” (Ex. 1001, 57:37-40). The '898 Patent explains that “selectable options 3414, 3416, and 3418” (annotated in ORANGE) can be changed “to turn data sharing on or off” for a specific destination (Ex. 1001, 57:40-42).

383. As another example, *Cohen* discloses selectable data sharing options that “allow a user of the host monitoring application to pause and cancel capabilities of remote monitor 114A monitoring the host 199” (Ex. 1006, 47:48-50). *Cohen* teaches the “pause/resume control button 1514 (highlighted in BLUE above) can selectively stop and re-start remote monitoring capabilities of the remote monitor, such as stopping and starting notifications being sent to the remote monitor and/or permission for the remote monitor to view sensor data of the host” (Ex. 1006, 47:50-52). *Cohen* explains that this functionality “can be useful in instances where a host does not always want a remote monitoring to be monitoring the host” (Ex. 1006, 47:55-57). Similarly, *Cohen* discloses a “delete remote monitor control button 1516” (highlighted in RED) that can be used to delete the monitor from the list of monitors approved to monitor the host (Ex. 1006, 47:66-48:1). *Cohen* further discloses that “each of the pause, cancel, and resume functions may be configured globally across all remote monitors associated with the host instead of or in addition to the individual monitors” (Ex. 1006, 48:17-20).

384. Just like the 898 Patent’s disclosure with respect to interface 3400 discussed above, Figure 15 of *Cohen* similarly discloses that data sharing can be turned on or off for a particular remote monitor via use of the trend graph toggle button (boxed in ORANGE) and the pause button (highlighted in BLUE).

Furthermore, data sharing can be turned off all together for a particular monitor via use of the “Delete Remote Monitor” button (highlighted in RED).

385. As another example, as discussed above, *Cohen* additionally discloses that remote monitors are able to accept or decline a host’s invitation to monitor the host by selecting options 506 and 508, respectively, of Fig. 12 (Ex. 1006, 34:61-35:8). Figure 12 is produced below:

Ex. 1006, Fig. 12

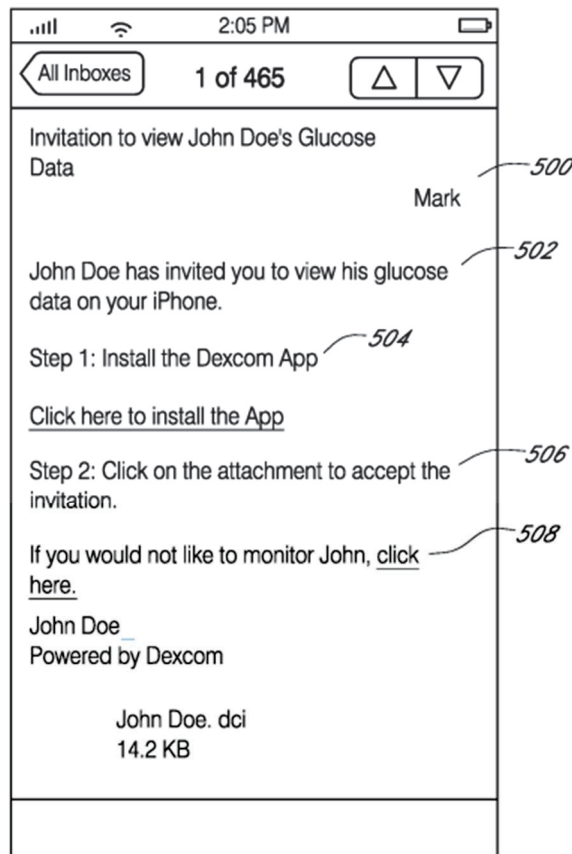


FIG. 12

386. Thus, *Cohen* renders obvious claim element [1.c.ii].

Claim 1, Element [1.d]: receive user selection of the selectable data sharing option; and;

387. *Cohen* renders obvious claim element [1.d]. Specifically, *Cohen* renders obvious a non-transitory computer-readable storage medium storing one or more programs that cause the device to receive user selection of the selectable data sharing option.

388. As discussed above with respect to claim element [1.c.ii], *Cohen* discloses a user interface with selectable data sharing options. A POSITA would have understood that the user interface is interactive and allows the user to select various options, areas, buttons, and/or controls on the user interface. For instance, *Cohen* specifically explains that the user is able to “toggle between allowing and denying permission to view the graph” using the trend graph permission tab 1504, highlighted in ORANGE in Figure 15 above (Ex. 1006, 47:29-32). As another example, *Cohen* explains that “the user interfaces may include a variety of interfaces, such as one or more buttons 124” and “provide controls to interact with the user (e.g., the host)” (Ex. 1006, 16:42-47). By way of example, *Cohen* discloses that “[o]ne or more buttons may allow, for example, toggle, menu selection, option selection, status selection, yes/no response to on-screen questions, a “turn off” function (e.g., for an alert), a “snooze” function (e.g., for an alert), a reset, and/or the like” (Ex. 1006, 16:47-51). Similarly, *Cohen* describes that the remote monitor may select options 506 and 508 of Figure 12 (Ex. 1006, 34:65-35:8). Accordingly, 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 claim element [1.c.ii].

389. Thus, *Cohen* renders obvious claim element [1.d].

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

390. *Cohen* renders obvious claim element [1.e]. Specifically, *Cohen* renders obvious a non-transitory computer-readable storage medium storing one or more programs that cause the device to in response to receiving the selection of the selectable data sharing option, display elements [1.e.i] and [1.e.ii], as discussed below.

391. Thus, *Cohen* renders obvious claim element [1.e].

Claim 1, Element [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

392. *Cohen* renders obvious claim element [1.e.i]. Specifically, *Cohen* renders obvious displaying 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.

393. *Cohen* discloses that the host monitoring system may include “a continuous analyte monitoring system 8 including a sensor electronics module 12

and a continuous analyte sensor 10,” as well as “other devices and/or sensors, such as medicament delivery pump 2 (e.g., an insulin or glucagon pump), a glucose meter 4 (e.g., a blood finger stick meter), and any other device and/or sensor” (Ex. 1006, 8:50-57). *Cohen* explains that these devices may be coupled to a receiver with a display “to enable the host 199 to present information from and/or control continuous analyte sensor 10, delivery pump 2, glucose meter 4, and/or other devices/sensors” (Ex. 1006, 8:61-67). *Cohen* further explains that the receiver may be any device “configured to at least present information (e.g., medicament delivery information, discrete self-monitoring glucose readings, heart rate monitor, caloric intake monitor, and the like”). (Ex. 1006, 16:64-17:5).

394. As another example, *Cohen* discloses a remote monitoring dashboard that displays a “plurality of approved sources of wellness data” as depicted below:

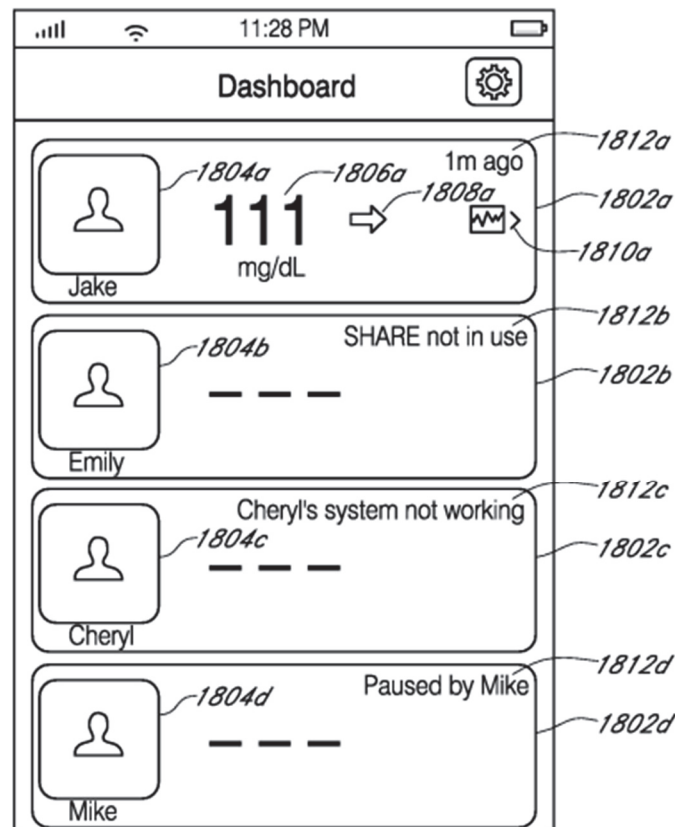


FIG. 18A

395. *Cohen* explains that, as show in Figure 18A, “remote monitor 114 can provide a so-called dashboard view of hosts it is monitoring implemented on a remote monitoring device” (Ex. 1006, 48:26-29). The dashboard of Figure 18A include 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, a statement 1812b whether the host is using the remote monitoring system 100, a statement 1812c whether the hosts host monitoring system

is working, or a statement 1812d indicating that the remote monitor has been paused, for example” (Ex. 1006, 48:37-44). For example, as shown above, remote monitor is monitoring health information from Jake, Emily, and Cheryl’s host monitoring system—which are approved sources of wellness data. Mike’s host monitoring system, on the other hand, has been paused (Ex. 1006, 48:42-44).

396. *Cohen* further explains that the cells associated with each host can include or indicate “the permissions and/settings of the remote monitor” such as “a trend graph icon 1810 [indicating] that remote monitor has permission to view a trend graph of sensor data of that host” and “information about the health condition being monitored” such as “the most current analyte concentration value 1806 a that was provided to remote monitor and an trend arrow 1808 a indicating a rate of change of the measured analyte” (Ex. 1006, 48:56-67).

397. Furthermore, *Cohen* discloses that “the secure server 110 may also provide a cloud-based diabetes data management framework that receives patient-related data from various devices, such as a medical device, a glucose meter, a continuous glucose monitor, a sensor system, a receiver, and/or other devices (e.g., a device providing food consumption, such as carbohydrates, consumed by a host or patient, medicament delivery data, time of day, temperature sensors, exercise/activity sensors, and the like) including any device disclosed herein.” (Ex. 1006, 26:39-47). *Cohen* further discloses that the “processed data and/or the

raw data may be stored at a repository coupled to the secure server” (Ex. 1006, 27:16-27). A POSITA would have understood that a cloud-based framework and a repository may include a database, as a common and advantageous method for storing any kind of data either locally or remotely would be through the use of a database. In addition, Figures 20 and 21 indicate that data is stored in a database. Accordingly, a POSITA would have understood that the data collected could be stored in a database.

398. *Cohen* also discloses that “the stored sensor information may include one or more of the following: a time stamp, raw sensor data (one or more raw analyte concentration values), calibrated data, filtered data, transformed sensor data, location information, and/or any other sensor related or displayable information” (Ex. 1006, 20:37-41).

399. As another example, *Cohen* also discloses that “host monitoring system can transmit information directly to the one or more remote monitors and/or the host monitoring system transmits information first to a remote server, which then transmits information to the host monitor” (Ex. 1006, 6:43-47). *Cohen* further teaches that the “remote server can store and monitor the information received from the remote monitoring system” (Ex. 1006, 7:10-11). As an example, *Cohen* discloses secure server 110, which “may be implemented as a so-called cloud” (Ex. 1006, 25:29-31). *Cohen* teaches “the secure server 110 may receive analyte

sensor data, store analyte sensor data, process analyte sensor data to detect events and thus allow generation of notifications to remote monitors 114 and/or generation of alerts to receiver 102 and/or gateway 104, generate pages or reports for display at remote monitor 114, receiver 102 and/or gateway 104, allow registration and/or configuration of host 199, sensor system 8, receiver 102, gateway 104 and remote monitor 114” (Ex. 1006, 26:16-24).

400. *Apple’s interpretation of claim element [1.e.i]*. Under Apple’s own interpretation of claim element [1.e.i], *Cohen* discloses this element. For purposes of showing alleged infringement, Apple appears to have interpreted claim element [1.e.i] to only require that wellness data is received from a plurality of approved sources (e.g., the connected patient devices) and the data is stored in a wellness database. This is illustrated in at least Apple’s infringement contentions served on AliveCor on July 25, 2023 in Apple’s suit for patent infringement against AliveCor (see Ex. 1017 at 59-62). Thus, if claim element [1.e.i] only requires that wellness data is received from a plurality of devices (e.g., *Cohen*’s host monitoring systems) and then stored in a database, *Cohen* certainly discloses this element under Apple’s own interpretation of the claim.

401. Thus, *Cohen* renders obvious claim element [1.e.i].

Claim 1, Element [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.

402. *Cohen* renders obvious claim element [1.e.ii]. Specifically, *Cohen* renders obvious displaying 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.

403. As discussed above with respect to element [1.b], which I incorporate herein, *Cohen* teaches the remote monitors may be 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) and “caretakers, such as a parent, spouse, doctor, nurse, hospital, and the like” (Ex. 1006, 8:1-2). *Cohen* teaches that “[v]arious permission and invitations can be used to limit which remote monitors 114A-114M can monitor host monitoring systems 198A-198N” (Ex. 1006, 8:23-26). For example, *Cohen* explains that “receiver 102...may send a message...to invite remote monitor 114 to accept a connection establishment request from secure server 110” (Ex. 1006, 34:1-7). If the remote monitor accepts the invitation, “the remote monitor 114 may be provided with notification messages for events associated with receiver 102 and access to sensor data and reports associated with host 199” (Ex. 1006, 34:7-10). *Cohen* further explains that “a host 199 or caretaker of host may manage the

status of invitations (e.g., invitations sent, invitations accepted, monitoring cancelled, and the like) via receiver 102, gateway 104, user communication” (Ex. 1006, 34:36-40).

404. For example, *Cohen* discloses a “host monitoring application” that can include “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 below in Figure 14, *Cohen’s* host monitoring application displays a list of the “remote monitors” associated with the host.

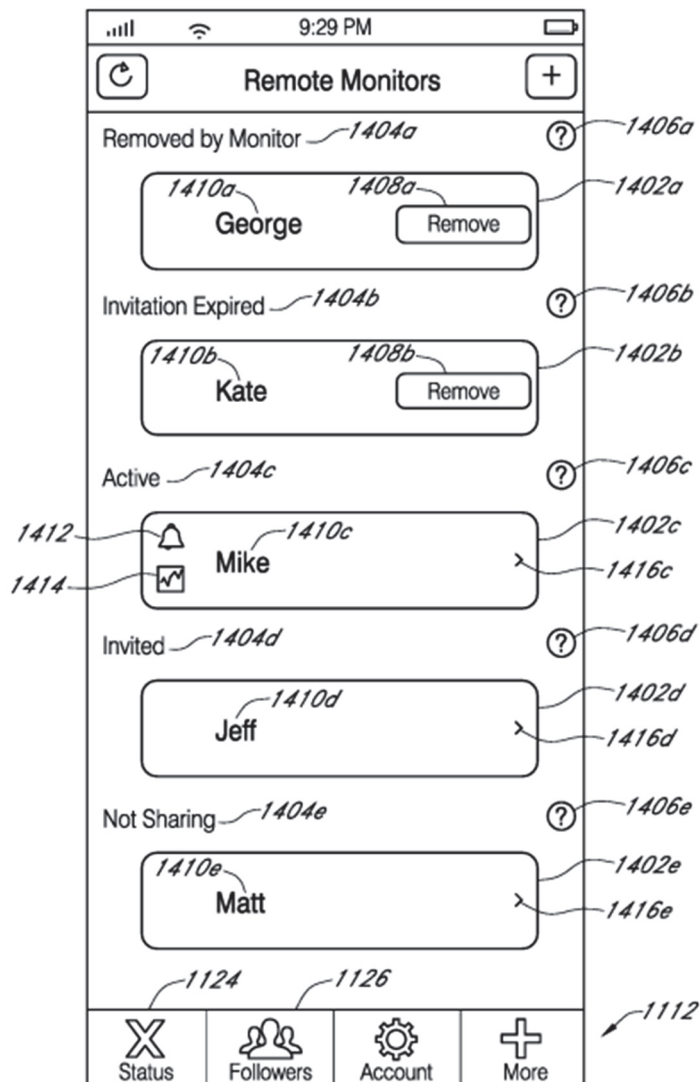


FIG. 14

405. *Cohen* teaches that each cell depicted in Figure 14 is associated with a “remote monitor or potential monitor” (Ex. 1006, 46:49-51). *Cohen* further teaches that “cells 1402a-1402e can also be displayed according to status of the remote monitor” for example “cell 1402c is grouped under an active status 1404c” while

“cell 1402e is grouped under a not sharing status 1404e” (Ex. 1006, 46:53-61). *Cohen* also explains that “a plurality of cells can be displayed under each group” (Ex. 1006, 46:61-64).

406. Additionally, *Cohen* discloses that “icons can be displayed in a cell that illustrate permissions and/or enabled functions associated with the remote monitor” (Ex. 1006, 47:4-6). For instance, “icons 1412 and 1414 indicate that remote monitor associated with cell 1402c has notifications enabled and has permission to view trend graph information associated with the host being monitored, respectively” (Ex. 1006, 47:6-10).

407. *Apple’s interpretation of claim element [1.e.ii]*. Under Apple’s own interpretation of claim element [1.e.ii], *Cohen* discloses this element. For purposes of showing alleged infringement, Apple appears to have interpreted claim element [1.e.ii] to only requires 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). This is illustrated in at least Apple’s infringement contentions served on AliveCor on July 25, 2023 in Apple’s suit for patent infringement against AliveCor (*see* Ex. 1017 at 63-67). Thus, if claim element [1.e.ii] only requires that a user approves a destination to access the wellness data, *Cohen* certainly discloses this element as explained with respect to claim element [1.b].

408. Thus, *Cohen* renders obvious claim element [1.e.ii].

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

409. *Cohen* renders obvious claim element [3.pre]. Specifically, *Cohen* renders obvious the non-transitory computer-readable storage medium of claim 1, further comprising instructions to cause the electronic device to perform the elements of claim 1. I incorporate herein my earlier discussion of claim 1.

410. Thus, *Cohen* discloses claim element [3.pre].

Claim 3, Element [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

411. *Cohen* renders obvious claim element [3.a]. Specifically, *Cohen* renders obvious the non-transitory computer-readable storage medium of claim 1, further comprising instructions to cause the electronic device to 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.

412. As discussed above with respect to claim 1, *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 a variety of sensor information” (Ex. 1006, 20:29-31). For example, *Cohen* teaches that “data

storage memory stores one or more days of continuous analyte sensor data” (Ex. 1006, 20:32-33). *Cohen* further teaches that “the stored sensor information may include...a time stamp” (Ex. 1006, 20:37-38).

413. *Cohen* discloses a “processor module” that is configured to generate data packages for transmission to devices and outside sources (Ex. 1006, 19:56-60). *Cohen* teaches that “the data packages may, as noted, be customizable and/or may include any available data, such as a time stamp, displayable sensor data, transformed sensor data” and/or the like (Ex. 1006, 19:59-64).

414. Thus, *Cohen* discloses claim element [3.a].

Claim 3, Element [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.

415. *Cohen* renders obvious claim element [3.b]. Specifically, *Cohen* renders obvious the non-transitory computer-readable storage medium of claim 1, further comprising instructions to cause the electronic device to 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.

416. As discussed above with respect to claim 1, *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 a variety of sensor information” (Ex. 1006, 20:29-31). For example, *Cohen* teaches that “data storage memory stores one or more days of continuous analyte sensor data” (Ex. 1006, 20:32-33). For instance, *Cohen* discloses that the data storage memory may store “1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 20, and/or 30 (or more days) of continuous analyte sensor data received from sensor 10” (Ex. 1006, 20:32-36). *Cohen* further teaches that “the stored sensor information may include...a time stamp” (Ex. 1006, 20:37-38).

417. *Cohen* additionally discloses a “processor module” that is configured to generate data packages for transmission to devices and outside sources (Ex. 1006, 19:56-60). *Cohen* teaches that “the data packages may, as noted, be customizable and/or may include any available data, such as a time stamp, displayable sensor data, transformed sensor data” and/or the like (Ex. 1006, 19:59-64). *Cohen* further teaches that the processor module includes a “digital filter” that may be “programmed to filter data sampled at a predetermined time interval (also referred to as a sample rate)” (Ex. 1006, 19:38-40).

418. Accordingly, a POSITA would have understood that *Cohen* discloses that continuous analyte sensor data may be collected from one or more host's monitoring system (e.g., a first and second approved source) within a threshold period of time, for example, every 5 or 10 minutes.

419. Thus, *Cohen* discloses claim element [3.b].

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

420. *Cohen* renders obvious claim element [9.pre]. Specifically, *Cohen* renders obvious 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 perform the elements of claim 1. I incorporate herein my earlier discussion of claim 1.

421. Thus, *Cohen* renders obvious claim element [9.pre].

Claim 9, Element [9.a] display on the display a plurality of categories of wellness data stored in the wellness database.

422. *Cohen* renders obvious claim element [9.a]. Specifically, *Cohen* renders obvious a non-transitory computer-readable storage medium storing one or more programs that cause the device to display on the display a plurality of categories of wellness data stored in the wellness database.

423. As discussed above with respect to elements [1.c], which I incorporate herein, *Cohen* discloses a variety of health characteristics that can be collected by

the host monitoring system, including an analyte concentration of a host, such as glucose, or a bodily function, such as heart rate, blood pressure, or temperature, a geographic location of the host, state of a host (e.g., exercising, sleeping, or working) and the like (Ex. 1006, 6:25-31). *Cohen* further discloses that the collected data may be graphically displayed to both the host and the remote monitor via a user interface (Ex. 1006, 30:35-31:9, 8:32-45, 9:11-20, 17:16:64-17:5).

424. Further, *Cohen* discloses a “remote monitoring dashboard” that includes a plurality of cells associated with each host, which is depicted in Fig. 18A below:

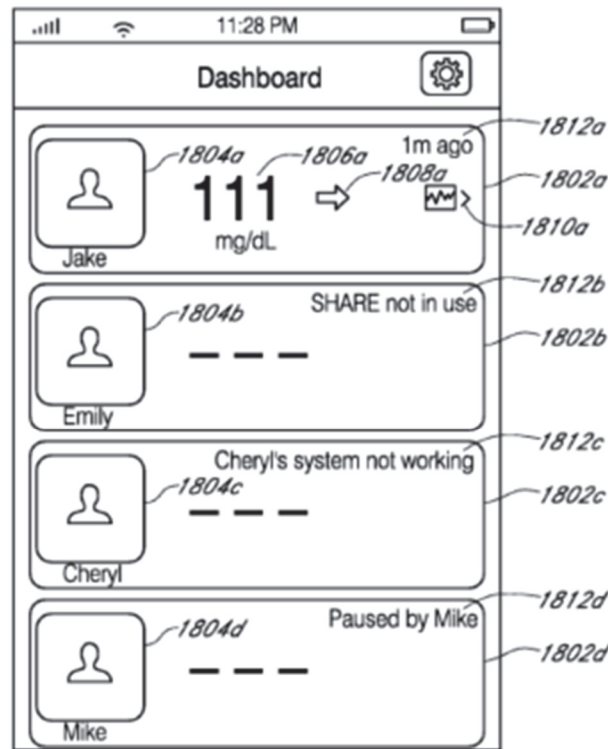


FIG. 18A

425. *Cohen* explains that “each cell lists a current status of the cell, such as the time 1812a when the analyte value 1806a currently displayed in the cell was measured” (Ex. 1006, 48:37-40). *Cohen* further explains that the “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” (Ex. 1006, 49:4-7). For instance, *Cohen* explains that “remote monitor can transition to a trend graph display (Fig. 19) associated with the host” (Ex. 1006, 49:7-8).

426. As another example, *Cohen* discloses a page presented on a user interface at each remote monitor that “includes a textual and/or graphical indication of the status of the one or more hosts being monitored” (Ex. 1006, 30:44-46). *Cohen* teaches that the page may “depict[] each of the host monitoring systems the remote monitoring is monitoring” (Ex. 1006, 30:47-48). *Cohen* further explains that each host may be “associated with a cell” such that the remote monitor can “quickly view the user interface and see the status of each [host] being monitored” (Ex. 1006, 30:55-57). As one example, *Cohen* provides the example of a school nurse presented with a page that “may have the status information for each of the students, the most recent notification message for each of the students, a graphical or a textual indication that the student is within limits, or an indication that the student is above limits, and the like” (Ex. 1006, 30:56-59).

427. *Cohen* further discloses that “the 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, that for example, “selecting a cell of a student may cause the remote monitor 114 to access the secure

server 110 and then receive additional information, such as one or more of current and prior glucose levels, patient information, and the like, and update the display page or transition to a new display page that displays 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).

428. As discussed above, a POSITA would have understood the term "category" to refer to any broad category of wellness data that more detailed types of wellness data (e.g., sub-categories) fall under. Indeed, the '898 Patent explains that "categories can include one more or more sub-categories of wellness or non-wellness data" ('898 Patent, 54:77-59). Accordingly, a POSITA would have understood that *Cohen* discloses a dynamic user interface that displays categories of wellness data that can be selected by the user to view more detailed information about a host (e.g., a sub-category of wellness data).

429. And to the extent *Cohen* fails to disclose one or more programs that cause the device to "display on the display a plurality of categories of wellness data," it would have been obvious and well within the skill of an ordinary person skill in the art. As discussed above, *Cohen* discloses a variety of health characteristics that can be collected by the host monitoring system, including an analyte concentration of a host, such as glucose, or a bodily function, such as heart rate, blood pressure, or temperature, a geographic location of the host, state of a host (e.g., exercising,

sleeping, or working) and the like (Ex. 1006, 6:25-31). And as is discussed above with respect to element [1.c], these are examples of sub-categories of wellness data. It would have been obvious to a POSITA to have broader categories to choose from. For instance, analyte concentration may include glucose levels, heart rate, blood pressure, or temperature, while activity information may include exercising, sleeping, or working. A POSITA would have been motivated to display these categories via the user interface to allow the user to select the category to view more detailed information about the host's status. That is, by allowing a user to select a category and drill down, the user can more efficiently find the desired sub-category of data. Furthermore, a POSITA would have had a reasonable expectation of success in implementing such a feature. Indeed, *Cohen* discloses that user selection of the display may cause the user interface display to transition to a more detailed view of information (Ex. 1004, 49:4-7, 31:1-9). Thus, 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, as well as view more detailed information about the host upon selecting an option on the user interface display.

430. Furthermore, as I discussed above with respect to element [1.e.i], which I incorporate herein, *Cohen* discloses that the data collected by the host monitoring system is stored in a database.

431. Thus, *Cohen* renders obvious claim element [9.a].

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

432. *Cohen* renders obvious claim element [10.pre]. Specifically, *Cohen* renders obvious a non-transitory computer-readable storage medium of claim 9, further comprising instructions to cause the electronic device to perform the elements of claim 10. I incorporate herein my earlier discussion of claim 9.

433. Thus, *Cohen* renders obvious claim element [10.pre].

Claim 10, Element [10.a] detect a selection of a category of wellness data from the displayed plurality of categories of wellness data

434. *Cohen* renders obvious claim element [10.a]. Specifically, *Cohen* renders obvious a non-transitory computer-readable storage medium of claim 9, further comprising instructions to cause the electronic device to detect a selection of a category of wellness data from the displayed plurality of categories of wellness data.

435. *Cohen* renders obvious claim element [10.a] for the same reasons as claim 9 above. Specifically, *Cohen* renders obvious categories of wellness data that may be selected by the user to view more detailed information regarding a host (e.g., sub-categories of wellness data). A POSITA would have understood that if a user selected a category of wellness data, it would cause the device to detect a selection

of a category of wellness data from the displayed plurality of categories of wellness data.

436. Further, a POSITA would have understood that the user interface is interactive and allows the user to select various options, areas, buttons, and/or controls on the user interface. For instance, *Cohen* specifically explains that the user is able to “toggle between allowing and denying permission to view the graph” using the trend graph permission tab 1504, highlighted in ORANGE in Figure 15 above (Ex. 1006, 47:29-32). As another example, *Cohen* explains that “the user interfaces may include a variety of interfaces, such as one or more buttons 124” and “provide controls to interact with the user (e.g., the host)” (Ex. 1006, 16:42-47). By way of example, *Cohen* discloses that “[o]ne or more buttons may allow, for example, toggle, menu selection, option selection, status selection, yes/no response to on-screen questions, a “turn off” function (e.g., for an alert), a “snooze” function (e.g., for an alert), a reset, and/or the like” (Ex. 1006, 16:47-51). Similarly, *Cohen* describes that the remote monitor may select options 506 and 508 of Figure 12 (Ex. 1006, 34:65-35:8). Accordingly, it would have been obvious to a POSITA that the user interface would cause the device to detect a selection of a category of wellness data from the displayed plurality of categories of wellness data.

437. Thus, *Cohen* renders obvious claim element [10.a]

Claim 10, Element [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.

438. *Cohen* renders obvious claim element [10.b]. Specifically, *Cohen* renders obvious a non-transitory computer-readable storage medium of claim 9, further comprising instructions to cause the electronic device to 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.

439. As discussed above with respect to elements [9.a], which I incorporate herein, *Cohen* renders obvious a non-transitory computer-readable storage medium storing one or more programs that cause the device to display on the display a plurality of categories of wellness data stored in the wellness database. *Cohen* discloses a variety of health characteristics that can be collected by the host monitoring system, including an analyte concentration of a host, such as glucose, or a bodily function, such as heart rate, blood pressure, or temperature, a geographic location of the host, state of a host (e.g., exercising, sleeping, or working) and the like (Ex. 1006, 6:25-31). And as is discussed above with respect to element [1.c], these are examples of sub-categories of wellness data. It would have been obvious to a POSITA to have broader categories to choose from. For instance, analyte concentration may include glucose levels, heart rate, blood pressure, or temperature, while activity information may include exercising, sleeping, or working. A POSITA

would have been motivated to display these categories via the user interface to allow the user to select the category to view more detailed information about the host's status. That is, by allowing a user to select a category and drill down, the user can more efficiently find the desired sub-category of data. Furthermore, a POSITA would have had a reasonable expectation of success in implementing such a feature. Indeed, Cohen discloses that user selection of the display may cause the user interface display to transition to a more detailed view of information (Ex. 1004, 49:4-7, 31:1-9). Thus, 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, as well as view more detailed information about the host upon selecting an option on the user interface display. Further, a POSITA would have understood that if a user selected a category of wellness data, it would cause the device to "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." This would allow the user to easily view and digest their data.

440. Thus, *Cohen* renders obvious claim element [10.b] for the same reasons as claim 9 above. Specifically, *Cohen* renders obvious categories of wellness data that may be selected by the user to view more detailed information regarding a host (e.g., sub-categories of wellness data).

441. Thus, *Cohen* renders obvious claim element [10.b]

Claim 16, Element [16.pre]: The non-transitory computer-readable storage medium of claim 10,

442. *Cohen* renders obvious claim element [16.pre]. Specifically, *Cohen* renders obvious the non-transitory computer-readable storage medium of 10. I incorporate herein my discussion of claim 10.

443. Thus, *Cohen* renders obvious claim element [16.pre].

Claim 16, Element [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.

444. *Cohen* renders obvious claim element [16.a]. Specifically, *Cohen* renders obvious the non-transitory computer-readable storage medium of 10, 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.

445. As discussed above with respect to claim elements [1.b] and [1.c.ii], *Cohen* discloses an interface for adding and removing a remote monitor (i.e., an approved destination). For example, *Cohen* discloses that “the user uses the application on the host device 105 to invite remote monitors 114” (Ex. 1006, 42:4-55). *Cohen* explains that the application “can prompt the user for permission that the user wants the remote monitor 114 to have, such as permissions to view trend graph data, and alert settings that the user wants the remote monitor 114 to have.

Once finished, the application sends an invitation to remote monitor 114” (Ex. 1006, 42:60-64). An option to add a remote monitor (e.g., approved destination) is highlighted in PURPLE in Fig. 14 below:

Ex. 1006 Fig. 15 (annotated)

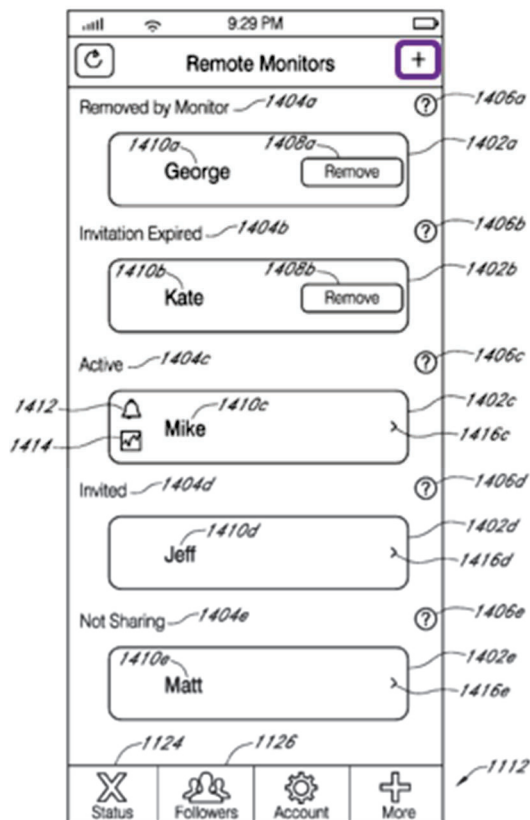


FIG. 14

446. *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). This is illustrated by the pause button Figure 15 annotated below. *Cohen* explains that “a pause/resume control button” (annotated

in BLUE) “can selectably stop and re-start remote monitoring capabilities of the remote monitor, such as stopping and starting notifications being sent to the remote monitor and/or permission for the remote monitor to view sensor data of the host” (Ex. 1006, 47:50-55). Cohen explains that the “delete remote monitor” button (annotated in RED), on the other hand, “can be used to delete the remote monitor from the list of remote monitors that can monitor the host” (Ex. 1006, 47:66-48:2).

Ex. 1006, Fig. 15 (annotated)

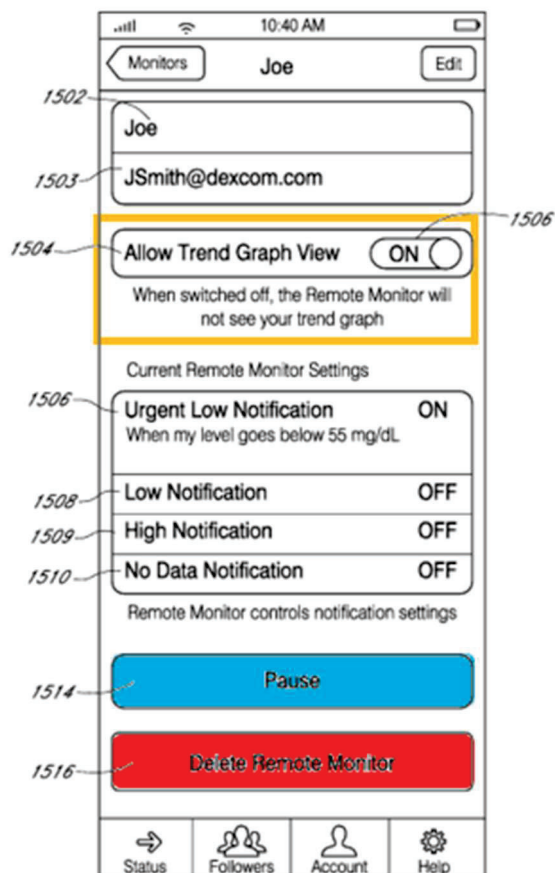


FIG. 15

447. Thus, *Cohen* renders obvious claim element [16.a].

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

425. *Cohen* renders obvious claim element [18.pre]. Specifically, *Cohen* renders obvious a non-transitory computer-readable storage medium of claim 9, further comprising instructions to cause the electronic device to perform the elements of claim 16. I incorporate herein my earlier discussion of claim 9.

426. Thus, *Cohen* renders obvious claim element [18.pre].

Claim 18, Element [18.a] display on the display, a source interface comprising a list of known sources.

427. *Cohen* renders obvious claim element [18.a]. Specifically, *Cohen* renders obvious the non-transitory computer-readable storage medium of 9, wherein the data sharing interface further comprises instructions to cause the device to display, on the display, a source interface comprising a list of known sources.

428. As discussed above with respect to element [1.e.i], *Cohen* discloses a remote monitoring dashboard that displays a list of known sources. This is illustrated by Fig. 18A below:

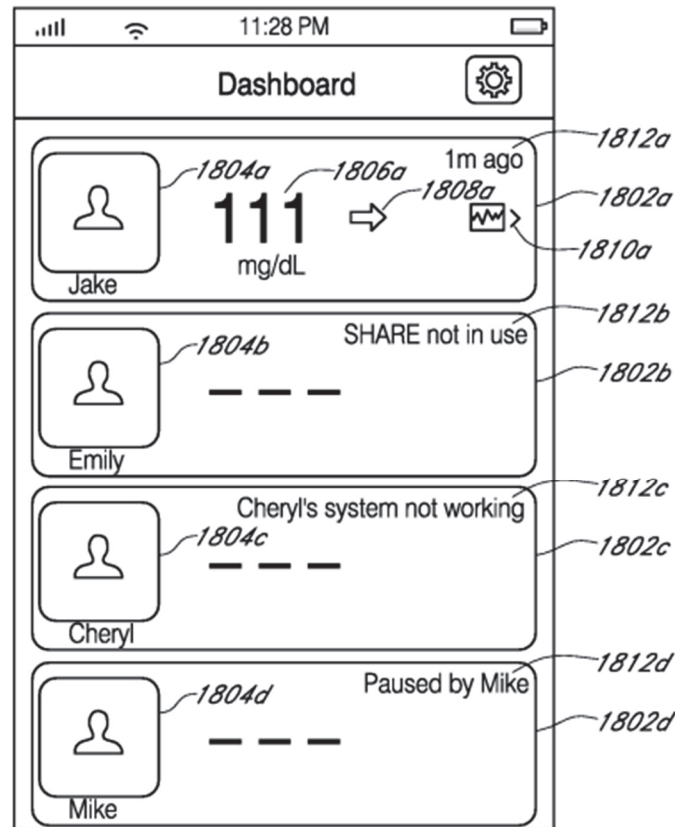


FIG. 18A

Cohen explains that, as show in Figure 18A, “remote monitor 114 can provide a so-called dashboard view of hosts it is monitoring implemented on a remote monitoring device” (Ex. 1006, 48:26-29). The dashboard of 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, a statement 1812b whether the host is using the remote monitoring system 100, a statement 1812c whether the hosts host monitoring system is working, or a

statement 1812d indicating that the remote monitor has been paused, for example” (Ex. 1006, 48:37-44). For example, as shown above, remote monitor is monitoring health information from Jake, Emily, and Cheryl’s host monitoring system—which are approved sources of wellness data. Mike’s host monitoring system, on the other hand, has been paused (Ex. 1006, 48:42-44), and is thus a known source but the remote monitor cannot review Mike’s data.

429. Thus, *Cohen* renders obvious claim element [18.a].

Claim 23, Element [23.pre]

430. *Cohen* renders obvious this element for the same reasons as claim element [1.pre] above.

Claim 23, Element [23.pre.i]

431. *Cohen* renders obvious this element for the same reasons as claim element [1.pre] above.

Claim 23, Element [23.a]

432. *Cohen* renders obvious this element for the same reasons as claim element [1.a] above.

Claim 23, Element [23.b]

433. *Cohen* renders obvious this element for the same reasons as claim element [1.b] above.

Claim 23, Element [23.c]

434. *Cohen* renders obvious this element for the same reasons as claim element [1.c] above.

Claim 23, Element [23.c.i]

435. *Cohen* renders obvious this element for the same reasons as claim element [1.c.i] above.

Claim 23, Element [23.c.ii]

436. *Cohen* renders obvious this element for the same reasons as claim element [1.c.ii] above.

Claim 23, Element [23.d]

437. *Cohen* renders obvious this element for the same reasons as claim element [1.d] above.

Claim 23, Element [23.e]

438. *Cohen* renders obvious this element for the same reasons as claim element [23.e] above.

Claim 23, Element [23.e.i]

439. *Cohen* renders obvious this element for the same reasons as claim element [1.e.i] above.

Claim 23, Element [23.e.ii]

440. *Cohen* renders obvious this element for the same reasons as claim element [1.e.ii] above.

Claim 26, Element [26.pre]

441. *Cohen* renders obvious this element for the same reasons as claim element [3.pre] above.

Claim 26, Element [26.a]

442. *Cohen* renders obvious this element for the same reasons as claim element [3.a] above.

Claim 26, Element [26.b]

443. *Cohen* renders obvious this element for the same reasons as claim element [3.b] above.

Claim 32, Element [32.pre]

444. *Cohen* renders obvious this element for the same reasons as claim element [9.pre] above.

Claim 32, Element [32.a]

445. *Cohen* renders obvious this element for the same reasons as claim element [9.a] above.

Claim 33, Element [33.pre]

446. *Cohen* renders obvious this element for the same reasons as claim element [10.pre] above.

Claim 33, Element [33.a]

447. *Cohen* renders obvious this element for the same reasons as claim element [10.a] above.

Claim 33, Element [33.b]

448. *Cohen* renders obvious this element for the same reasons as claim element [10.b] above.

Claim 39, Element [39.pre]

449. *Cohen* renders obvious this element for the same reasons as claim [16.pre].

Claim 39, Element [39.a]

450. *Cohen* renders obvious this element for the same reasons as claim [16.a].

Claim 41, Element [41.pre]

451. *Cohen* renders obvious this element for the same reasons as claim element [18.pre] above.

Claim 41, Element [41.a]

452. *Cohen* renders obvious this element for the same reasons as claim element [18.a] above.

C. Ground 3: *Yuen* in view of *Molettiere* Renders Obvious Claims 1, 9-10, 18, 20-22, 23, 32-33, 41, and 43-45 of the '898 Patent.

453. *Yuen* in view of *Molettiere* further renders obvious claims 1, 9-10, 18, 20-22, 23, 32-33, 41, and 43-45 of the '898 Patent. I incorporate herein Section IX.A, which analyzes how *Molettiere* anticipates and/or renders obvious claims 1, 9-10, 18, 20-22, 23, 21-30, 41 and 43-45 of the '898 Patent. Below I address the

limitations that are further rendered obvious by *Yuen* in view of *Molettiere*. As discussed above in Section VII.B, the Applicant made clear during prosecution that the method of claim 23 and its dependents are allowable for the same reasons as the computer-readable storage-medium (“CRM”) of claim 1 and its dependents (Ex-1002, 211-212). The method claims are substantially similar to the computer-readable storage-medium claim, other than being written in method form. Thus, my discussion of the CRM claims (i.e., claims 1, 9-11, 18, and 20-22) applies equally to the method claims (i.e., claims 23, 32-34, 41, and 43-45) and will not be repeated for brevity.

Motivation to Combine Yuen and Molettiere

454. There are numerous reasons why a person of ordinary skill in the art would have been specifically motivated to combine *Yuen* and *Molettiere*.

455. First, *Yuen* and *Molettiere* are generally directed to the same technical field of biometric monitoring devices. *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), wherein the data may be biometric data collected from “multiple portable biometric monitoring devices tracking a single user or a group of users” (Ex. 1005, 2:60-63).

456. Second, *Yuen* itself unambiguously 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, 1:54-59). In particular, *Yuen* discloses a “personal weight sensor or scale” that may be used in connection with “other personal and/or portable devices (for example, Fitbit’s activity monitoring/tracking device)” (Ex. 1007, 1:26-27, 1:56-59). The device includes “a user interface to input/data commands and display physiologic information,” including “current information, historical information and/or current information in view of historical information” (Ex. 1007, 1:29-31). But *Yuen* does not expressly disclose the specific structure of a portable activity monitoring device, nor the user interface displays for configuring the device or displaying the data collected by such a device. To supply this teaching, a person of ordinary skill in the art would have turned to *Molettiere* which expressly discloses a portable activity monitoring device, as well as user interface displays and associated functionality for configuring the device and displaying data collected from such a device. Indeed, *Molettiere* describes an activity monitoring device that can collect physiologic data, including “energy expenditure (“calories burned”),” “floors climbed or descended,” “step count,” “caloric intake,” “nutritional intake from food,” “sleep phases,” “sleep quality,” “sleep duration,” amongst others (Ex. 1005, 5:15-25). *Molettiere* further describes user interface displays for “configuring

tracking devices in use by the user” and viewing different types of data, such as “steps, distance, calories burned, location (GPS), floors/elevation, heart rate, and sleep” (Ex. 1005, 12:14-16, 12:22-25, 21:45-46, 21:60-61, Figs. 8, 13, 15, 16). Thus, a POSITA would have looked to a *Molettiere* to fill in any details lacking in *Yuen* with respect to how activity monitoring devices operate. A POSITA would have further understood that the teachings of *Molettiere* were specifically applicable to the teachings of *Yuen*.

457. Lastly, *Yuen* and *Molettiere* share similar goals. *Yuen* is directed to a biometric monitoring device that “provides or facilitates exchange of physiologic information,” where the biometric device displays “present physiologic information, including, for example, current information, historical information, and/or comparison like information” (Ex. 1007, 8:49-57). *Molettiere* similarly is directed to a device that “collects one or more types of physiologic data,” where the data is combined and/or aggregated and displayed on a user interface, which shows, for example, “data from all sources merged and displayed as a graph” (Ex. 1005, 5:1-14, 12:14-16).

458. 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 (*e.g.*, Ex. 1005, Figs. 13 and 16) with *Yuen*’s biometric device in order to achieve *Yuen*’s stated goal of using an external device, such as an activity

monitoring device, in conjunction with *Yuen's* biometric device to collect information 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). A POSITA would have understood that *Molettiere's* user interface is easy to use and an intuitive interface that would allow the user of *Yuen* to aggregate and prioritize a number of device feeds.

459. Second, a POSITA would have been motivated to combine *Molettiere's* user interface displays that display a user's connected devices with *Yuen's* biometric device interface so the user can set up *Yuen's* biometric devices and view the devices connected to the user's account. A POSITA would have been motivated to combine *Molettiere's* user interface displays for configuring an activity monitoring device so that the user can set up the biometric device to acquire wellness data from a variety of sources. *Molettiere's* user interfaces are desirable because they allow the user to easily set up and up and configure the settings of multiple activity monitoring devices via use of a user interface display. For example, *Molettiere's* user interface displays allow the user to set up an activity monitoring device to track and prioritize specific types of wellness data by implementing selectable options for each type of wellness data and allow the user to view all of the devices that are connected to a user's account. As *Yuen* contemplates that the biometric device can receive data from other biometric devices and/or activity monitors, a POSITA would have

understood that it would be desirable to view all of the devices connected to a user's account.

460. In addition to being able to view each of the sources, *Molettiere* specifically addresses the fact that two or more devices can provide information about the same parameter related to activities of the user. Ex. 1005, 2:30-38). In such cases, *Molettiere* provides specific solutions to prioritize and/or rank incoming data so as to identify the best source of information in order to provide the best possible data to the user.

461. 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). A POSITA would have understood that *Molettiere's* selectable data sharing option could easily be implemented to enable/disable the acquisition of any type of wellness data.

462. Fourth, a POSITA would have also been motivated to combine *Molettiere's* user interface displays that display the activity information collected by the activity monitoring device (Ex. 1005, Figs. 8, 14-15, 17-18) with *Yuen's*

biometric device interface to allow the user to view the activity information received by *Yuen's* biometric device. *Molettiere's* graphical displays of the activity information are desirable because they provide the best possible 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. It would have been obvious to a POSITA to implement *Molettiere's* graphical user interface so that the user can easily view and track the activity information collected.

463. Further, a POSITA would have been motivated to display a plurality of categories of the user to choose from so the user can view more detailed wellness data associated with that category. A POSITA would understand that by displaying categories to a user, the wellness data would be grouped by type, which would be beneficial and allow “the user to quickly review and comprehend data from many different devices” (Ex. 1005, 21:4-6). A POSITA would have also understood that displaying categories of wellness data would allow the user to easily view and digest their data by drilling down on more specific pieces of information.

464. 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). The goal of collecting and

displaying wellness information was thus a well-known goal in the field of wearable devices and physiologic monitoring.

465. Sixth, a POSITA would have been motivated to combine *Molettiere's* mechanisms for entering wellness data or manually inputting wellness data with *Yuen's* biometric device. A POSITA would have understood that *Molettiere's* input mechanisms are desirable because they allow the user to 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” (Ex. 1005, 21:64-3). A POSITA would have understood that it would be desirable to the user to enter or log information not collected by a biometric device. Further, a POSITA would understand that such input mechanisms would allow the user to correct any incorrect or missing data, and would thus be desirable as such input mechanisms would allow the user to have the most accurate data.

466. Lastly, a POSITA would have been motivated to combine *Molettiere's* disclosure of a database with *Yuen's* biometric device to store data “internally and/or externally from the biometric monitoring device” (Ex. 1007, 1:51-54). 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 the use of a database.

467. Given *Yuen*'s express reliance on other portable monitoring and/or tracking devices, such as those described in *Molettiere*, a POSITA would have also had a reasonable expectation of success that the features described in *Molettiere* could be successfully integrated in *Yuen*'s described embodiments. Accordingly, a POSITA would have been motivated to look to *Molettiere*'s activity monitoring device, and in particular its disclosures and figures relating to configuring the activity monitoring device and viewing the activity information collected by the device, and incorporate those teachings into the system of *Yuen*. Further, 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.

468. For at least the reasons outlined above in the section entitled *Motivation to Combine Yuen and Molettiere*, and those discussed further below, it is my opinion that a POSITA would have been motivated to combine the teachings of *Yuen* and *Molettiere*.

Claim 1, Element [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:

469. To the extent that element [1.pre] is found to be limiting, *Yuen* in view

of *Molettiere* renders obvious this claim element. Specifically, *Yuen* in view of *Molettiere* renders obvious 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 perform the elements of claim 1.

470. For example, *Yuen* generally relates to “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 biometric monitoring device “includes a user interface to input data/commands and display physiologic information” (Ex. 1007, 1:27-29).

471. *Yuen* further explains that the biometric monitoring device may include “communications circuitry” to “transmit biometric or physiologic data” and to “receive and store and/or communicate/forward (for example to local or remote data storage) activity and/or environmental data from one or more other monitoring devices that may be portable (for example, a device affixed to the user) or stationary (for example, a household appliance or fixture)” (Ex. 1007, 1:38-40, 2:37-44). *Yuen* also explains that the biometric device may include “processing circuitry” to “calculate physiologic data using data from one or more physiologic sensors of the biometric monitoring device” (Ex. 1007, 2:4-7).

472. *Yuen* teaches that the “processing circuitry may perform or execute one or more applications, routines, programs and/or data structures that implement particular methods, techniques, tasks or operations described and illustrated herein. The functionality of the applications, routines or programs may be combined or distributed. Further, the applications, routines or programs may be implementing by the processing circuitry using any programming language whether now known or later developed, including, for example, assembly, FORTRAN, C, C++, and BASIC, whether compiled or uncompiled code; all of which are intended to fall within the scope of the present invention” (Ex. 1007, 11:9-20).

473. *Yuen* further teaches that the processing and communications circuitry described in *Yuen* may be expressed as “data and/or instructions embodied in various computer-readable media” (Ex. 1007, 29:40-44). *Yuen* further teaches that “[c]omputer-readable media in which such formatted data and/or instructions may be embodied include, but are not limited to, non-volatile storage media in various forms (e.g., optical, magnetic or semiconductor storage media) and carrier waves that may be used to transfer such formatted data and/or instructions through wireless, optical, or wired signaling media or any combination thereof” (Ex. 1007, 29:53-59).

474. As I explained above, a POSITA would have understood that *Yuen* discloses this element. To the extent that *Yuen* does not disclose this element it would have been obvious in view of *Molettiere*, which discloses this element as I

discussed previously in Section IX.A. Specifically, it would have been obvious to a POSITA to combine *Yuen* with *Molettiere* to use 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 perform the elements of claim 1 so as to rely on a non-transitory medium to provide the combination as outlined herein.

475. Thus, *Yuen* in view of *Molettiere* renders obvious this claim element.

Claim 1, Element [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;

476. *Yuen* in view of *Molettiere* renders obvious claim element [1.a]. Specifically, *Yuen* in view of *Molettiere* renders obvious a non-transitory computer-readable storage medium storing one or more programs that cause the device to receive information identifying a plurality of approved sources of wellness data, wherein the plurality of approved sources comprise an electronic device or software application.

477. *Yuen* discloses that the biometric device may include “a personal weight sensor” to measure weight and “one or more additional sensors to sense, measure and/or detect other physiologic data, for example, data which is representative of body fat, fat-free mass, hydration, body cell mass, height, eye color, sun exposure, heart rate, respiratory rate, blood pressure, and/or arterial stiffness”

(Ex. 1007, 1:31-37). To do so, *Yuen* discloses that the biometric monitoring device may include one or more sensors “including a weight sensor and a body fat sensor, heart rate sensor, blood pressure sensor, galvanic skin sensor, stress level sensor and/or arterial stiffness sensor” (Ex. 1007, 4:10-15). These sensors are depicted below in BLUE.

Ex. 1006, Figure 2C (annotated)

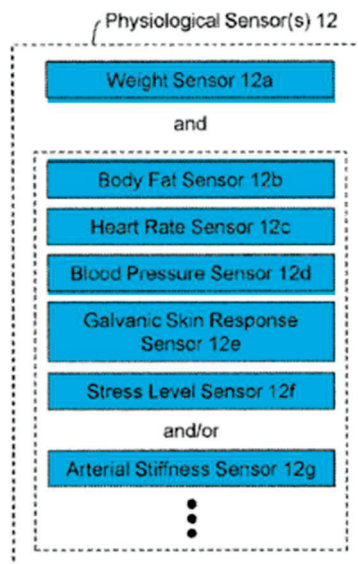


FIGURE 2C

478. *Yuen* further discloses that “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). For example, *Yuen* discloses that *Yuen*’s physiological sensors may be disposed in more than one housing or platform

(i.e., more than one device), as annotated in BLUE in Figure 16A, below:

Ex. 1007, Figure 16A (annotated)

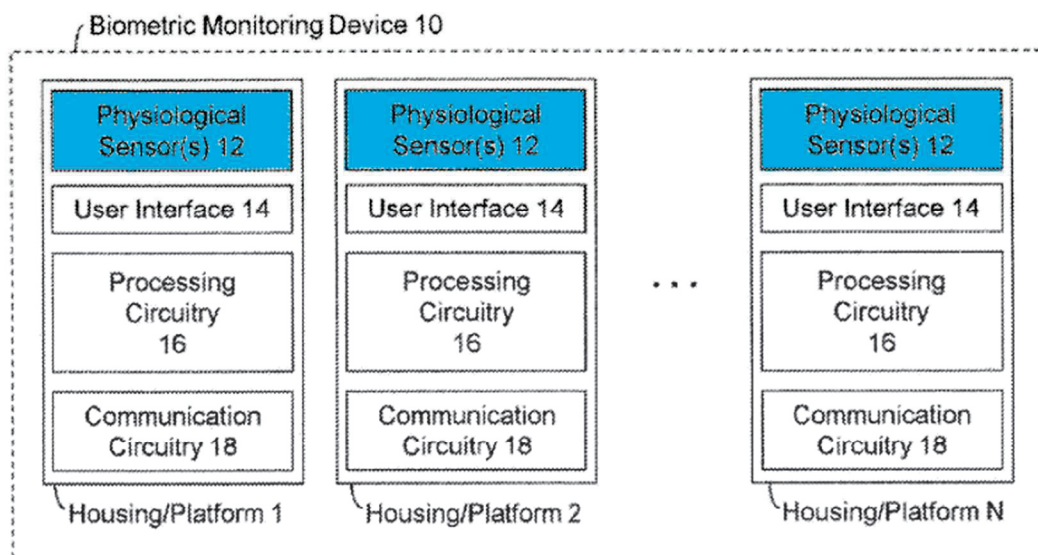


FIGURE 16A

479. As one example, *Yuen* teaches that “the biometric device consists 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, a thermometer to measure body temperature, a blood pressure cuff, a set of bio-impedance analysis electrodes for hand-to-foot body fat analysis, [and] a blood glucose meter” (Ex. 1007, 28:15-28). *Yuen*, thus, explains that “the present invention are not limited to a biometric monitoring device wherein the components, elements, and/or circuitry of the biometric monitoring device are disposed or integrated in or on one platform/housing” (Ex. 1007, 28:65-29:1). Accordingly, a POSITA would have understood that *Yuen*’s “one or more sensors” that sense, measure, and/or

physiologic data (e.g., wellness data) may be incorporated into one or more electronic devices. Thus, *Yuen*'s one or more housing or platforms that incorporate one or more physiological sensors are a plurality of sources of wellness data that comprise an electronic device.

480. *Yuen* further teaches the biometric devices are “approved” sources of wellness data. For instance, *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). For example, *Yuen* discloses that “biometric monitoring device 10 may be programmed or configured (for example, by the user via user interface 14 of biometric monitoring device 10 and/or an external device that communication [sic] with biometric monitoring device) 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)” (Ex. 1007, 10:30-38).

481. *Yuen* provides an example of approving or disapproving the collection of body fat information (i.e., wellness data) by disabling or enabling the body fat sensor. *Yuen* explains that “it may be advantageous to disable such sensor where the user is pregnant or is equipped with a pace maker” but enable the body fat sensor “for male users (for example, selected male users) or non-pregnant female users (for

example, selected female users)” (Ex. 1007, 10:47-55). *Yuen* teaches that for these users “processing circuitry 16 (which may include control circuitry as well) enables the body fat sensor to acquire corresponding data” (Ex. 1007, 10:55-58). After acquiring that data, *Yuen* explains that the processing circuitry “may store body fat information for certain of the users and/or output such information” (Ex. 1007, 10:60-63).

482. In addition to collecting wellness data from *Yuen*’s biometric monitoring device, *Yuen* discloses that the biometric monitoring device may receive physiologic data from external sources or devices. For example, *Yuen* discloses that the biometric monitoring device “may be paired with one or more external monitoring devices (for example, one or more portable activity monitoring devices)” (Ex. 1007, 3:5-10). *Yuen* teaches that “data received from the external device (for example, portable activity monitoring device) may be “assumed” or implied to be associated with a particular user or external device (for example, via biometric monitoring device 10, external local data storage and/or remote data storage)” (Ex. 1007, 13:65-14:3). *Yuen* also discloses that “the biometric monitoring device 10 may facilitate programming of the activity monitoring device, for example to acquire selected activity and/or physiologic data (for example, via enabling and/or disabling selected sensors)” (Ex. 1007, 13:15-19). *Yuen* further discloses that the biometric device may facilitate “acquiring activity and/or physiologic data and/or

calculate, monitor and/or determine selected activity parameters (for example, via enabling or disabling processing circuitry)” (Ex. 1007, 13:21-23).

483. As another example, *Yuen* also teaches that the biometric device may download data and/or commands from one or more third parties, including “websites, health professionals, trainers, weight or health oriented monitoring groups/specialists, and/or the like” (Ex. 1007, 12:48-53). *Yuen* discloses that this third-party data can be downloaded and/or received from “one or more third party devices or websites” such as www.fitbit.com (Ex. 1007, 12:45-47, 12:55-67).

484. To the extent that *Yuen* does not disclose this element it would have been obvious in view of *Molettiere*, which discloses this element as I discussed previously in Section IX.A. Further, it would have been obvious to a POSITA to combine *Yuen* with *Molettiere* for the reasons above.

485. Thus, *Yuen* in view of *Molettiere* renders obvious claim element [1.a].

Claim 1, Element [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;

486. *Yuen* in view of *Molettiere* renders obvious claim element [1.b]. Specifically, *Yuen* in view of *Molettiere* renders obvious a non-transitory computer-readable storage medium storing one or more programs that cause the device to receive information identifying a plurality of approved destinations of wellness data, wherein the plurality of approved destinations comprise an electronic device or

software application.

487. *Yuen* discloses 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)” (Ex. 1007, 12:2-5). These other devices or network services are a plurality of approved destinations of wellness data.

488. For example, *Yuen* discloses that the biometric device “may include communication circuitry (wireless and/or wired) to transmit biometric or physiologic data” (Ex. 1007, 11:21-24). *Yuen* teaches that the biometric monitoring device may be “a multi-protocol LAN to WAN gateway” and “sends data to [a] suitable, predetermined, associated, and/or correct account and location” (Ex. 1007, 11:57-12:2). *Yuen* provides the example of the user acquiring *Yuen’s* biometric device, while “own[ing] a Garmin ANT device that is set up to sync data to Garmin’s website.” (Ex. 1007, 12:16-18). *Yuen* teaches that 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).

489. *Yuen* further teaches that these destinations can be “approved” by the user. For example, *Yuen* specifically 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). For instance,

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” (Ex. 1007, 12:24-26). *Yuen* also teaches that the user may “enable or disable acquisition or storage of data by the external destination (for example, a server connected thereto or to the Internet; for example a website associated with the server)” (Ex. 1007, 12:26-30).

490. As another example, *Yuen* also discloses that “biometric monitoring device 10 may upload data and/or commands” to “selected websites, healthcare professionals, trainers, weight or health oriented monitoring groups/organizations or specialists, and/or the like” (Ex. 1007, 12:48-53). *Yuen* refers to these destinations collectively as “third party” or “third parties” (Ex. 1007, 12:52-53). *Yuen* explains that “[i]n this way, biometric device 10 may manually or automatically provide physiologic data [(e.g., wellness data)] to such third parties [(e.g., plurality of approved destinations)]” so that the third parties “may monitor and/or provide feedback based on such physiologic data” (Ex. 1007, 12:53-55, 12:58-64) (brackets added).

491. Finally, *Yuen* discloses that the approved destinations, intermediaries, and third parties comprise an electronic device or software application. For example, *Yuen* discloses that “destinations or intermediaries could be other devices or a network service,” such as www.fitbit.com or Garmin’s website (Ex. 1007, 12:4-5,

12:20). *Yuen* further discloses that the biometric monitoring device “provides physiologic data (for example, weight, heart rate, and/or blood pressure) to one or more third party devices or websites” (Ex. 1007, 12:58-61).

492. To the extent that *Yuen* does not disclose this element it would have been obvious in view of *Molettiere*, which discloses this element as I discussed previously in Section IX.A. Specifically, it would have been obvious to a POSITA to combine *Yuen* with *Molettiere* for the reasons above.

493. Thus, *Yuen* in view of *Molettiere* renders obvious claim element [1.b].

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

494. *Yuen* in view of *Molettiere* renders obvious claim element [1.c.]. Specifically, *Yuen* in view of *Molettiere* renders obvious a non-transitory computer-readable storage medium storing one or more programs that cause the device to display a detailed view of a sub-category of wellness data, the detailed view comprising elements [1.c.i] and [1.c.ii].

495. *Yuen* discloses that the collected physiologic data (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). For example, *Yuen* explains that “biometric device 10 may include one or more displays (see, for example, FIG. 3A) to present physiologic information, including current information, historical information, and/or comparison like information, for example, current information in view of historical information”

(Ex. 1007, 8:52-57). As discussed above, *Yuen* teaches that the physiologic data (i.e., wellness data) may include “weight and/or body fat data measured by the monitoring device” and “user activity data, food consumption data, and/or sleep data” which may be measured or monitored by other portable devices, such as Fitbit’s portable activity monitoring/tracking device (Ex. 1007, 1:52-53, 1:60-61, 8:57-65). *Yuen* also teaches that heart rate, blood pressure, arterial stiffness, blood glucose levels, and cholesterol may be measured by the biometric device and displayed to the user (1005, 1:33-37, 1:53-64).

496. *Yuen*’s physiologic data, including “weight, body fat, blood pressure, blood glucose, sleep, heart rate, etc.,” collected and displayed by *Yuen*’s biometric device are examples of wellness data. Indeed, the ’898 Patent explains that wellness data generally includes “any type of data associated with a person’s health, such as their weight, heart rate, blood pressure, blood glucose level, medication compliance, activity level, or the like” (Ex 1001, 1:34-38).

497. Further, *Yuen* discloses a detailed view of a sub-category of wellness data that includes a graph representation of the sub-category of wellness data. For example, Figures 7B below depicts a graph representation of a sub-category of wellness data (highlighted in YELLOW) collected by *Yuen*’s biometric device. In this example, the category “body” displays sub-categories body fat and lean mass.

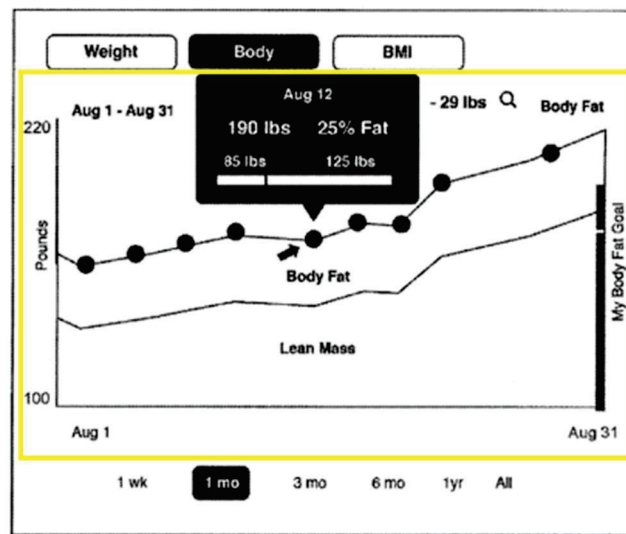


FIGURE 7B

498. As I explained above, a POSITA would have understood that *Yuen* discloses this element. To the extent that *Yuen* does not disclose this element it would have been obvious to a POSITA to combine *Yuen* with *Molettiere* to use a non-transitory computer-readable storage medium storing one or more programs that cause the device to display a detailed view of a sub-category of wellness data. Specifically, a POSITA would have been motivated to combine *Molettiere's* user interfaces for displaying a user's activity information with *Yuen's* biometric device for at least the reasons outlined above in the section entitled *Motivation to Combine Yuen and Molettiere*.

499. As I discussed previously in Section IX.A, which I incorporate herein, *Molettiere* expressly discloses that the data collected from an activity monitoring

device may be graphically displayed in a user interface (Ex. 1005, 4:62-67, 5:5-12, 12:14-16). For example, *Molettiere* explains that “several metrics can be displayed on the screen...such as steps, distance, calories burned, location (GPS), floors/elevation, heart rate, and sleep” (Ex. 1005, 21-25). As one example, *Molettiere* discloses a user interface for displaying a user’s activity information, depicted in Figure 8 below:

Ex. 1005, Fig. 8 (annotated)

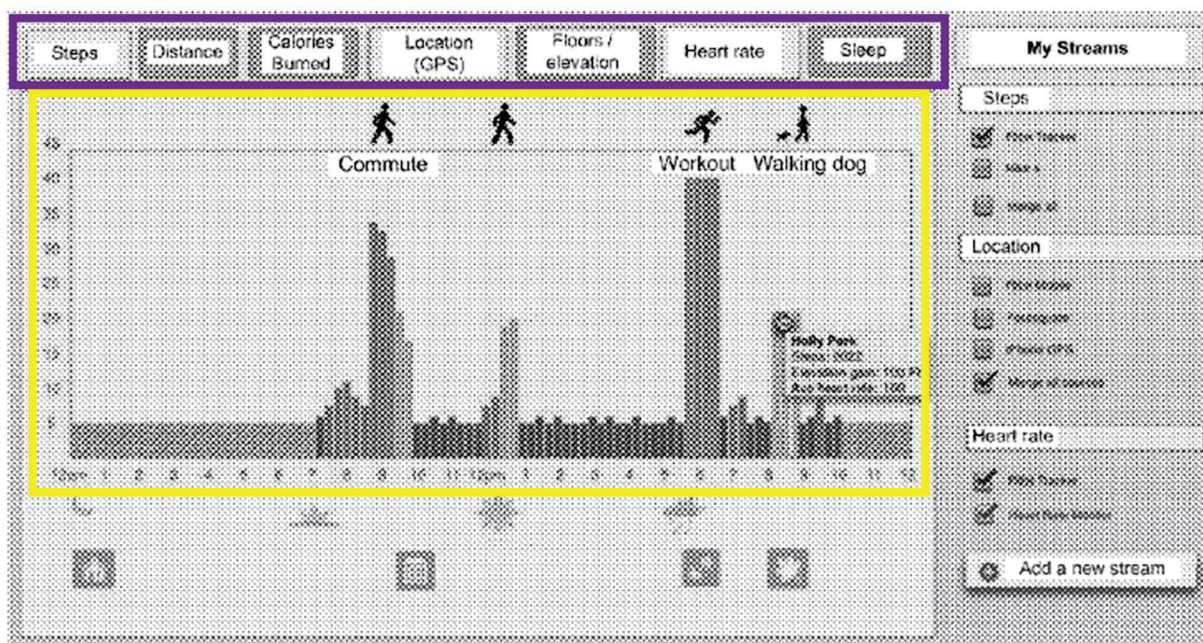


Fig. 8

Figure 8 contains options for the user to select between “Steps,” “Distance,” “Calories Burned,” “Location (GPS),” “Floors/elevation,” “Heart rate” and “Sleep,” as depicted in PURPLE above. A graphical representation of the user’s activity information is annotated in YELLOW.

500. *Molettiere* further teaches that “if the user clicks or hovers the mouse pointer over a period of time, an information window presents more details on the activity, such as the location, the actual number of steps during the interval, the elevation gain, etc.” (Ex. 1005, 12:19-21).

501. Because *Yuen* in view of *Molettiere* discloses a user interface display for displaying the activity information of a user, *Yuen* in view of *Molettiere* renders obvious “a non-transitory computer-readable storage medium storing one or more programs that cause the device to display a detailed view of a sub-category of wellness data.”

502. Thus, *Yuen* in view of *Molettiere* renders obvious claim element [1.d].

Claim 1, Element [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;

503. *Yuen* in view of *Molettiere* renders obvious claim element [1.c.i]. Specifically, *Yuen* in view of *Molettiere* renders obvious 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.

504. As discussed above with respect to element [1.c], which I incorporate herein, *Yuen* discloses a user interface that displays a graph representation of the sub-category of wellness data, such as body fat and lean mass.

505. Further, a person of ordinary skill of the art would have understood that Figures 7A-7D depict aggregated values of physiologic data (i.e., a sub-category of wellness data) collected by *Yuen's* biometric device. For example, *Yuen* explains that the biometric monitoring device displays “current information, historical information, and/or current information in view of historical information” (Ex. 1007, 1:29-31). For example, Figure 7A depicts options for the user interface to display data from a particular time frame (e.g., 1 weeks’ worth, 1 months’ worth, 3 months’ worth, 6 months’ worth, 1 years’ worth, or all data ever collected). *Yuen* also teaches that:

“The biometric monitoring device includes processing circuitry to calculate physiologic data using data from one or more physiological sensors of the biometric monitoring device. For example, processing circuitry in the monitoring device may employ the biometric or physiologic data to calculate, measure, assess and/or determine the users weight, body fat, fat-free mass, hydration (total body water, extracellular water, and intracellular water), body cell mass, heart rate, respiratory rate, blood pressure, height, eye color, Sun exposure and/or arterial stiffness. The processing circuitry may employ any technique now known or later developed to calculate such biometric or physiologic information”

(Ex. 1007, 2:4-16). From this, a POSITA would have understood that *Yuen's* biometric device collects health information that can be aggregated and displayed via the user interface. The aggregated wellness data allows the user to view all of the user's physiologic data in a single place.

506. As I explained above, a POSITA would have understood that *Yuen* discloses this element. To the extent that *Yuen* does not disclose this element it would have been obvious to a POSITA to combine *Yuen* with *Molettiere* to use 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. Specifically, a POSITA would have been motivated to combine *Molettiere's* user interfaces for displaying activity information (which I discuss above with respect to element [1.c]) with *Yuen's* biometric device for at least the reasons outlined above in the section entitled *Motivation to Combine Yuen and Molettiere*.

507. As I discussed previously in Section IX.A and above with respect to element [1.c], which I incorporate herein, *Molettiere* generally relates to “methods, devices, systems, and computer programs for analyzing data, and more particularly, methods, devices, systems, and computer programs for consolidating overlapping data provided by multiple devices” (Ex. 1005, 2:15-19). *Molettiere* expressly discloses that the data collected from the these devices may be graphically displayed

in a user interface (Ex. 1005, 11:14-20, 12:14-16). For example, *Molettiere* explains that “several metrics can be displayed on the screen...such as steps, distance, calories burned, location (GPS), floors/elevation, heart rate, and sleep” (Ex. 1005, 21-25).

508. As one example, *Molettiere* discloses a user interface for displaying a user’s activity information, depicted in Figure 8 below:

Ex. 1007, Fig. 8 (annotated)

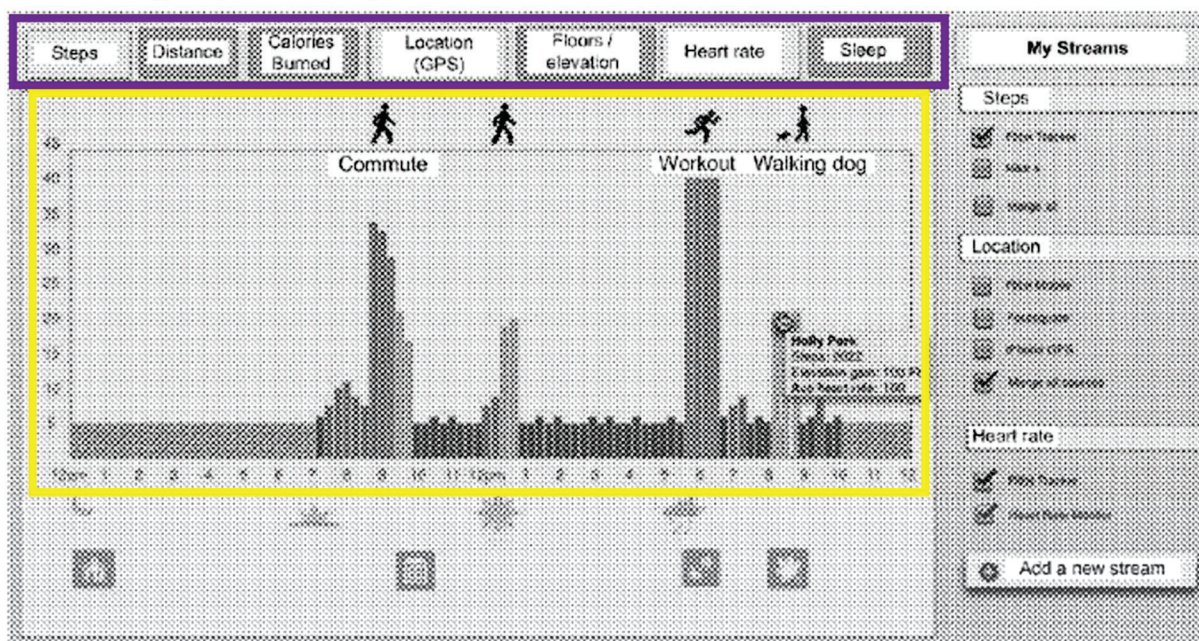


Fig. 8

Figure 8 contains options for the user to select between “Steps,” “Distance,” “Calories Burned,” “Location (GPS),” “Floors/elevation,” “Heart rate” and “Sleep,” as depicted in PURPLE above. A graphical representation of the user’s activity information is annotated in YELLOW.

509. *Molettiere* explains that “Fig. 8 is a user interface screen showing data from all sources merged and displayed on a graph” (Ex. 1005, 12:14-16). *Molettiere* teaches that “Fig. 8 shows the activity of the user over a 24-hour period” (Ex. 1005, 16-19). *Molettiere* teaches that “if the user clicks or hovers the mouse pointer over a period of time, an information window presents more details on the activity, such as the location, the actual number of steps during the interval, the elevation gain, etc.” (Ex. 1005, 12:28-31). And as I discussed above in Section IX.A, and incorporate herein, *Molettiere* further teaches that the data provided by multiple devices is combined or aggregated and displayed to the user via the user interface. For instance, *Molettiere* uses a “data synthesizer” that is configured “to accept data from two or more 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).

510. Because *Yuen* in view of *Molettiere* discloses a graphical representation of the user’s activity information, *Yuen* in view of *Molettiere* renders obvious “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.”

511. Thus, *Yuen* in view of *Molettiere* renders obvious claim element [1.c.i].

Claim 1, Element [1.c.ii]: a selectable data sharing option;

512. *Yuen* in view of *Molettiere* renders obvious claim element [1.c.ii]. Specifically, *Yuen* in view of *Molettiere* renders obvious “a selectable data sharing option.”

513. *Yuen* discloses a selectable sharing option in connection with the user enabling or disabling the ability (i) for physiologic sensors to acquire selected physiologic data and (ii) for destinations or intermediaries to receive physiologic data, via the biometric monitoring device.

514. With respect to the acquisition of selected physiological data, *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 (for example, by the user via user interface 14 of biometric monitoring device 10 and/or an external device that communication [sic] with biometric monitoring device) 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)” (Ex. 1007, 10:30-38). In this way, the user can turn on or off the biometric monitoring device’s ability to collect different types of physiologic data.

515. *Yuen* provides an example of approving or disapproving the collection of body fat information (i.e., wellness data) by disabling or enabling the body fat sensor. *Yuen* explains that “it may be advantageous to disable such sensor where the user is pregnant or is equipped with a pace maker” but enable the body fat sensor “for male users (for example, selected male users) or non-pregnant female users (for example, selected female users)” (Ex. 1007, 10:47-55). *Yuen* teaches that for these users “processing circuitry 16 (which may include control circuitry as well) enables the body fat sensor to acquire corresponding data” (Ex. 1007, 10:55-58). After acquiring that data, *Yuen* explains that the processing circuitry “may store body fat information for certain of the users and/or output such information” (Ex. 1007, 10:60-63).

516. Similarly, with respect to the ability of destinations or third parties to receive physiologic data, *Yuen* 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). For instance, *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” (Ex. 1007, 12:24-26). *Yuen* also teaches that the user may “enable or disable acquisition or storage of data by the external destination (for example, a server connected thereto or to the Internet; for example a website associated with the server)” (Ex. 1007,

12:26-30). In this way, the user can turn on or off a destination or intermediaries' ability to receive selected physiologic data.

517. From this, a POSITA would have also 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” on the display. Indeed, *Yuen* 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).

518. As I explained above, a POSITA would have understood that *Yuen* discloses this element. To the extent that *Yuen* does not disclose this element, it would have been obvious to a POSITA to combine *Yuen* with *Molettiere* to use a selectable data sharing option. Specifically, a POSITA would have been motivated to combine *Molettiere*'s user interfaces for configuring a device, that includes selectable data sharing options, with *Yuen*'s biometric device for at least the reasons outlined above in the section entitled *Motivation to Combine Yuen and Molettiere*.

519. As I discussed previously in Section IX.A, which I incorporate herein, *Molettiere* generally relates to “methods, devices, systems, and computer programs for analyzing data, and more particularly, methods, devices, systems, and computer programs for consolidating overlapping data provided by multiple devices” (Ex. 1005, 2:15-19). *Molettiere* expressly discloses a selectable data sharing option. This is illustrated by Figure 16, annotated in ORANGE below.

Ex. 1007, Fig. 16 (annotated)

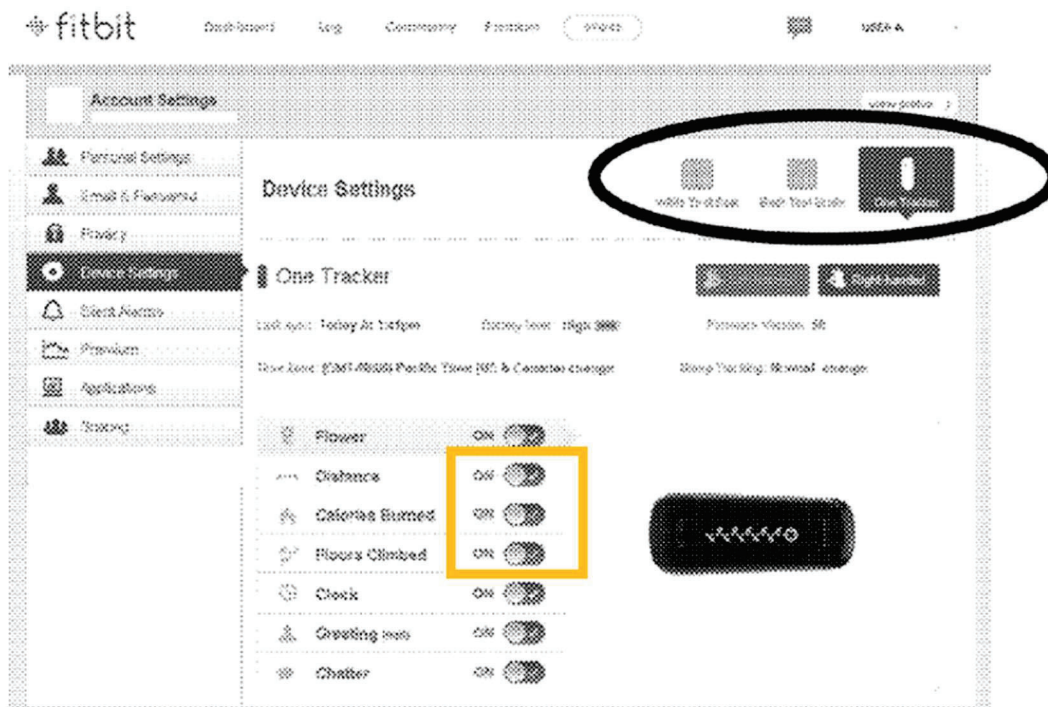


Fig. 16

520. *Molettiere* explains that “a website or application connected to the data synthesizer enables the user to manage the devices that communicate with the data synthesizer” (Ex. 1005, 21:46-49). Specifically, *Molettiere* teaches that the user interface of Fig. 16 is an interface for managing a device, and that the user may select a device from a list of devices (e.g., the list displayed in Fig. 15, Ex. 1005, 22:6-14) to view the profile information or device settings for that device (Ex. 1005, 22:24-31). For example, the device settings user interface provides selectable options for each type of information tracked or collected by an individual device (annotated in

ORANGE) such as “information about tracking steps, tracking distance, tracking calories burned, tracking floors climbed” (Ex. 1005, 21:64-65, 22:32-39).

521. 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 for use by the data synthesizer. For example, Figure 16 illustrates that distance, calories burned, and floors climbed are all turned ON (or enabled) for that device via use of the selectable sharing options highlighted in ORANGE.

522. Further, the selectable data sharing options of *Molettieri* are identical to the selectable options described in the '898 Patent and depicted in Figure 36 below:

Ex. 1001, Fig. 36 (annotated) and Ex. 1007, Fig. 16 (annotated)

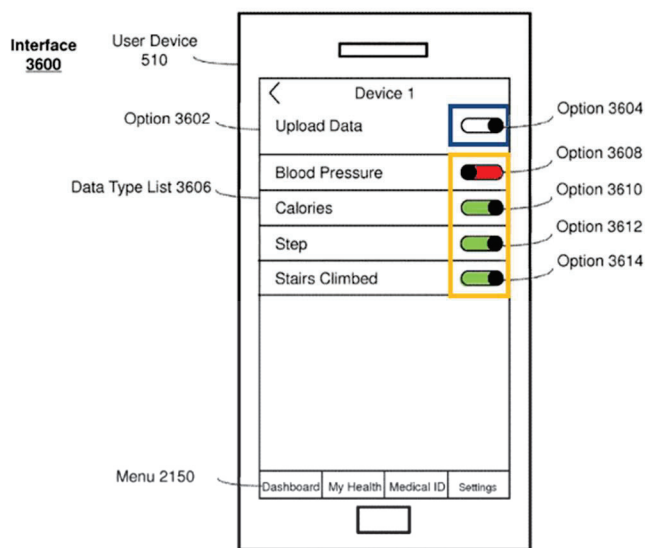


FIG. 36

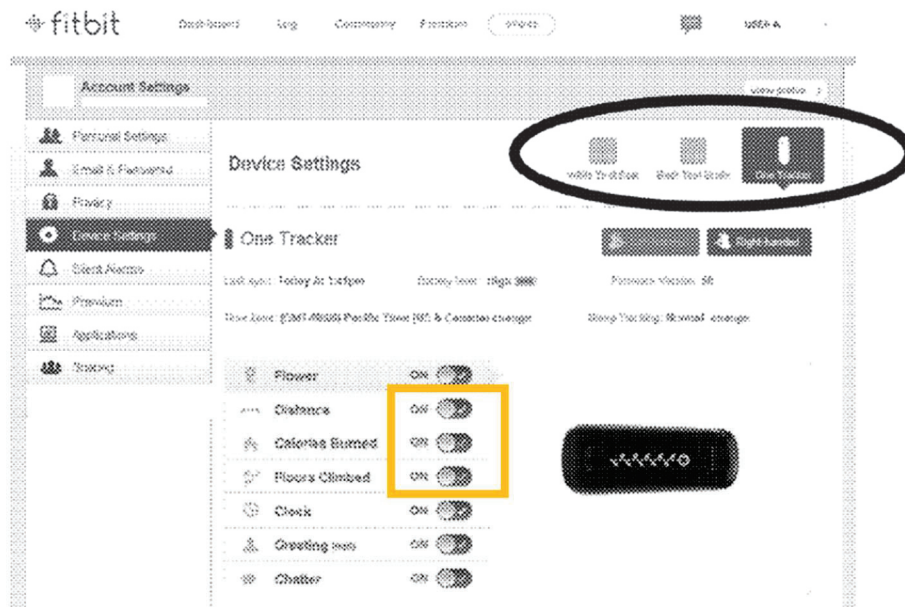


Fig. 16

523. Similarly, the '898 Patent states that the options interface of Figure 36 “allows a user to specifically define what types of data can be provided by a particular device or application” (Ex. 1001, 59:13-15). Specifically, Figure 36 depicts “selectable option 3604” (annotated in BLUE) which “can be used to turn data uploading from the device or application on or off (e.g., to be stored in wellness database)” (Ex. 1001, 58:43-51). Figure 36 further depicts “a list 3606 of data types that can be provided by Device 1” (Ex. 1001, 58:52-53). The '898 Patent explains that “selectable options 3608, 3610, 3612, and 3614” (annotated in ORANGE) can be changed “to turn data uploading on or off” for each specific type of data (Ex. 1001, 58:53-64). Figure 16 of *Molettiere* similarly discloses that data sharing

is turned on for distance, calories, and floors climbed (boxed in ORANGE) for a particular device—the One Tracker (circled in BLACK).

524. Because *Yuen* in view of *Molettiere* discloses user interface displays for configuring an activity monitoring device that include a selectable data sharing option, *Yuen* in view of *Molettiere* renders obvious “a selectable data sharing option.”

525. Thus, *Yuen* in view of *Molettiere* renders obvious claim element [1.c.ii].

Claim 1, Element [1.d]: receive user selection of the selectable data sharing option; and;

526. *Yuen* in view of *Molettiere* renders obvious claim element [1.d]. Specifically, *Yuen* in view of *Molettiere* renders obvious a non-transitory computer-readable storage medium storing one or more programs that cause the device to receive user selection of the selectable data sharing option.

527. As discussed above with respect to claim element [1.c.ii], *Yuen* in view of *Molettiere* renders obvious a selectable data sharing option. A POSITA would have understood that the user interface is interactive and allows the user to select various options, areas, buttons, and/or controls on the user interface. For instance, *Yuen* explains that the biometric monitoring device “includes a user interface to input/data commands” (Ex. 1007, 1:27-28). *Yuen* further teaches that “the user interface 14 may also include an input mechanism to facilitate input of for example, user data, commands and/or selections. In one embodiment, the user may communicate with

biometric monitoring device 10 via a user interface including, for example, a touch pad, touch screen, buttons, switches and/or knobs” (Ex. 1007, 9:12-17). As discussed above with respect to element [1.c.ii], *Yuen* discloses that a user can enable or disable (e.g., turn on or off) the ability for the biometric device or destination to collect and/or receive physiologic data). Accordingly, a POSITA would have known that the user interface would cause the biometric device to receive user selection of the selectable data sharing option, to enable or disable the acquisition of physiologic data from selected sensors.

528. As I explained above, a POSITA would have understood that *Yuen* discloses this element. To the extent that *Yuen* does not disclose this element it would have been obvious to a POSITA to combine *Yuen* with *Molettiere* to use a non-transitory computer-readable storage medium storing one or more programs that cause the device to receive user selection of the selectable data sharing option. Specifically, a POSITA would have been motivated to combine *Molettiere*’s selectable data sharing option with *Yuen*’s biometric device for at least the reasons outlined above in the section entitled *Motivation to Combine Yuen and Molettiere*.

529. As I explain above, *Molettiere* expressly discloses a selectable data sharing option. This is illustrated by Figure 16, annotated in ORANGE below.

Ex. 1007, Fig. 16 (annotated)

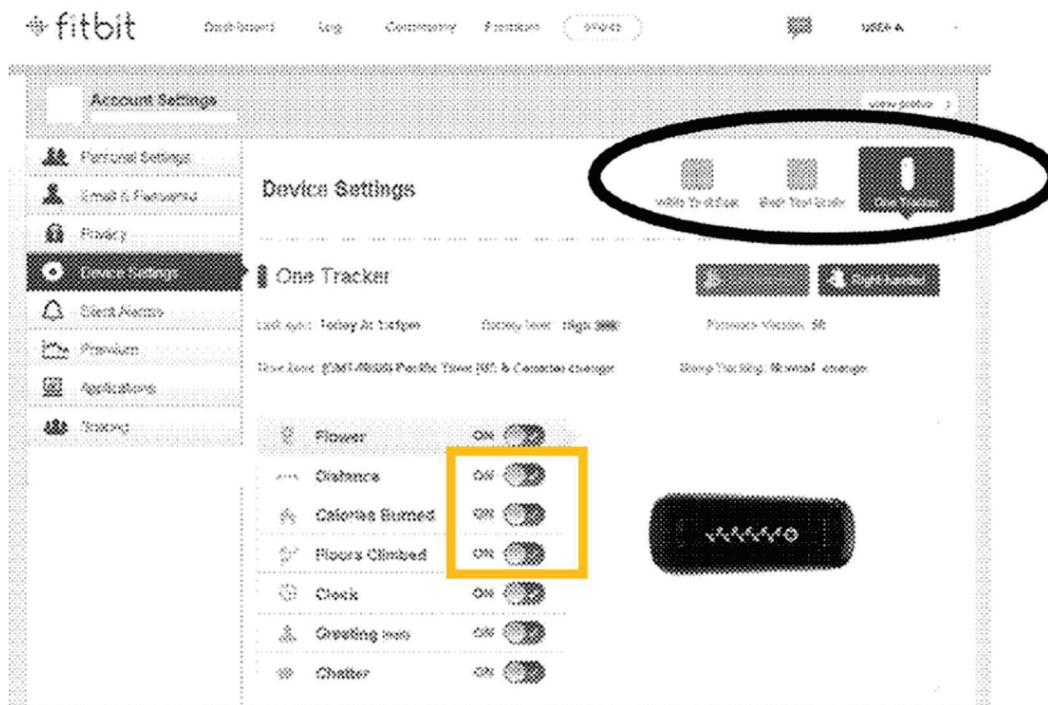


Fig. 16

530. Further, a POSITA would have understood that *Molettiere's* user interface is interactive and allows the user to select various options, areas, buttons, and/or controls on the user interface. For instance, *Molettiere* explains that the user is able to “select[] a device (e.g., touches the area associated with the device)”, to review further information regarding the device and its configuration (Ex. 1007, 21:60-64). With respect to Figure 16, which depicts the selectable sharing option, *Molettiere* teaches that the user can select an active tracking device and review the information corresponding to that device by “click[ing] or touch[ing]” the device in the user interface (Ex. 1007, 22:24-29). *Molettiere* further explains that the

information corresponding to that device includes configurable settings regarding “tracking steps, tracking distance, tracking calories burned, tracking floors climbed, setting the clock on the device, changing the greeting on the device, etc.” (Ex. 1005, 21:64-65, 22:32-39). Accordingly, a POSITA would have known that the user interface would cause the device to receive user selection of the selectable data sharing options discussed above in claim element [1.c.ii].

531. Because *Yuen* in view of *Molettiere* discloses user interface displays for configuring an activity monitoring device that include a selectable data sharing option, *Yuen* in view of *Molettiere* renders obvious “a non-transitory computer-readable storage medium storing one or more programs that cause the device to receive user selection of the selectable data sharing option.”

532. Thus, *Yuen* in view of *Molettiere* renders obvious claim element [1.d].

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

533. *Yuen* in view of *Molettiere* renders obvious claim element [1.e]. Specifically, *Yuen* in view of *Molettiere* renders obvious a non-transitory computer-readable storage medium storing one or more programs that cause the device to in response to receiving the selection of the selectable data sharing option, display elements [1.e.i] and [1.e.ii], as discussed below.

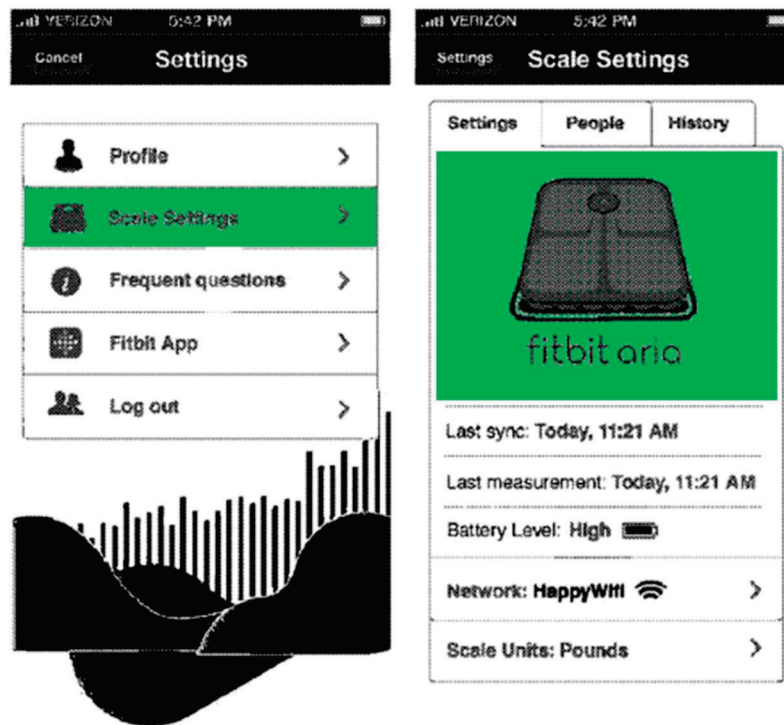
534. Thus, *Yuen* in view of *Molettiere* renders obvious claim element [1.e].

Claim 1, Element [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

535. *Yuen* in view of *Molettiere* renders obvious claim element [1.e.i]. Specifically, *Yuen* in view of *Molettiere* renders obvious displaying 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.

536. *Yuen* discloses a “website-based and/or mobile phone user interface to control, interface and/or review settings and authorized users for 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 approve source of wellness data) as annotated below in GREEN:

Ex. 1005, Fig. 9D (annotated)



537. As discussed above, *Yuen* also discloses that user is able to control the acquisition of physiologic information by the biometric monitoring device. With respect to the acquisition of selected physiological data, *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* explains that “biometric monitoring device 10 may be programmed or configured (for example, by the user via user interface 14 of biometric monitoring device 10 and/or an external device that communication [sic] with biometric monitoring device) 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)” (Ex. 1007, 10:30-38). In this way, the user can turn on or off the biometric monitoring device’s ability to collect types of physiologic data.

538. *Yuen* further teaches that the user is able to control the settings of the biometric monitoring device, such as “controlling the functions and features of biometric monitoring device 10 (for example, certain sensors or data processing) via a user interface” (Ex. 1007, 18:10-12, 10:24-26).

539. From this, 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. A POSITA would have known that the user would be able to control the plurality of sensors and the types of information collected by such devices via the user interface display. As such, 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). Furthermore, *Yuen* discloses that “the data displayed for the user and his/her “friends” with similar devices and/or tracking methods” is an example of “the types and/or content of information that may be provided to the user” (Ex. 1007, 15:41-

43, 16:16-27). From this, a POSITA would have understood that *Yuen* discloses the types of information being displayed to a user's "friends."

540. *Yuen* also explains that the physiologic information measured by *Yuen*'s biometric monitoring device (via one or more physiologic sensors and/or external devices) may be stored "internally and/or externally from the biometric monitoring device" (Ex. 1007, 1:51-54). For example, *Yuen* discloses 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 the use of a database.

541. Accordingly, a POSITA would have understood this limitation to be necessarily disclosed by *Yuen*. If argued that this limitation is not disclosed by *Yuen*, it would have been obvious in light of the general knowledge of the POSITA and well within the skill of a POSITA, which likewise would have provided a reasonable expectation of success.

542. *Apple's interpretation of claim element [1.e.i]*. Under *Apple's* own interpretation of claim element [1.e.i], *Yuen* in view of *Molettiere* discloses this element. For purposes of showing alleged infringement, Apple appears to have interpreted claim element [1.e.i] to only require that wellness data is received from a plurality of approved sources (e.g., the connected patient devices) and the data is stored in a wellness database. This is illustrated in at least Apple's infringement contentions served on AliveCor on July 25, 2023 in Apple's suit for patent infringement against AliveCor (see Ex. 1017 at 59-62). Thus, if claim element [1.e.i] only requires that wellness data is received from a plurality of devices (e.g., *Yuen's* physiologic sensors or external devices) and then stored in a database, *Yuen* in view of *Molettiere* certainly discloses this element under Apple's own interpretation of the claim.

543. As I explained above, a POSITA would have understood that *Yuen* discloses this element. To the extent that *Yuen* does not disclose this element it would have been obvious to a POSITA to combine *Yuen* with *Molettiere* to use a non-transitory computer-readable storage medium storing one or more programs that cause the device to display 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. Specifically, a POSITA would have been motivated to combine *Molettiere's* user

interface displaying the plurality of approved sources and disclosure of a database with *Yuen*'s biometric device for at least the reasons outlined above in the section entitled *Motivation to Combine Yuen and Molettiere*. As I discussed previously in Section IX.A, which I incorporate herein, *Molettiere* generally relates to “methods, devices, systems, and computer programs for analyzing data, and more particularly, methods, devices, systems, and computer programs for consolidating overlapping data provided by multiple devices” (Ex. 1005, 2:15-19). *Molettiere* expressly discloses user interfaces for setting up and “manag[ing] the devices that communicate with the data synthesizer” (Ex. 1005, 21:45-49). These user interfaces display “the plurality of approved sources for the sub-category of wellness data.”

544. For example, *Molettiere* teaches that the user may manage the devices 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, 21:50-54). For instance, Fig. 13, reproduced below, depicts the plurality of devices connected to a user's account — “a digital scale and a wearable fitness tracker” (Ex. 1005, 21:60-61).

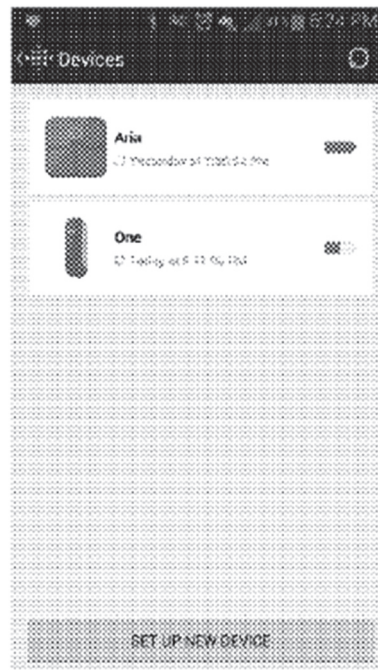


Fig. 13

545. *Molettiere* also discloses “an interface that includes an area with the active devices,” which is shown below. For example, Figures 15 and 16 depict that “a user has three active devices, a wearable tracker and two different scales.” (Ex. 1005, 22:6-14, 22:24-31). *Molettiere* teaches that “when the user selects one of the active tracking device (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, 22:25-31). And as discussed above, the information corresponding to that device includes configurable settings regarding “tracking steps, tracking distance, tracking calories burned, tracking floors climbed, setting the clock on the device, changing the greeting on the device, etc.”

Ex. 1005, Figs. 15 and 16

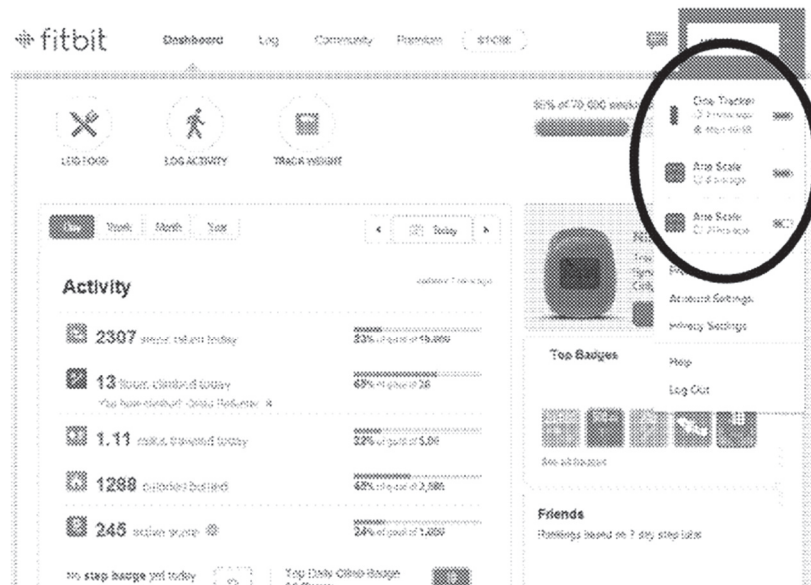


Fig. 15

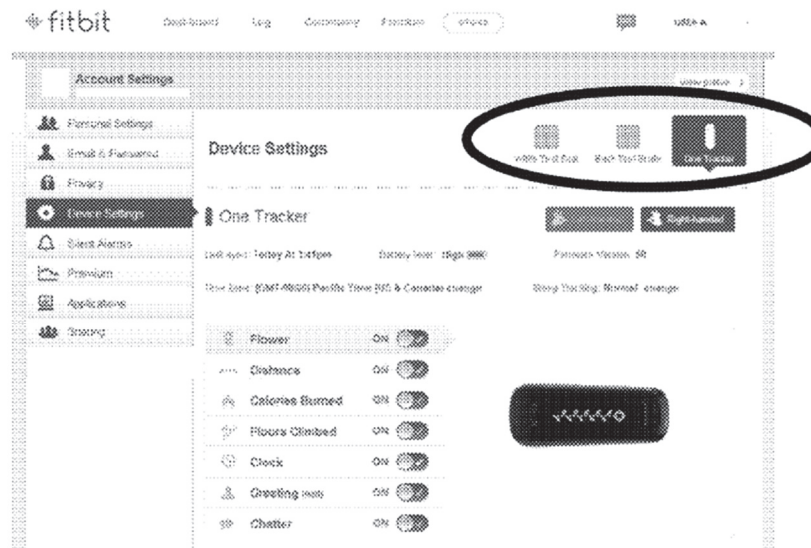


Fig. 16

546. Furthermore, as discussed in section IX.A, *Molettiere* discloses that the data collected from a user's devices is stored in a database. For example, *Molettiere* teaches that "a storage database keeps all the data collected, as well as the reconciled data, also referred to herein as consolidated data, which is the result of combining

two or more data streams” (Ex. 1005, 13:55-59). As another example, *Molettiere* discloses that the data synthesizer includes a “data stream database 1112” that stores the data streams collected from the user’s biometric devices (Ex. 1005, 1112 of Fig. 11B, 14:36-39, 15:22-25). Additionally, 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 the use of a database.

547. Because *Yuen* in view of *Molettiere* discloses a user interface display that displays the user’s connected devices and a storage database, *Yuen* in view of *Molettiere* renders obvious “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.”

548. Thus, *Yuen* in view of *Molettiere* renders obvious claim element [1.e.i].

Claim 1, Element [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.

549. *Yuen* in view of *Molettiere* renders obvious claim element [1.e.ii]. Specifically, *Yuen* in view of *Molettiere* renders obvious displaying 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.

550. As discussed above, *Yuen* discloses that user is able to control a destination or intermediaries' ability to access the physiologic data collected by *Yuen's* biometric monitoring device. For example, *Yuen* 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). For instance, *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" (Ex. 1007, 12:24-26). *Yuen* also teaches that the user may "enable or disable acquisition or storage of data by the external destination (for example, a server connected thereto or to the Internet; for example, a website associated with the server)" (Ex. 1007, 12:26-30). In this way, the user can turn on or off a destination or intermediaries' ability to receive selected physiologic data via the biometric monitoring device.

551. From this, a POSITA would have understood that in order to control the types of physiologic information accessible by the destinations or intermediaries, the user would need to configure the settings of the biometric monitoring device—by, for example, enabling/disabling acquisition or storage of data by the external destination. A POSITA would have known that the user would be able to control the ability of a destination to receive physiologic data collected by the biometric monitoring device via the user interface display. 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). Accordingly, a POSITA would have understood this limitation to be necessarily disclosed by *Yuen*.

552. If argued that this limitation is not disclosed by *Yuen*, it would have been obvious in light of the general knowledge of the POSITA and well within the skill of a POSITA, which likewise would have provided a reasonable expectation of success. For example, as I discussed above in Section VI.C., a person of ordinary skill in the art would have known that wellness 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. Indeed, multiple software applications existed in the art that allowed a user to choose to share their data with other people and/or third-party services (such as fitness tracking websites, doctors, physicians, etc.). Thus, a POSITA would have known that the user must specifically choose to share their data with a third-party 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.

553. *Apple's interpretation of claim element [1.e.ii]*. Under Apple's own interpretation of claim element [1.e.ii], *Yuen* in view of *Molettiere* discloses this element. For purposes of showing alleged infringement, Apple appears to have interpreted claim element [1.e.ii] to only 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). This is illustrated in at least Apple's infringement contentions served on AliveCor on July 25, 2023 in Apple's suit for patent infringement against AliveCor (*see* Ex. 1017 at 63-67). Thus, if claim element [1.e.ii] only requires that a user approves a destination to access the wellness data, *Yuen* in view of *Molettiere* certainly discloses this element as explained above.

554. Thus, *Yuen* in view of *Molettiere* renders obvious claim element [1.e.ii].

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

555. *Yuen* in view of *Molettiere* renders obvious claim element [9.pre]. Specifically, *Yuen* in view of *Molettiere* renders obvious 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 perform the elements of claim 1. I incorporate herein my earlier discussion of claim 1.

556. Thus, *Yuen* in view of *Molettiere* renders obvious claim element [9.pre].

Claim 9, Element [9.a] display on the display a plurality of categories of wellness data stored in the wellness database.

557. *Yuen* in view of *Molettiere* renders obvious claim element [9.a]. Specifically, *Yuen* in view of *Molettiere* renders obvious a non-transitory computer-readable storage medium storing one or more programs that cause the device to display on the display a plurality of categories of wellness data stored in the wellness database.

558. As discussed above with respect to elements [1.c] and [1.c.i], which I incorporate herein, *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). *Yuen* further discloses that the physiologic information (i.e., wellness data) may include “weight and/or body fat data measured by the monitoring device” and “user activity data, food consumption data, and/or sleep data” which may be measured or monitored by other portable devices, such as “Fitbit’s portable activity monitoring/tracking device” (Ex. 1005, 11:35-43). *Yuen* also teaches that heart rate, blood pressure, arterial stiffness, blood glucose levels, and cholesterol may be measured by the biometric device and displayed to the user (Ex. 1005, 1:33-37, 1:53-64).

559. For example, Figures 7B below depicts a graph representation of a sub-category of wellness data (highlighted in YELLOW) collected by *Yuen*’s biometric device. In this example, the category “body” displays sub-categories body fat and

lean mass. In addition, 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. 1007, Fig. 7B (annotated)

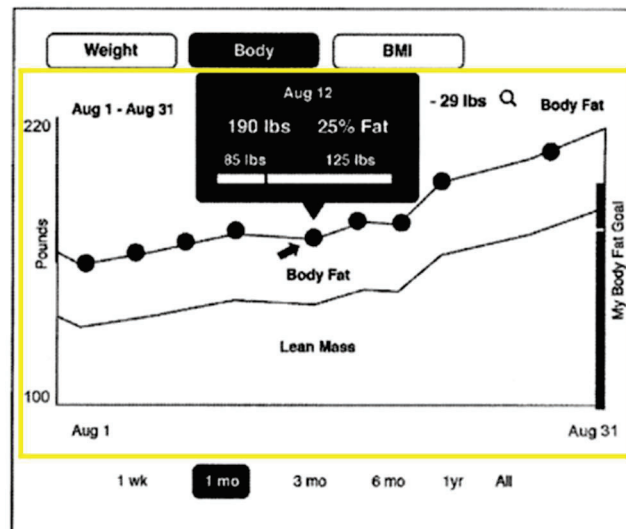


FIGURE 7B

560. Further, *Yuen* explains that the physiologic information measured by *Yuen's* biometric monitoring device (via one or more physiologic sensors and/or external devices) may be stored “internally and/or externally from the biometric monitoring device” (Ex. 1007, 1:51-54). For example, *Yuen* discloses 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. 1005, 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 the use of a database.

561. As I explained above, a POSITA would have understood that *Yuen* discloses this element. To the extent that *Yuen* does not disclose this element it would have been obvious to a POSITA to combine *Yuen* with *Molettiere* to use a non-transitory computer-readable storage medium storing one or more programs that cause the device to display a detailed view of a sub-category of wellness data.

562. Furthermore, element [9.a] would have been well known to a person of ordinary skill in the art. As I explained earlier in Section VI.B (which is incorporated by reference), a POSITA would have known that information collected by a biometric device may be displayed to the user via a mobile application and/or website. And as I discussed above, *Yuen* discloses a variety of wellness data types that can be collected by the biometric device. From this, 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. This would allow the user to easily view and digest the data collected. As one example, the category “weight” could include sub-categories “fat-free mass,” and “body cell mass,” all of which are sub-categories of wellness data collected by

Yuen’s biometric device that relate to a user’s weight (Ex. 1007, 1:36-39). Similarly, category “vitals” could include sub-categories “heart rate,” “respiratory rate” and “blood pressure,” all of which are sub-categories of wellness data collected by *Yuen*’s biometric device that relate to a user’s vitals (Ex. 1007, 1:36-39). A POSITA would have been motivated to display these categories of wellness data to group the data collected in order to “allow the user to quickly review and comprehend data from many different devices” (Ex. 1005, 21:4-6). Further, a POSITA would have had a reasonable expectation of success of displaying categories of wellness data as *Yuen* already discloses that the several metrics can be displayed via the user interface and that buttons allow the user to select that metric to view more detailed information. Consequently, “display on the display a plurality of categories of wellness data” would have been obvious and well within the skill of a POSITA.

563. Thus, *Yuen* in view of *Molettiere* renders obvious claim element [9.a].

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

564. *Yuen* in view of *Molettiere* renders obvious claim element [10.pre]. Specifically, *Yuen* in view of *Molettiere* renders obvious the non-transitory computer-readable medium of claim 9, further comprising instructions that cause the electronic device to perform the elements of claim 9. I incorporate herein my earlier discussion of claim 9.

565. Thus, *Yuen* in view of *Molettiere* renders obvious claim element [10.pre].

Claim 10, Element [10.a]: detect a selection of a category of wellness data from the displayed plurality of categories of wellness data; and

566. *Yuen* in view of *Molettiere* renders obvious claim element [10.a]. Specifically, *Yuen* in view of *Molettiere* discloses detecting a selection of a category of wellness data from the displayed plurality of categories of wellness data.

567. As discussed above with respect to element [9.a], which I incorporate herein, *Yuen* in view of *Molettiere* discloses and/or renders obvious a non-transitory computer-readable storage medium storing one or more programs that cause the device to display on the display a plurality of categories of wellness data stored in the wellness database. And as I discussed above with respect to element [9.a], a POSITA would have understood that the user could select a category of wellness data to view more detailed information relating to that category (i.e., sub-categories of wellness data). A POSITA would have understood that if a user selected a category of wellness data, it would cause the device to detect a selection of a category of wellness data from the displayed plurality of categories of wellness data. For example, a POSITA would have understood that a user could select categories “Weight” and “BMI” in FIG 7B to view more detailed wellness data associated with those categories.

568. Further, a POSITA would have understood that the user interface is interactive and allows the user to select various options, areas, buttons, and/or controls on the user interface. For instance, *Yuen* explains that the biometric monitoring device “includes a user interface to input/data commands” (Ex. 1007, 1:27-28). *Yuen* further teaches that “the user interface 14 may also include an input mechanism to facilitate input of for example, user data, commands and/or selections. In one embodiment, the user may communicate with biometric monitoring device 10 via a user interface including, for example, a touch pad, touch screen, buttons, switches and/or knobs” (Ex. 1007, 9:12-17). As discussed above with respect to element [1.c.ii], *Yuen* discloses that a user can enable or disable (e.g., turn on or off) the ability for the biometric device or destination to collect and/or receive physiologic data). Accordingly, a POSITA would have known that the user interface would cause the device to detect a selection of a category of wellness data from the displayed plurality of categories of wellness data.

569. Thus, *Yuen* in view of *Molettiere* discloses claim element [10.a].

Claim 10, Element [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.

570. *Yuen* in view of *Molettiere* discloses claim element [10.b]. Specifically, *Yuen* in view of *Molettiere* discloses 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.

571. As discussed above with respect to element [9.a], which I incorporate herein, *Yuen* in view of *Molettiere* discloses and/or renders obvious a non-transitory computer-readable storage medium storing one or more programs that cause the device to display on the display a plurality of categories of wellness data stored in the wellness database. And as I discussed above with respect to element [9.a], a POSITA would have understood that the user could select a category of wellness data to view more detailed information relating to that category (i.e., sub-categories of wellness data). A POSITA would have understood that if a user selected a category of wellness data, it would cause the device to 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.

572. Further, a POSITA would have understood that the user interface is interactive and allows the user to select various options, areas, buttons, and/or controls on the user interface. For instance, *Yuen* explains that the biometric monitoring device “includes a user interface to input/data commands” (Ex. 1007, 1:27-28). *Yuen* further teaches that “the user interface 14 may also include an input mechanism to facilitate input of for example, user data, commands and/or selections. In one embodiment, the user may communicate with biometric monitoring device

10 via a user interface including, for example, a touch pad, touch screen, buttons, switches and/or knobs” (Ex. 1007, 9:12-17). As discussed above with respect to element [1.c.ii], *Yuen* discloses that a user can enable or disable (e.g., turn on or off) the ability for the biometric device or destination to collect and/or receive physiologic data). Accordingly, a POSITA would have known that the user interface would cause the device to display, on the display, one or more sub-categories of the category of wellness data in response to detecting a selection of a category.

573. Furthermore, element [10.b] would have been well known to a person of ordinary skill in the art. As I explained earlier in Section VI.B (which is incorporated by reference), a POSITA would have known that information collected by a biometric device may be displayed to the user via a mobile application and/or website. And as I discussed above, *Yuen* discloses a variety of wellness data types that can be collected by the biometric device. From this, 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 (e.g., sub-category of wellness data). This would allow the user to easily view and digest the data collected. As one example, the category “weight” could include sub-categories “fat-free mass,” and “body cell mass,” all of which are sub-categories of wellness data collected by *Yuen*’s biometric device that relate to a user’s weight (Ex. 1007, 1:36-39). Similarly, category “vitals” could include sub-

categories “heart rate,” “respiratory rate” and “blood pressure,” all of which are sub-categories of wellness data collected by Yuen’s biometric device that relate to a user’s vitals (Ex. 1007, 1:36-39). A POSITA would have been motivated to display these categories of wellness data to group the data collected in order to “allow the user to quickly review and comprehend data from many different devices” (Ex. 1005, 21:4-6). Further, a POSITA would have had a reasonable expectation of success of displaying categories of wellness data as *Yuen* already discloses that the several metrics can be displayed via the user interface and that buttons allow the user to select that metric to view more detailed information. Consequently, “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” would have been obvious and well within the skill of a POSITA.

574. Thus, *Yuen* in view of *Molettiere* renders obvious claim element [10.b].

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

575. *Yuen* in view of *Molettiere* renders obvious claim element [18.pre]. Specifically, *Yuen* in view of *Molettiere* renders obvious the non-transitory computer-readable storage medium of claim 9, further comprising instructions to cause the electronic device to perform element [18.a]. I incorporate herein my earlier discussion of claim 9.

576. Thus, *Yuen* in view of *Molettiere* renders obvious claim element [18.pre].

Claim 18, Element [18.a]: display, on the display, a source interface comprising a list of known sources.

577. *Yuen* in view of *Molettiere* renders obvious claim element [18.a]. Specifically, *Yuen* in view of *Molettiere* renders obvious the non-transitory computer-readable storage medium of claim 9, further comprising instructions to cause the electronic device to display, on the display, a source interface comprising a list of known sources.

578. As discussed above in Section IX.A, which I incorporate herein, *Molettiere* discloses a user interface display with a list of known sources. A POSITA would have been motivated to combine *Molettiere*'s user interface display with a list of known sources so that the user can view all of the devices connected to the user's account and manage their settings, and configure their device for at least the reasons outlined above in the section entitled *Motivation to Combine Yuen and Molettiere*.

579. For example, *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, 64-65). The interface, similarly, depicts "all the devices connected to the [users] account, as well as a variety of their characteristics, settings or data" (Ex. 1005, 21:50-54).

580. For example, Figure 13 illustrates that a user “has configured [or set up] a digital scale and wearable fitness tracker” as annotated in GREEN below. Fig. 13 also depicts the button for setting up a new device, annotated in PURPLE. *Molettiere* teaches that once a user has set up a new device, the user is able to “select[] a device (e.g., touches the area associated with one device)” in order to see “further information regarding the device and its configuration” (Ex. 1005, 21:60-64).

Ex. 1005, Fig. 13 (annotated)



Fig. 13

581. As another example, *Molettiere* discloses “an interface for managing a device on a web service” (Ex. 1005, 22:24-25). *Molettiere* specifically 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, Fig. 15).

582. Because *Yuen* in view of *Molettiere* discloses user interfaces for configuring an activity monitoring device that include a list of known sources, *Yuen* in view of *Molettiere* renders obvious “display, on the display, a source interface comprising a list of known sources.”

583. Thus, *Yuen* in view of *Molettiere* renders obvious claim element [18.a].

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

584. *Yuen* in view of *Molettiere* renders obvious claim element [20.pre]. Specifically, *Yuen* in view of *Molettiere* renders obvious the non-transitory computer-readable storage medium of claim 18, further comprising instructions to cause the electronic device to perform elements [20.a] and [20.b], as discussed below. I incorporate herein my earlier discussion of claim 18.

585. Thus, *Yuen* in view of *Molettiere* renders obvious claim element [20.pre].

Claim 20, Element [20.a]: detect a selection of a known source from the displayed list of known sources; and

586. *Yuen* in view of *Molettiere* renders obvious claim element [20.a]. Specifically, *Yuen* in view of *Molettiere* renders obvious the non-transitory computer-readable storage medium of claim 18, further comprising instructions to

cause the electronic device to detect a selection of a known source from the displayed list of known sources.

587. As discussed above with respect to element [18.a], which I incorporate herein, *Yuen* in view of *Molettiere* renders obvious a non-transitory computer-readable storage medium storing one or more programs that cause the device to display, on the display, a source interface comprising a list of known sources. And as I discussed above with respect to element [18.a], a POSITA would have understood that the user could select a known source from the list of known sources. For example, *Molettiere* teaches that once a user has set up a new device, the user is able to “select[] a device (e.g., touches the area associated with one device)” in order to see “further information regarding the device and its configuration” (Ex. 1005, 21:60-64). Thus, a POSITA would have understood that if a user selected a device, it would cause the device to detect a selection of a known source from the displayed list of known sources.

588. A POSITA would have understood that the user interface is interactive and allows the user to select various options, areas, buttons, and/or controls on the user interface. For instance, *Molettiere* explains that the user is able to “select[] a device (e.g., touches the area associated with the device)”, to review further information regarding the device and its configuration (Ex. 1005, 21:60-64). With respect to Figure 16, which depicts the selectable sharing option, *Molettiere* teaches

that the user can select an active tracking device and review the information corresponding to that device by “click[ing] or touch[ing]” the device in the user interface (Ex. 1005, 22:24-29). *Molettiere* further explains that the information corresponding to that device includes configurable settings regarding “tracking steps, tracking distance, tracking calories burned, tracking floors climbed, setting the clock on the device, changing the greeting on the device, etc.” Accordingly, a POSITA would have known that the user interface would cause the device to detect a selection of a known source from the displayed list of known sources discussed above in claim element [18.a].

589. Thus, *Yuen* in view of *Molettiere* renders obvious claim element [20.a].

Claim 20, Element [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.

590. *Yuen* in view of *Molettiere* renders obvious claim element [20.b]. Specifically, *Yuen* in view of *Molettiere* discloses the non-transitory computer-readable storage medium of claim 18, further comprising instructions to cause the electronic device to 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. I incorporate herein my earlier discussion of claim 18.

591. A POSITA would have been motivated to combine *Molettiere*’s user interfaces for configuring an activity monitoring device, including with *Yuen*’s

biometric device for at least the reasons outlined above in the section entitled *Motivation to Combine Yuen and Molettiere*.

592. For example, as discussed above with respect to element [18.a], *Molettiere* discloses a display with a list of known sources. *Molettiere* further discloses 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). Figure 16 is reproduced below:

Ex. 1005, Fig. 16 (annotated)

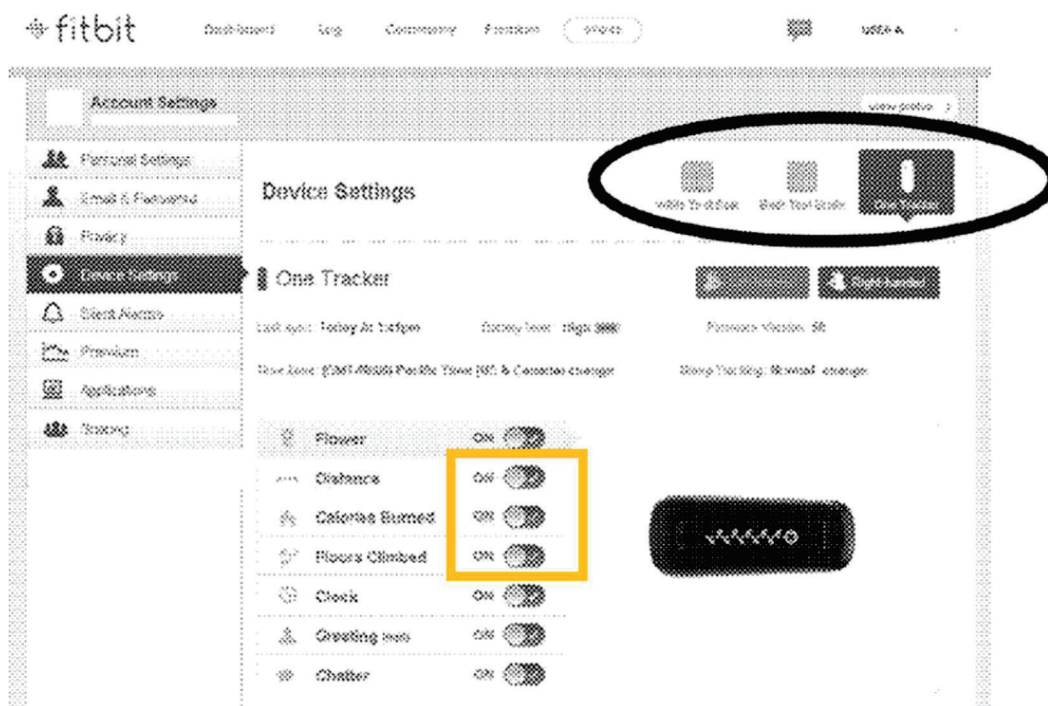


Fig. 16

593. As shown above, and explained with respect to element [1.c.ii], the device settings user interface provides selectable options for each type of information tracked or collected by an individual device (annotated in ORANGE) such as “information about tracking steps, tracking distance, tracking calories burned, tracking floors climbed” (Ex. 1005, 21:64-65, 22:32-39).

594. 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 for use by the data synthesizer. For example, Figure 16 illustrates that distance, calories burned, and floors climbed are all turned ON (or enabled) for that device via use of the selectable sharing options highlighted in ORANGE.

595. Thus, *Yuen* in view of *Molettiere* renders obvious claim element [20.a].

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

596. *Yuen* in view of *Molettiere* renders obvious claim element [21.pre]. Specifically, *Yuen* in view of *Molettiere* renders obvious the non-transitory computer-readable storage medium of claim 20. I incorporate herein my earlier discussion of claim 20.

597. Thus, *Yuen* in view of *Molettiere* renders obvious claim element [21.pre].

Claim 21, Element [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.

598. *Yuen* in view of *Molettiere* discloses claim element [21.a]. Specifically, *Yuen* in view of *Molettiere* renders obvious the non-transitory computer-readable storage medium of claim 20, 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.

599. As discussed above with respect to claim elements [20.b] and [1.c.ii], a POSITA would have been motivated to combine *Molettiere*'s selectable data sharing option with *Yuen*'s biometric monitoring device. And as I explained above, *Molettiere*'s device settings user interface provides selectable options for each type of information tracked or collected by an individual device such as "information about tracking steps, tracking distance, tracking calories burned, tracking floors climbed" (Ex. 1005, 21:64-65, 22:32-39).

600. Thus, *Yuen* in view of *Molettiere* renders obvious element [21.a].

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

601. *Yuen* in view of *Molettiere* renders obvious claim element [22.pre]. Specifically, *Yuen* in view of *Molettiere* renders obvious the non-transitory

computer-readable storage medium of claim 21, further comprising instructions to cause the electronic device to perform claim elements [22.a] and [22.b] as discussed below. I incorporate herein my earlier discussion of claim 21.

602. Thus, *Yuen* in view of *Molettiere* renders obvious claim element [22.pre].

Claim 22, Element [22.a]: detect a selection of the selectable option for a type of wellness data that the known source can provide; and

603. *Yuen* in view of *Molettiere* renders obvious claim element [22.a]. Specifically, *Yuen* in view of *Molettiere* renders obvious the non-transitory computer-readable storage medium of claim 21, further comprising instructions to cause the electronic device to detect a selection of the selectable option for a type of wellness data that the known source can provide.

604. A POSITA would have been motivated to combine *Molettiere*'s user interfaces for configuring an activity monitoring device with *Yuen*'s biometric device for at least the reasons outlined above in the section entitled *Motivation to Combine Yuen and Molettiere*.. As discussed above with respect to claim elements [20.b] and [1.c.ii], which I incorporate herein, *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. And as I discussed above with respect to elements [20.b] and [1.c.ii], a POSITA would have understood that the user could select the selectable data sharing option. A POSITA would have

understood that if a user selected the selectable dating sharing option, it would cause the device to detect a selection of the selectable option for a type of wellness data that the known source can provide.

605. A POSITA would have understood that the user interface is interactive and allows the user to select various options, areas, buttons, and/or controls on the user interface. For instance, *Molettiere* explains that the user is able to “select[] a device (e.g., touches the area associated with the device)”, to review further information regarding the device and its configuration (Ex. 1005, 21:60-64). With respect to Figure 16, which depicts the selectable sharing option, *Molettiere* teaches that the user can select an active tracking device and review the information corresponding to that device by “click[ing] or touch[ing]” the device in the user interface (Ex. 1005, 22:24-29). *Molettiere* further explains that the information corresponding to that device includes configurable settings regarding “tracking steps, tracking distance, tracking calories burned, tracking floors climbed, setting the clock on the device, changing the greeting on the device, etc.” Accordingly, a POSITA would have known that the user interface would cause the device to receive user selection of the selectable data sharing options discussed above in claim element [21.a] and [1.c.ii].

606. Thus, *Yuen* in view of *Molettiere* renders obvious claim element [22.a].

Claim 22, Element [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.

607. *Yuen* in view of *Molettiere* renders obvious claim element [22.b]. Specifically, *Yuen* in view of *Molettiere* renders obvious the non-transitory computer-readable storage medium of claim 21, further comprising instructions to cause the electronic device to 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.

608. A POSITA would have been motivated to combine *Molettiere*'s user interfaces for configuring an activity monitoring device with *Yuen*'s biometric device for at least the reasons outlined above in the section entitled *Motivation to Combine Yuen and Molettiere*. As discussed above with respect to claim elements [20.b] and [1.c.ii], which I incorporate herein, *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. A POSITA would have understood that the by selecting "ON" in the device settings menu, the device is configured to collect information about that specific metric for use by the data synthesizer. In that same regard, a POSITA would have understood that by toggling the "ON" button to "OFF," the device is *not* configured to collect information about that specific metric. For example, Figure 16 illustrates that distance, calories burned, and floors climbed

are all turned ON (or enabled) for that device via use of the selectable sharing options highlighted in ORANGE.

609. Further, the selectable data sharing options of *Molettiere* are identical to the selectable options described in the '898 Patent and depicted in Figure 36 below:

Ex. 1001, Fig. 36 (annotated) and Ex. 1005, Fig. 16 (annotated)

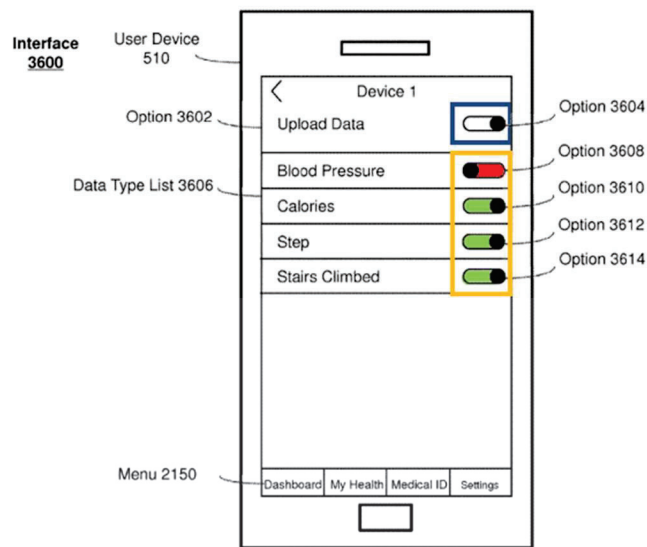


FIG. 36

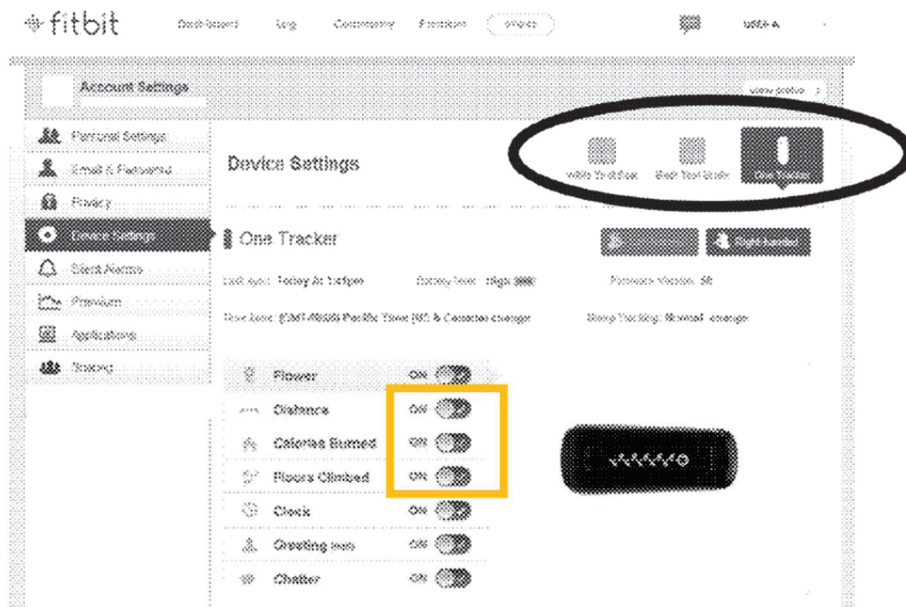


Fig. 16

610. Similarly, the '898 Patent states that the options interface of Figure 36 “allows a user to specifically define what types of data can be provided by a particular device or application” (Ex. 1001, 59:13-15). Specifically, Figure 36 depicts “selectable option 3604” (annotated in BLUE) which “can be used to turn data uploading from the device or application on or off (e.g., to be stored in wellness database)” (Ex. 1001, 58:43-51). Figure 36 further depicts “a list 3606 of data types that can be provided by Device 1” (Ex. 1001, 58:52-53). The '898 Patent explains that “selectable options 3608, 3610, 3612, and 3614” (annotated in ORANGE) can be changed “to turn data uploading on or off” for specific each specific type of data (Ex. 1001, 58:53-64). Figure 16 of *Molettiere* similarly discloses that data sharing

is turned on for distance, calories, and floors climbed (boxed in ORANGE) for a particular device—the One Tracker (circled in BLACK).

611. Thus, *Yuen* in view of *Molettiere* renders obvious element [22.b].

Claim 23, Element [23.pre]

612. *Yuen* in view of *Molettiere* renders obvious this element for the same reasons as claim element [1.pre] above.

Claim 23, Element [23.pre.i]

613. *Yuen* in view of *Molettiere* renders obvious this element for the same reasons as claim element [1.pre] above.

Claim 23, Element [23.a]

614. *Yuen* in view of *Molettiere* renders obvious this element for the same reasons as claim element [1.a] above.

Claim 23, Element [23.b]

615. *Yuen* in view of *Molettiere* renders obvious this element for the same reasons as claim element [1.b] above.

Claim 23, Element [23.c]

616. *Yuen* in view of *Molettiere* renders obvious this element for the same reasons as claim element [1.c] above.

Claim 23, Element [23.c.i]

617. *Yuen* in view of *Molettiere* renders obvious this element for the same reasons as claim element [1.c.i] above.

Claim 23, Element [23.c.ii]

618. *Yuen* in view of *Molettiere* renders obvious this element for the same reasons as claim element [1.c.ii] above.

Claim 23, Element [23.d]

619. *Yuen* in view of *Molettiere* renders obvious this element for the same reasons as claim element [1.d] above.

Claim 23, Element [23.e]

620. *Yuen* in view of *Molettiere* renders obvious this element for the same reasons as claim element [23.e] above.

Claim 23, Element [23.e.i]

621. *Yuen* in view of *Molettiere* renders obvious this element for the same reasons as claim element [1.e.i] above.

Claim 23, Element [23.e.ii]

622. *Yuen* in view of *Molettiere* renders obvious this element for the same reasons as claim element [1.e.ii] above.

Claim 32, Element [32.pre]

623. *Yuen* in view of *Molettiere* renders obvious this element for the same reasons as claim element [9.pre] above.

Claim 32, Element [32.a]

624. *Yuen* in view of *Molettiere* renders obvious this element for the same reasons as claim element [9.a] above.

Claim 33, Element [33.pre]

625. *Yuen* in view of *Molettiere* renders obvious this element for the same reasons as claim element [10.pre] above.

Claim 33, Element [33.a]

626. *Yuen* in view of *Molettiere* renders obvious this element for the same reasons as claim element [10.a] above.

Claim 33, Element [33.b]

627. *Yuen* in view of *Molettiere* renders obvious this element for the same reasons as claim element [10.b] above.

Claim 41, Element [41.pre]

628. *Yuen* in view of *Molettiere* renders obvious this element for the same reasons as claim element [18.pre] above.

Claim 41, Element [41.a]

629. *Yuen* in view of *Molettiere* renders obvious this element for the same reasons as claim element [18.a] above.

Claim 43, Element [43.pre]

630. *Yuen* in view of *Molettiere* renders obvious this element for the same reasons as claim element [20.pre] above.

Claim 43, Element [43.a]

631. *Yuen* in view of *Molettiere* renders obvious this element for the same reasons as claim element [20.a] above.

Claim 43, Element [43.b]

632. *Yuen* in view of *Molettiere* renders obvious this element for the same reasons as claim element [20.b] above.

Claim 44, Element [44.pre]

633. *Yuen* in view of *Molettiere* renders obvious this element for the same reasons as claim element [21.pre] above.

Claim 44, Element [44.a]

634. *Yuen* in view of *Molettiere* renders obvious this element for the same reasons as claim element [21.a] above.

Claim 45, Element [45.pre]

635. *Yuen* in view of *Molettiere* renders obvious this element for the same reasons as claim element [22.pre] above.

Claim 45, Element [45.a]

636. *Yuen* in view of *Molettiere* renders obvious this element for the same reasons as claim element [22.a] above.

Claim 45, Element [45.b]

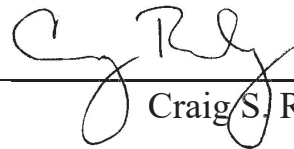
637. *Yuen* in view of *Molettiere* renders obvious this element for the same reasons as claim element [22.b] above.

X. CONCLUSION

I declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and that

these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: September 27, 2023



Craig S. Rosenberg, Ph.D.