1 and when they have been on for 15 seconds, and the blood
2 oxygen sensor typically takes 15 seconds or so to perform a
3 reading. As you can see, there's a significant gradient in
4 temperature over time.
5 So there's neither the structure nor the function
6 nor the result that is taught by the '127 patent. This is
7 just not what the patent is directed at. There's no
8 infringement.
9 If we go to the '745 patent, here we have this
10 purported invention involving shaping of light or light goes
11 through a material and goes from a first shape to a second
12 shape.
13 What they're accusing of infringement is the
14 pattern of light as it emerges from something called the
15 microlens array or MLA. And there's a comparison being done
16 between light as it's emitted at the LED and the light as it
17 emerges from the MLA.
18 But if Your Honor looks at the claim language,
19 the requirement is to change the first shape into a second
20 shape at the material, at the material. So the relevant
21 comparison is between the shape of the light when it reaches
22 the MLA and the shape of the light when it emerges from the
23 MLA.
24 As the engineers will explain to Your Honor, the
25

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microlens array is not intended to change light into a

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