

[REDACTED]

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

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and
SOUND UNITED, LLC,

Defendants.

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

JURY TRIAL DEMANDED

MASIMO CORPORATION and
CERCACOR LABORATORIES, INC.,

Counter-Claimants,

v.

APPLE INC.

Counter-Defendant.

**MASIMO CORPORATION AND CERCACOR LABS., INC'S
RESPONSES TO APPLE INC'S INITIAL INVALIDITY CONTENTIONS**

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- “wherein the display also changes from displaying the measured value of the first blood parameter to displaying the measured value of the second blood parameter when the second blood parameter passes an alarm threshold,” [28b-2]

Accordingly, this reference does not anticipate or (alone or in combination with other references) render obvious any of the Asserted Claims of the '223 Patent.

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In addition to the above, Section V.C.5 (*infra*) provides additional reasons why Apple has not demonstrated by clear and convincing evidence that any of the Asserted Claims of this patent would have been obvious to POSITA based on any of Apple’s references, alone or in combination with each other.

3. The Asserted Claims of the '507 Patent Are Not Anticipated Or Rendered Obvious by the Alleged Prior Art

a. Mendelson (APL DEL00030452)

Apple has not demonstrated by clear and convincing evidence that “Mendelson” alone and/or in combination with the primary or secondary references discloses, or renders obvious, at least the following limitations of the Asserted Claims of the '507 Patent.

- “outputting the SpO2 measurement values to the mobile computing device; and” 13[e]
- "displaying, in a different portion of the plurality of portions, a plurality of user inputs configured to allow the user to interact with at least one of the plurality of display portions or the application.” [13i]

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- “via the application²: performing a trend analysis on received SpO2 measurement values; and” 14[a]
 - “displaying results of the trend analysis in at least one portion of the plurality of display portions.” 14[b]
 - “The computer-implemented method of claim 13, further comprising, via the application, outputting one or more reminders to use the optical sensor to take measurements of SpO2 measurement values at predetermined times or cycles.” [16]
 - “The computer-implemented method of claim 13, further comprising, via the application: performing a trend analysis on received SpO2 measurement values; and” 14[a]
 - “displaying results of the trend analysis in at least one portion of the plurality of display portions.” 14[b]
 - “The computer-implemented method of claim 13, further comprising, via the application, outputting one or more reminders to use the optical sensor to take measurements of SpO2 measurement values at predetermined times or cycles.” [16]
 - “The computer-implemented method of claim 13, further comprising, via the application, updating the representation of the physiological parameter to comprise one or more of a plurality of graphical representations of the SpO₂ measurement values, the plurality of graphical representations comprising at least one of bar graphs or charts.” [17]
 - “The computer-implemented method of claim 13, further comprising wirelessly transmitting the SpO2 measurement values from the SpO2 measurement system to the mobile computing device.” [19]

² In Apple’s Invalidity Contentions, Apple includes the phrase “via the application” as part of limitation 14[pre]. For clarity, Masimo includes “via the application” as part of limitation 14[a].

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- “The computer-implemented method of claim 13, further comprising, via the application, enabling the user to set reminders to take future measurements.” [20]

Accordingly, this reference does not anticipate or (alone or in combination with other references) render obvious any of the Asserted Claims of the '507 Patent.

b. Bailey (APL DEL00032315)

Apple has not demonstrated by clear and convincing evidence that “Bailey” alone and/or in combination with the primary or secondary references discloses, or renders obvious, at least the following limitations of the Asserted Claims of the '507 Patent.

- “via a processing board of the SpO2 measurement system, the processing board in data communication with the optical sensor and a mobile computing device including a display:” [13b]
- “outputting the SpO2 measurement values to the mobile computing device” [13e]
- “via the application, performing a trend analysis on received SpO2 measurement values; and” 14[a]
- “displaying results of the trend analysis in at least one portion of the plurality of display portions.” 14[b]
- “The computer-implemented method of claim 13, further comprising, via the application, outputting one or more reminders to use the optical sensor to take measurements of SpO2 measurement values at predetermined times or cycles.” [16]
- “The computer-implemented method of claim 13, further comprising, via the application, enabling the user to set reminders to take future measurements.” [20]

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Apple has also not demonstrated by clear and convincing evidence that Bailey was publicly available in 2010 as alleged. Accordingly, this reference does not anticipate or (alone or in combination with other references) render obvious any of the Asserted Claims of the '507 Patent.

c. Moon (U.S. Patent App. Pub. No. 2010/0324384)

Apple has not demonstrated by clear and convincing evidence that Moon alone and/or in combination with the primary or secondary references discloses, or renders obvious, at least the following limitations of the Asserted Claims of the '507 Patent.

- “outputting the SpO2 measurement values to the mobile computing device; and” 13[e]
- “via an application configured to execute commands on the mobile computing device:” 13[f]
- “generating a graphical user interface having a plurality of display portions;” 13[g]
- “displaying, in at least one portion of the plurality of display portions, a representation of a physiological parameter of a plurality of physiological parameters comprising at least the SpO₂ measurement values; and” 13[h]
- “displaying, in a different portion of the plurality of portions, a plurality of user inputs configured to allow the user to interact with at least one of the plurality of display portions or the application.” 13[i]
- “via the application, performing a trend analysis on received SpO2 measurement values; and” 14[a]
- “displaying results of the trend analysis in at least one portion of the plurality of display portions.” 14[b]

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- “The computer-implemented method of claim 13, further comprising, via the application, outputting one or more reminders to use the optical sensor to take measurements of SpO₂ measurement values at predetermined times or cycles.” [16]
 - “The computer-implemented method of claim 13, further comprising, via the application, updating the representation of the physiological parameter to comprise one or more of a plurality of graphical representations of the SpO₂ measurement values, the plurality of graphical representations comprising at least one of bar graphs or charts.” [17]
 - “The computer-implemented method of claim 13, further comprising, via the application, enabling the user to set reminders to take future measurements.” [20]

Accordingly, this reference does not anticipate or (alone or in combination with other references) render obvious any of the Asserted Claims of the '507 Patent.

d. Lisiecki (U.S. Patent No. 6,083,156)

Apple has not demonstrated by clear and convincing evidence that Lisiecki alone and/or in combination with the primary or secondary references discloses, or renders obvious, at least the following limitations of the Asserted Claims of the '507 Patent.

- “outputting the SpO₂ measurement values to the mobile computing device; and” 13[e]
- “via an application configured to execute commands on the mobile computing device:” 13[f]
- “generating a graphical user interface having a plurality of display portions;” 13[g]
- “displaying, in at least one portion of the plurality of display portions, a representation of a physiological parameter of a plurality of physiological parameters comprising at least the SpO₂ measurement values; and” 13[h]