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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

MASIMO CORPORATION,
Patent Owner.

Case IPR2024-00294
U.S. Patent 10,736,507

PATENT OWNER'S OPPOSITION TO MOTION TO STRIKE

I. Masimo's Claim Construction Has Not Changed

Apple's motion rests on the false premise that Masimo changed its construction of "one or more signals responsive to light" output by an optical sensor. But both the POR (at 18) and Sur-Reply (at 1) construe this limitation to mean "data that is actually acquired" by the sensor. Thus, Apple's motion should be denied.

II. The Sur-Reply Does Not Assert The Claimed Signals Must Be Analog

Apple accuses Masimo's Sur-Reply of including a new argument: in the claim, "the one or more signals are required to be 'analog'." Mot., 1–2. But Masimo never argued that. Instead, just like its POR (at 18–20), Masimo's Sur-Reply argued the claim requires the one or more signals to be "data that is actually acquired" with the optical sensor. Sur-Reply, 1, 5, 9, 10.

Apple points to Duckworth's testimony that an optical sensor outputs "some varying analog signal...based on the light it detected." Mot., 3 (EX1087, 22:17–23:17). But that testimony supports Masimo's unchanged construction, which is consistent with the specification's description of acquiring "light intensity data" with an optical sensor. POR, 19–20. Duckworth merely stated the common-sense fact that optical sensors output such data as an analog signal. EX1087, 22:17–23:17. And his testimony about analog signals was elicited by Apple, without objection or motion to exclude. *Id.*; *id.*, 69:5–73:9 (explaining A/D conversion is an example of the "processing" that distinguishes Mendelson from the claims). Apple now

improperly faults Masimo's Sur-Reply for citing this testimony Apple elicited, incorrectly calling it an argument Masimo raised for the "first time." Mot., 2.

Apple also argues the Sur-Reply's references to the Mendelson photodiode's "analog signal" are new argument. Mot., 3. To the contrary, the POR explained the photodiode signal is "converted from analog to digital." POR, 21.

III. Masimo's Mendelson Distinctions Are Front And Center In Its POR

Apple ignores and selectively quotes POR portions to argue that Masimo relies solely on the averaging step to distinguish Mendelson. Mot., 2. But the entire POR section (at 18–25) shows Masimo pointed to multiple processing steps. After construing the claimed signals (POR, 18–20), the POR argues "Mendelson fails to disclose outputting 'one or more signals responsive to light'." *Id.*, 20. Immediately thereafter, the POR includes Mendelson's sensor module diagram to illustrate "what happens between its photodiode outputting a detected signal (left) and information being transmitted to the Receiver Module (right)." *Id.* The POR identifies the photodiode as the component that "outputs a signal responsive to the detected light." *Id.* The POR identifies no other signal "actually acquired" with the photodiode.

The POR uses this same diagram to explain that Mendelson's sensor module does not transmit the photodiode's output signal. *Id.*, 20–21. Rather, that signal is amplified, filtered, converted "from analog" to digital, processed, and packetized before transmission. *Id.* The signal is obviously analog until it is converted "from

analog” to digital. *Id.*, 21. After these steps, the signal is averaged. *Id.*, 21–24. The POR identifies a series of processing steps, not solely averaging, that result in Mendelson’s sensor module transmitting *processed* data—not the “data that is actually acquired” with the photodiode. *Id.* Thus, the POR concludes Mendelson does not disclose outputting signals responsive to the detected light. *Id.* This is entirely consistent with Duckworth’s post-POR testimony that A/D conversion is an example of processing that takes the signal outside the claims. EX1087, 69:5–73:9.

Apple complains of Masimo’s assertions that all processing occurs on the processing board (Mot., 3), but the POR touted a “dedicated” board. POR, 2.

IV. Masimo’s Sur-Reply Properly Responds To Apple’s Reply

Apple’s Reply accused Masimo of drawing an “arbitrary line” between (1) what Apple terms “preprocessing” (amplifying, filtering, A/D conversion) and (2) averaging samples. Reply at 1, 7, 14, 15. But Masimo never “drew a line” or argued that only averaging (or A/D conversion, or any other processing step) was the critical step. Such processing steps are examples of why Mendelson’s transmitted signal is not the data actually acquired with the photodiode. Thus, the Sur-Reply properly responds to the Reply by again inserting the same Mendelson sensor module diagram to show the undisputedly analog signal actually acquired with Mendelson’s photodiode is not what its sensor module transmits. Sur-Reply, 3–7. This is the same argument Masimo advances in its POR.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 28, 2025

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CERTIFICATE OF SERVICE

I hereby certify that, pursuant to 37 C.F.R. § 42.6(e) and with the agreement of counsel for Petitioner, a true and correct copy of **PATENT OWNER'S OPPOSITION TO MOTION TO STRIKE** is being served electronically on March 28, 2025, to the e-mail addresses shown below:

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