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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 REPLY TO PETITIONER'S OPPOSITION
TO PATENT OWNER'S REVISED MOTION TO AMEND**

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I. THE SUBSTITUTE CLAIMS HAVE WRITTEN DESCRIPTION SUPPORT

A. The RMTA Demonstrates Support For The Substitute Claims

Masimo provided a table listing specific paragraphs with exemplary support for the amended features of each claim. RMTA, 12. For each claim Masimo provided a separate row, and for each of the three patent disclosure documents Masimo provided a separate column. The boxes in this table identified specific paragraphs, pages, and figures.

Apple relies on *NeuroDerm Ltd. v. AbbVie Inc.* to argue Masimo’s citations are insufficient. Opp., 1 (citing PGR2022-00040, Paper 77 at 15 (PTAB Oct. 31, 2023)). *NeuroDerm* was a more complex chemical case, and the citations were not the problem. Rather, the Board had warned the patent owner: “singular focus on L-dopa prodrugs fails to support the claims’ option of using L-dopa itself.” *Id.*, 16. The patent owner failed to address this warning. *Id.* Nevertheless, the Board reviewed the voluminous citations (e.g., a chart referring to 60 different paragraphs) yet could not discern clear supporting evidence for a claim to L-dopa. *Id.*

Apple ignores that “the level of detail required to satisfy the written description requirement varies depending on the nature and scope of the claims and on the complexity and predictability of the relevant technology.” *Ariad Pharms., Inc. v. Eli Lilly & Co.*, 598 F.3d 1336, 1351 (Fed. Cir. 2010) (en banc). Unlike the chemical patent in *NeuroDerm*, the ’507 Patent concerns mechanical and electrical

inventions. And here, figures and related text provide straightforward support for those inventions, as noted in the table. Apple understood and responded to the asserted support, because it only challenges written description support for limitations [21n], [23b] and [23c], and even for those limitations, Apple includes annotated figures drawn from Masimo's specification. Opp., 3, 4, 6. Thus, *NeuroDerm* does not support Apple.

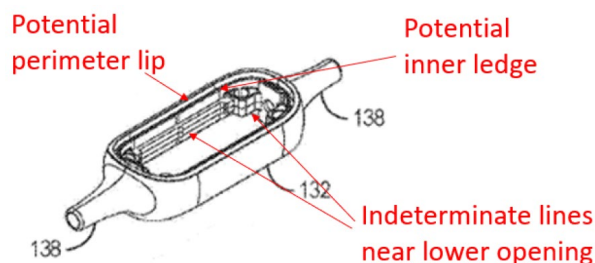
Moreover, the Board has explained:

We decline to adopt a *per se* rule that string citations, in general, are not sufficient for Patent Owner to meet its burden under 37 C.F.R. § 42.121(b). The underlying question at issue is factual in nature, namely, whether “[t]he amendment seeks to ... introduce new subject matter” (37 C.F.R. § 42.121(a)(2)(ii))—i.e., whether there is written description support under 35 U.S.C. § 112, first paragraph. In some cases, written description support may be apparent simply by identification of the relevant disclosure. Other cases may require further explanation.

PEAG LLC v. Varta Microbattery GMBH, IPR2020-01213, Paper 26, 6 (PTAB July 21, 2021). Here, Masimo provided citations to specific paragraphs and figures of the supporting documents for each claim, and written description support is apparent from this identification of relevant disclosure. On the very few aspects of written description disputed by Apple, this brief responds with further explanations below.

B. The Specification Teaches The Claimed “Openings Having An Inner Ledge And A Perimeter Lip”

Apple labels an “inner ledge” and a “perimeter lip” in an upper opening on Figure 1C of the ’507 Patent, consistent with claim limitation [21n]. Opp., 2–3. Apple created the following annotated figure:



EX2045, FIG. 1C (partial)

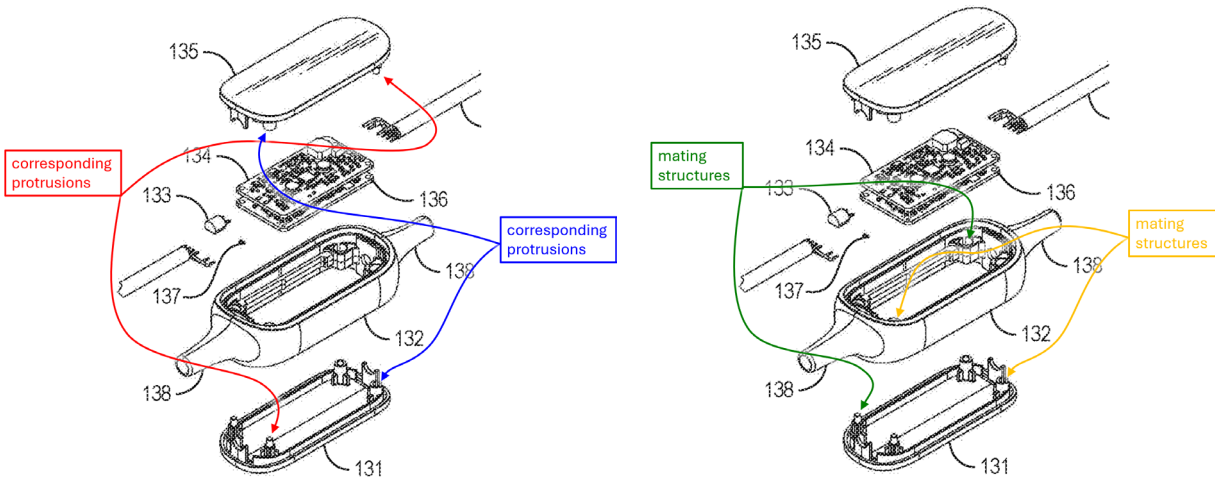
Id. Apple argues that Claim 21 requires that “each of the upper and lower openings must have ‘an inner ledge and a perimeter lip sized and configured to receive’ a respective shell.”¹ *Id.*, 2. According to Apple, because Figure 1C does not expressly illustrate lip and ledge structures in both the upper and lower openings, the specification does not provide written description support for the claim.

However, the relevant portion of Claim 21 states that the processing board is: surrounded within a protective assembly comprising upper and lower shells and a rounded rectangular enclosure forming a cavity with upper and lower openings, the openings having an inner ledge and a perimeter lip sized and configured to receive the upper and lower shells to fill the openings such that the perimeter lip surrounds at least a portion of

¹ All emphasis is added unless indicated otherwise.

perimeter sides of the upper and lower shells

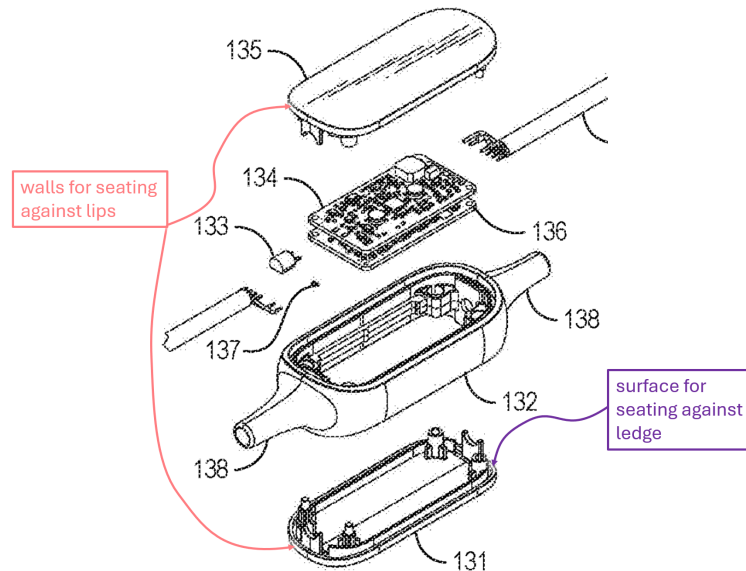
Apple interprets this passage to require that “each” opening has its own inner ledge and perimeter lip. Even under Apple’s interpretation, a POSITA would have readily understood from the figures that the upper and lower openings are the same, as are the upper and lower shells that fill those respective openings. EX2058 ¶35. Thus, the patent did not need to separately illustrate a view of the bottom opening. The claimed ledge and lip are present in both upper and lower openings. Indeed, the structures on the upward-facing interior surface of the *lower* shell are shown to correspond and mate with the structures in the *upper* opening, demonstrating that the two shells are interchangeable:



See EX2045, FIG. 1C.

Moreover, the patent teaches that “the upper and lower shells 135, 131 can be formed to fit together with the enclosure 132 in a substantially water-tight manner.” *Id.*, [0042]–[0043], [0038]. If the upper shell provided a seal but the lower shell did

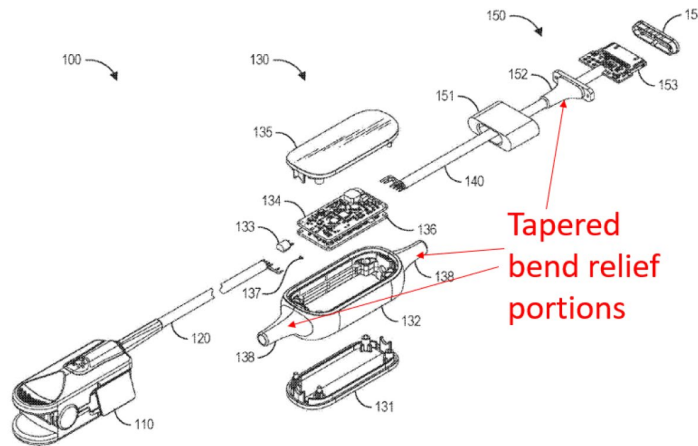
not, the enclosure would not be watertight. Thus, the enclosure includes complementary sealing structures to receive each of the upper and lower shells:



Id., FIG. 1C. Every indicia shows shells 131 and 135 are identical, so a POSITA would understand the complementary sealing structures shown for the top shell are also used for the bottom shell. EX2058 ¶36. Thus, the figures indicate to a POSITA that the upper and lower openings each have a ledge and a lip as claimed. *Id.*

C. The Specification Teaches The Claimed Transitions To “Tapered Flexible Support Members”

Apple argues the specification does not disclose limitation [23b]’s transitions to tapered flexible support members. But Apple itself identifies two tapered flexible support members—bend relief portions 138—on the enclosure 132 of Figure 1C:



EX2045, FIG. 1C

Opp., 6. The enclosure has a transition for each of these tapered support members. Apple argues this Figure 1C embodiment is distinct from other embodiments having wireless transmission. *Id.*, 5. Apple speculates that wireless-transmission embodiments **replace** cable 140 with a wireless connection and, thus, have just one bend relief portion 138. *Id.* But nothing in the '507 Patent supports this speculation. **Every** figure showing the structure of the module 130 or enclosure 132 shows it with transitions to two bend relief portions (labeled 138 in Figure 1C). EX2045, FIGS. 1A, 1B, 1C, 5A, 5B, 5C. And the specification never says wireless-transmission embodiments lack a second bend relief portion 138. At most, Apple speculates wireless-transmission-only embodiments **could** omit a second bend relief portion 138, but identifies no disclosure that they **necessarily must** omit a second bend relief portion 138 or the second cable 120. Opp., 5–6; EX2058 ¶38.

Further, contrary to Apple's assertion that Masimo picks and chooses claim limitations from different, unlinked embodiments (Opp., 4 (citing *Flash-Control*)),

Figure 1C as described in paragraphs [0032]–[0049] includes a single embodiment with both: (1) bend relief portions 138 on either side of enclosure 132; **and** (2) wireless transmission. EX2045, FIG. 1C, [0041], [0049]. Apple’s reliance on paragraph [0027] alone as allegedly disclosing **exclusive alternatives** of **either** wired transmission through cable 140 **or** wireless transmission (Opp., 5) is contradicted by the specification itself. Paragraph [0049] states that port 150 is “equipped with” a wireless interface, and port 150 is **attached to** cable 140. EX2045, FIG. 1C. Thus, the disclosed device does not “replace” cable 140 with a wireless connection; it uses that cable to link to a port with a wireless interface. Moreover, port 150 can include both (1) a wired connection (e.g., “an iPhone port,” “an Ethernet port,” and more) and (2) “one or more wireless interfaces.” *Id.*, [0049]. By disclosing that port 150 can have a wired connection and “**further...**can be equipped with one or more wireless interfaces,” a POSITA would have understood paragraph [0049] to disclose a device with **both** a wired connection **and** a wireless interface. EX2058 ¶39.

Apple also argues the specification does not disclose that the bend relief portions 138 are “flexible.” Opp., 5–6. To the contrary, paragraph [0041] discloses that bend relief portions 138 provide a “gradual transition from the flexible cables to substantially rigid connection points with the processing board 134.” A POSITA would have understood this “gradual transition” from flexible to rigid indicates that

at least some portion of each bend relief portion 138 is flexible relative to the connection points. *Id.*; EX2058 ¶40.

Apple also argues the specification discloses that the bend relief portions 138 *prevent* flexing. Opp., 5. Not so. “The bend relief portions 138 can prevent mechanical force, such as an axial load or flexing, that is applied to the exterior of either cable 120,140 *from being transferred to the electrical terminations with the processing board 134.*” EX2045, [0041]. A POSITA would have understood that the “gradual transition” from flexible to rigid protects the electrical terminations from flexing force but does not prevent flexing. *Id.*; EX2058 ¶41.

Apple also argues, with respect to limitation [23b]’s first and second “transition[s] from the enclosure to a tapered flexible support member”:

If PO relies on the bend relief portions 138 as support for the “tapered flexible support member[s]” (which is unclear from the RMTA), there is no support for the claimed “transition” [from the enclosure to a tapered flexible support member] as it is the bend relief portions 138 themselves that are described as “providing a gradual transition.”

Opp., 6. Apple’s argument misinterprets limitation [23b] in two ways. First, it improperly incorporates into the claim the specification’s disclosure of a gradual transition from flexible to rigid. *Id.* But the claim does not require a flexible-to-rigid transition. Rather, the claimed “transition” is simply a feature of the enclosure.

Second, Apple incorrectly assumes the claimed “transition” is a structural limitation separate from both the “enclosure” and the “tapered flexible support member.” *Id.* But the claimed “transition” does not recite additional or separate structure. Rather, it is the boundary between the enclosure and the tapered flexible support member. Figure 1C discloses that boundary. Moreover, even if structure were needed, Figure 1C and paragraph [0041] disclose a *physical* connection, which a POSITA would have understood is a “transition,” between the enclosure and bend relief portions. *See, e.g.,* EX2045, [0041] (bend relief portions pre-molded and formed with enclosure); EX2058 ¶¶42–43.

II. THE SUBSTITUTE CLAIMS ARE NOT INDEFINITE

The Supreme Court has held that “absolute precision” is not required for patent claims:

[W]e read §112, ¶2 to require that a patent’s claims, viewed in light of the specification and prosecution history, inform those skilled in the art about the scope of the invention with reasonable certainty. The definiteness requirement, so understood, mandates clarity, while recognizing that absolute precision is unattainable.

Nautilus, Inc. v. Biosig Instruments, Inc., 134 S. Ct. 2120, 2130 (2014). Apple’s arguments are contrary to this standard.

A. Limitation [21p] Is Not Indefinite

Apple asserts two portions of limitation [21p] are indefinite. Opp., 7–8. Apple asserts what a POSITA would *not* have understood. *Id.*, 8 (“not able to discern,” “unable to discern”). But this attorney argument is not supported by any evidence. The intrinsic evidence provides reasonable certainty as to the relevant limitations.

First, Apple argues that “including the sensor and processing board together” is indefinite. *Id.* To the contrary, the ’507 Patent provides a POSITA reasonable certainty as to the scope of the included-together limitation. In the context of the other claim language, a POSITA would understand the included-together limitation describes one characteristic that makes the SpO2 measurement system “portable” while used in the claimed method of “informing a user of mobile measurement of oxygen saturation.” EX2058 ¶45. Specifically, the included-together limitation describes that the sensor and processing board are included together in the portable measurement system used at the measurement site. *Id.* Figures 1A–1C provide an example of including the sensor and processing board together. *Id.*

Apple also argues that including the sensor and processing board “together” somehow contradicts the specification embodiments where the sensor and processing board are connected with a cable. Opp., 7–8. The opposite is true: connecting the sensor and processing board together with a cable enhances

portability and is an example of them being included “together.” Thus, the cable-connected embodiments identified by Apple squarely support the claim language. Indeed, the included-together limitation covers but is not limited to those embodiments. And that the claim is broader than one embodiment does not make it indefinite. *See, e.g., BASF Corp. v. Johnson Matthey Inc.*, 875 F.3d 1360, 1367 (Fed. Cir. 2017) (“breadth is not indefiniteness”); EX2058 ¶46.

Apple poses rhetorical questions (Opp., 8), but these do not show indefiniteness. Apple’s inquiry whether the limitation covers a “kit” does not make sense. Claim 21 is a method claim and thus how the components are stored or packaged when not in use in the claimed method is not relevant. The claimed components are included together in the portable measurement system used at the measurement site. A POSITA would understand the scope of the included-together limitation in view of the intrinsic evidence. EX2058 ¶47.

Apple questions whether the sensor and processing board must be contained in the same housing. However, the included-together limitation covers both the sensor and processing board (1) contained in the same housing and (2) not contained in the same housing, so long as these components are included together in the portable measurement system used at the measurement site. EX2058 ¶48. One way the components can be included together as claimed is to connect the sensor and processing board with a cable, as shown and described with respect to Figures 1A–

1C, and 5A–5C. *Id.* That the claim is broad enough to cover multiple embodiments does not make it indefinite. *BASF Corp.*, 875 F.3d at 1367.

Second, Apple argues that the “sensor and processing board together, wirelessly connectable to the smartphone” claim language does not specify whether just one of or both the sensor and processing board are wirelessly connectable to the smartphone. Opp., 8. Rather, the claim language recites the connected “sensor and processing board *together*” are “wirelessly connectable to the smartphone.” Consistent with that claim language, the specification describes connection port 150 including a wireless interface between the smartphone and the connected sensor and processing board together. EX2045, [0049], FIG. 1C; EX2058 ¶48.

B. Limitation [22c] Is Not Indefinite

Apple again asserts what a POSITA would *not* have understood (“impossible for a POSITA to determine”). Opp., 9. But again, this attorney argument is not supported by any evidence. The intrinsic evidence provides reasonable certainty as to the relevant limitations. EX2058 ¶50.

Apple incorrectly argues that the specification lacks “objective boundaries” between limitation [22c]’s “*advanced* signal processing algorithm” and other signal processing. Opp., 8–9. But paragraph [0032] expressly identifies two forms of “advanced signal processing...including parallel engines and adaptive filters.” EX2045, [0032]. That paragraph further explains that such advanced signal

processing separates physiological signals from noise “to allow accurate monitoring of arterial oxygen saturation and pulse rate even during the most challenging conditions.” *Id.* Thus, a POSITA could ascertain with reasonable certainty whether a signal processing algorithm is advanced based on its use of parallel engines and/or adaptive filters to reduce noise and improve measurement accuracy. EX2058 ¶51.

III. THE BOARD SHOULD NOT CONSIDER THE ARGUMENTS APPLE IMPROPERLY INCORPORATES BY REFERENCE

The Board’s rules are clear: “Arguments must not be incorporated by reference from one document into another document.” 37 C.F.R. § 42.6(a)(3). The Board has applied this rule against incorporation by reference to MTA oppositions. *See, e.g., Cisco Sys., Inc. v. Focal IP, LLC*, IPR2016-01257, Paper 57, 6 (PTAB Oct. 19, 2017) (reaffirming that “Petitioners should not incorporate by reference arguments made in other papers”); *Samsung Elecs. Co. v. Promos Techs., Inc.*, IPR2017-00037, Paper 21, 3–4 (PTAB Oct. 18, 2016) (denying request to waive Rule 42.6(a)(3) for MTA opposition).

Apple violates Rule 42.6(a)(3) by incorporating by reference several sections of the Petition. *See* Opp., 9 (incorporating Pet. § III.J), 11 (Pet. § III.C), 26 (Pet. § III.C.2), 32 (Pet. § III.J), 33 (Pet. §§ III.C.2, III.J.3), 34 (Pet. § III.J.2), 35 (Pet. § III.C.2), 36 (Pet. § III.C.2). The incorporated-by-reference sections effectively add 16 pages and make the opposition 40 percent longer than authorized. Apple’s incorporation by reference is an improper and prejudicial “self-help increase in the

length of” its opposition, which burdens the Board and Masimo. *Cisco Sys., Inc. v. C-Cation Techs., LLC*, IPR2014-00454, Paper 12, 10 (PTAB Aug. 29, 2014) (informative) (incorporation by reference circumvents page limits and imposes on Board’s time); *IBG LLC v. Trading Techs. Int’l, Inc.*, CBM2016-00054, Paper 38, 4 (PTAB Apr. 7, 2017) (“incorporation by reference prejudices” opposing party by requiring it “to respond to the arguments within the [page] limit”).

After the Board granted a 40-page limit for Apple’s RMTA opposition, the Board should not now allow Apple to also incorporate by reference to extend that limit further to 56 pages.

The remedy for improperly incorporated-by-reference arguments is for the other party to address the issue in responsive briefing and for the Board to not consider any improperly incorporated-by-reference arguments. *Envirotainer AB v. Doubleday Acquisitions, Inc.*, IPR2022-00292, Paper 46, 4 (PTAB Dec. 22, 2022); *IBG*, CBM2016-00054, Paper 38, 4. Thus, Masimo hereby addresses the issue in this RMTA Reply and requests that the Board not consider Apple’s RMTA Opposition arguments incorporated by reference from the Petition. Alternatively, if the Board prefers that Masimo address this issue through a separate motion, Masimo would file such a motion at the Board’s request.

As discussed further below, Apple’s improper incorporation by reference reveals two deficiencies in Apple’s Opposition. First, without the material it

shoehorned in, Apple’s arguments are deficient as to the prior art (e.g., the Moon reference). Second, Apple failed to explain how or why a POSITA would have combined this shoehorned material with the very different references Apple argues in its Opposition.

IV. APPLE FAILS TO SHOW OBVIOUSNESS FOR ANY SUBSTITUTE CLAIM

A. Legal Standards

To prevail on any obviousness ground, a petitioner must show “both that a skilled artisan would have been motivated to combine the teachings of the prior art references to achieve the claimed invention, and that the skilled artisan would have had a reasonable expectation of success in doing so.” *Intelligent Bio-Sys., Inc. v. Illumina Cambridge, Ltd.*, 821 F.3d 1359, 1367–68 (Fed. Cir. 2016) (cleaned up).

A petitioner may not simply identify individual claim components—it must show why a “skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.” *In re Kotzab*, 217 F.3d 1365, 1371 (Fed. Cir. 2000). The petitioner must support even simple modifications of a reference with some motivation to make the change. *See In re Gordon*, 733 F.2d 900, 902 (Fed. Cir. 1984).

A petitioner also may not rely on “mere conclusory statements.” *Magnum Oil*, 829 F.3d at 1380. Rather, the petitioner must set forth “some articulated reasoning with some rational underpinning to support the legal conclusion of

obviousness.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418–19 (2007) (cleaned up). Similarly, a petitioner cannot simply rely on an expert’s unsubstantiated and conclusory opinions. *See* 37 C.F.R. § 42.65 (“Expert testimony that does not disclose the underlying facts or data on which the opinion is based is entitled to little or no weight.”); *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1363 (Fed. Cir. 2016) (affirming petitioner’s failure to establish obviousness where expert testimony “add[ed] nothing beyond the conclusory statements in [the] petition.”).

Moreover, an appropriate obviousness inquiry cannot involve even a “hint of hindsight.” *Star Sci., Inc. v. R.J. Reynolds Tobacco Co.*, 655 F.3d 1364, 1375 (Fed. Cir. 2011). A petitioner may not “simply retrace[] the path of the inventor with hindsight, discount[] the number and complexity of the alternatives, and conclude[] that the invention ... was obvious.” *Ortho-McNeil Pharm., Inc. v. Mylan Labs., Inc.*, 520 F.3d 1358, 1364 (Fed. Cir. 2008). Likewise, “care must be taken to avoid hindsight reconstruction by using the patent in suit as a guide.” *In re NTP, Inc.*, 654 F.3d 1279, 1299 (Fed. Cir. 2011) (cleaned up).

B. Apple’s Analysis Is Driven By Hindsight And Fails To Treat The Challenged Claims As An Integrated Whole (All Substitute Claims)

Apple improperly treats the challenged claims as mere lists of disparate parts rather than as a whole. Apple’s analysis begins with an “Overview” for each asserted reference that describes the disclosures Apple relies on for obviousness. Opp., 10–

11, 34. That is, Apple improperly “break[s] [each] invention into its component parts, then find[s] a prior art reference [allegedly] corresponding to each component.” *Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.*, 411 F.3d 1332, 1337 (Fed. Cir. 2005). The Federal Circuit has cautioned against this hindsight-driven approach of “using the invention as a roadmap to find its prior art components.” *Id.* By breaking the claims into parts, Apple improperly attempts to bypass the statutory requirement to assess each claim “as a *whole*.” *Id.*

Completely untethered from any proper analysis, Apple describes the “Combination” devices it contrives using the challenged claims as its guide: “Combination of Poeze, Kianl, Baba, and Pakula” (Opp., 11–14); “Combination of Poeze-Kianl-Baba-Pakula” with Moon (*id.*, 32 (Ground 1B)) or Diab (*id.*, 34–35 (Ground 1C)) or Teller (*id.*, 35–36 (Ground 1D)). *See also id.*, Opp. 37–39. But this is “precisely the kind of hindsight that the Board must not engage in.” *In re NTP, Inc.*, 654 F.3d at 1299. Apple also cannot use the claims “as a guide” for “combining the right references in the right way so as to achieve the result of the [challenged] claims.” *Id.* Yet, that is what Apple repeatedly attempts to do in its convoluted combinations of four or more references. Opp., 11–14, 16–18, 24–25, 27–29, 32, 34–36. Therefore, Apple fails to show obviousness of any claim because of the hindsight underlying Apple’s grounds.

C. **Apple Fails To Show Poeze Discloses The “One Or More Analog Signals Responsive to Light” Limitations of [21a] and [21c] (All Substitute Claims)**

Limitation [21a] requires “outputting...one or more analog signals responsive to light from a light source attenuated by tissue of the user at a measurement site, said one or more analog signals responsive to an oxygen saturation of said tissue.” Limitation [21c] requires that these same signals are received by the processing board through a wired connection.

A POSITA would have understood that the plain and ordinary meaning of “one or more analog signals responsive to light” output by the optical sensor refers to *data that is actually acquired* with the optical sensor. EX2058 ¶52. The ’507 Patent’s specification supports this understanding. *Id.* For example, the specification explains that “the sensor has light emitting diodes (LEDs) that transmit [light] into a tissue site and a detector.” EX1001, 1:28–34; EX2058 ¶52. It also explains that the “sensor 110 provides data in the form of an output signal indicative of ... light” measured from “body tissues....” EX1001, 4:46–51; EX2058 ¶52. That output signal data from the sensor is indicative of measured light because it is light intensity data acquired with the sensor’s detector. EX1001, 1:28–34; 4:46–51; EX2058 ¶52. Specifically, the detector “responds to the intensity” of light by outputting data (an analog electrical signal) corresponding to the intensity of the light that it measures. EX1001, 1:28–34; 4:46–51; EX2058 ¶52. That “sensor data is

transmitted from sensor 110 along the first cable 120 to the processing module 130, which can apply noise filtering and signal processing techniques described below....” EX1001, 4:67–5:4; EX2058 ¶52. Thus, a POSITA would have understood that the plain meaning of “one or more analog signals responsive to light” output by the optical sensor and received by the processing board refers to data actually acquired with the optical sensor. EX2058 ¶53. Conversely, the specification never teaches that the optical sensor outputs data it did not actually acquire. *Id.*

Apple argues limitations [21a] and [21c] are satisfied because Poeze’s sensor 116 allegedly outputs one or more analog signals received by the monitor 118. Opp., 14–15, 17. Poeze explains that its detectors 506 “output a detector signal 524 responsive to light.” EX1110, [0118], [0120], FIG. 8. But Apple ignores that Poeze’s detector signals 524 are manipulated by the front-end interface 508 before reaching the signal processor 510 in Poeze’s monitor 118. *Id.*, [0120], FIG. 8. Therefore, Apple has not met its burden to show that these same detector signals 524 are output by Poeze’s sensor 116 and received by Poeze’s monitor 118, and thus Apple fails to show that Poeze satisfies the plain meaning of the “one or more analog signals responsive to light” required by these limitations. EX2058 ¶54.

D. Apple Fails To Show Poeze Discloses The “Analog” Limitations of [21a] and [21c] (All Substitute Claims)

Limitation [21a] requires “outputting, from an optical sensor...one or more analog signals responsive to light.” Limitation [21c] requires “via a processing board...: receiving through a wired connection said one or more analog signals from the optical sensor.” For its obviousness grounds, Apple argues that Poeze discloses both limitations. Opp., 14–16, 37–40. But Apple is wrong, as explained below.

Poeze describes many embodiments. For example, Poeze discloses a first embodiment where the front-end interface 508 is in the sensor 116:

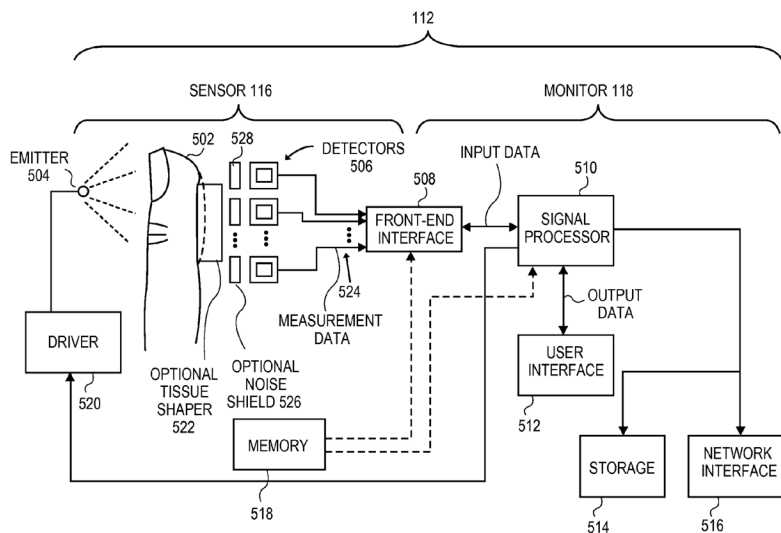


FIG. 8

EX1110, FIG. 8, [0106] (“In the depicted embodiment shown in FIG. 8...the sensor 116 includes...a front-end interface 508.”). Poeze also describes second and third embodiments where the front-end interface 508 is in the monitor 118 or in the connecting cabling, respectively. *Id.*, [0120]; see Opp., 15 (arguing Poeze’s front-

end interface 508 “can have its components assembled in the sensor 116, in the monitor 118, or in connecting cabling”); EX2058 ¶¶55–57.

Limitation [21a]: Apple relies on Poeze embodiments where the “*front-end interface [508] adapts a signal 524* received from one or more of the detectors 506 *into a form that can be processed* by the monitor 118.” Opp., 15 (quoting EX1110, [0120]). The signal 524 from the detectors 506 of Poeze’s sensor 116 “is an analog signal.” EX2058 ¶57; EX1109 ¶56. That analog signal must be converted (“adapt[ed]”) into a digital signal (another “form”) before it can be processed by the signal processor 510 in monitor 118. EX2058 ¶57; EX1110, [0120]. Poeze’s front-end interface 508 thus includes at least one analog-to-digital converter (“ADC”) to output “digital information for processing by the signal processor 510 of the monitor 118.” EX1110, [0123], [0125]; EX2058 ¶57. Therefore, a POSITA would have understood that in the Poeze embodiments relied on by Apple, the detected analog signal is converted to a digital signal *before* it reaches monitor 118. EX2058 ¶58.

Apple’s argument for limitation [21b] confirms Apple’s reliance on Poeze embodiments where the detected analog signal is converted into a digital signal *before* it is received by the monitor 118. Specifically, Apple argues the monitor 118 “receives signal data from the sensor 116 and processes the signal data.” Opp., 15. The monitor 118 can simply “receive” and “process” the signal without first having to do analog-to-digital conversion on the monitor because, in the Poeze

embodiments Apple relies on, the monitor receives signals that have already been converted by the front-end interface's ADC into the digital "form that can be processed by the monitor 118." EX1110, [0120]; EX2058 ¶59.

Apple argues Poeze's "sensor 116 alone, or a combination of the sensor 116 and front-end interface 508" discloses the "claimed optical sensor" that outputs one or more analog signals. Opp., 15. But Poeze's sensor 116 already "includes...a front-end interface 508." EX1110, [0106]; EX2058 ¶59. And Apple never proposes removing the front-end interface 508 from Poeze's sensor 116. Therefore, the "sensor 116 alone" is not discernably different from "a combination of the sensor 116 and front-end interface 508"—the front-end interface 508 is included either way. And either way, Apple relies on Poeze embodiments where the front-end interface 508 converts the detector signal to a digital signal before it reaches the monitor 118, as explained above. Thus, the sensor 116 alone or combined with the front-end interface 508 outputs one or more *digital* signals, not analog signals as limitation [21a] requires. EX2058 ¶60.

Apple also argues that Poeze's ADC "receives the output of the front-end interface." Opp., 15. But this is not true in the embodiments on which Apple relies. Because Apple relies on Poeze embodiments where the front-end interface's ADC converts the detector signal 524 to a digital signal before it reaches the monitor 118, the ADC does not "receive" the output of the front-end interface. Instead, the ADC

provides the output of the front-end interface 508, namely, the digital signal that is subsequently received and processed by the monitor 118. EX1110, [0120], [0123]; EX2058 ¶61.

Limitation [21c]: Moreover, for limitation [21c], Apple argues the monitor 118 “receives signal data from the sensor 116” via a wired connection. Opp., 17. But as explained above, in the Poeze embodiments on which Apple relies, the analog signal from the sensor 116 is converted to a digital signal by the ADC of the front-end interface 508 before the signal reaches the monitor 118. Thus, the signals Poeze’s monitor receives via wired connection are digital signals, not “analog signals from the optical sensor” as limitation [21c] requires. EX2058 ¶62.

Further, Apple fails to set forth its obviousness grounds with particularity. Apple relies on multiple different embodiments of Poeze, as explained above. See Opp., 14–15, 17 (relying on Poeze’s embodiments in Figures 1B, 2B, 7, 8 and iterations thereof). Apple vaguely argues that “*in various embodiments*, [Poeze’s] sensor 116 alone, or a combination of the sensor 116 and front-end interface 508 provides the claimed optical sensor.” *Id.*, 15; EX2058, ¶62. Apple conspicuously avoids taking a position on the particular Poeze “embodiments” or “combination” that allegedly discloses the claimed optical sensor. *Id.* Presumably, Apple employs this wait-and-see tactic so it can articulate a specific theory on Sur-Reply, after reviewing Masimo’s Reply. Regardless, Apple’s vague reliance on multiple

embodiments does not establish obviousness because Apple fails “to show *with particularity* why the [challenged claims are] unpatentable.” *See, e.g., Harmonic*, 815 F.3d at 1363.

Moreover, Apple relies on “various embodiments” of Poeze, but never explains how or why a POSITA would have modified or combined those embodiments to arrive at the claims. Opp., 14–15. Instead, Apple “transfers [its] burden to the Board to figure out [Apple’s] argument, but ‘judges are not like pigs, hunting for truffles buried in briefs.’” *Tiktok Inc. v. Ntech Props., Inc.*, IPR2024-01340, 2025 WL 758164, at *12 (PTAB Mar. 10, 2025) (cleaned up). Because Apple never explains why a POSITA would have combined or modified Poeze in a manner that yields limitations [21a] and [21c], Apple fails to show obviousness. *See, e.g., In re Stepan Co.*, 868 F.3d 1342, 1346 (Fed. Cir. 2017) (motivation to combine/modify required when relying on “multiple embodiments from a single reference”). And Apple also fails to show obviousness because it never explains “how the combination [of embodiments] was supposed to work.” *See, e.g., Personal Web Techs., LLC v. Apple, Inc.*, 848 F.3d 987, 993–94 (Fed. Cir. 2017).

E. Apple Fails To Show Poeze Discloses Limitation [21b] (All Substitute Claims)

Using the claims as its guide, Apple argues it would have been obvious to mount “the internal components of [Poeze’s] monitor 118 (including the ADC and signal processor 510)” on a board such as a PCB. Opp., 16. But contrary to Apple’s

argument, the ADC is not an internal component of Poeze's monitor 118. Instead, Apple relies on Poeze embodiments where the front-end interface's ADC converts the detector signal 524 into a digital signal *before* it reaches the monitor 118. *Supra* §IV.C. Therefore, Apple cannot credibly contend that the front-end interface's ADC is an "internal component" of Poeze's monitor 118.

Further, even if the ADC were an internal component of Poeze's monitor 118, Apple fails to show a motivation to modify Poeze to put the ADC and the signal processor 510 "on a board" in the monitor 118. Apple generically argues this modification was "well-known in the art" and allows electrical communication "in a reliable, well-known manner." Opp., 16. But Apple's assertion that mounting components on a circuit board was well known "does not show a motivation to combine." *See, e.g., Virtek Vision Int'l ULC v. Assembly Guidance Sys., Inc.*, 97 F.4th 882, 888 (Fed. Cir. 2024). Apple also asserts that a benefit of using a PCB is reliable electrical communication "while securing the components within the assembly." Opp., 16. But the claims do not generically recite mounting components on a PCB. Rather, they require arranging the components such that "analog signals from the optical sensor" are received via the processing board. Thus, by merely stating generic advantages of mounting components on a PCB, such as reliable communication while securing components, Apple does not provide sufficient motivation for the specific claimed arrangement of components. *ActiveVideo*

Networks, Inc. v. Verizon Commc'ns, Inc., 694 F.3d 1312, 1328 (Fed. Cir. 2012) (generic motivations insufficient without reason POSITA would have combined elements from specific references in the claimed way).

Apple also argues that mounting Poeze's ADC and signal processor on the same board would "provide the benefits discussed in §III.A.4." Opp., 16. But Section III.A.4 is not about mounting components on a board. Rather, that section starts by identifying purported advantages of modifying Poeze's mobile phone to display graphs of SpO₂ and heart rate measurement values. Opp., 11–12. The section then addresses purported advantages of using Baba's heart icon. *Id.*, 12. Finally, the section addresses Pakula. *Id.*, 13–14. But even the Pakula discussion pertains to a **housing**, not putting components on a circuit board. *Id.* Thus, no benefits discussed in Section III.A.4 are relevant to the proposed modification. And contrary to Apple's argument that mounting an SpO₂ processor and ADC on the same PCB was "well-known" and "corroborated" in the art (Opp., 16), none of Apple's references even mention putting an ADC on the same board as the processor. EX1113, [0066], [0069]–[0070], [0085]–[0086]; EX1092, 11:6–20; EX1118, [81]; EX2058 ¶¶65–67.

F. Apple Has Not Demonstrated It Would Have Been Obvious To Combine Poeze, Kianl, and Baba To Yield Limitations [21f] - [21l] (All Substitute Claims)

Limitation [21b] recites a “smartphone mobile computing device” separate from the “processing board of the SpO2 measurement system.” Limitation [21e] recites the data communication between the processing board and the smartphone is wireless. Limitations [21f] and [21g] then recite “via an application configured to execute commands on the smartphone mobile computing device: generating a graphical user interface having a plurality of display portions on the touch-sensitive smartphone display.” And limitations [21h] through [21l] recite several types of (1) data (including SpO2 measurement values, a graph of historical SpO2 data, and a graph of historical heart rate data) and (2) user inputs that are displayed in the display portions of the touchscreen. Thus, in the claim, the graphical user interface displays a complex set of physiological measurement data, historical measurement data, and user inputs at multiple display portions on a touchscreen smartphone display, and not the physical component housing the processing board.

Apple relies on Poeze as having a monitor 118 that outputs physiological data to a mobile phone 126. Opp., 18 (citing EX1110 [0031], [0034]–[0035], FIG. 2B).

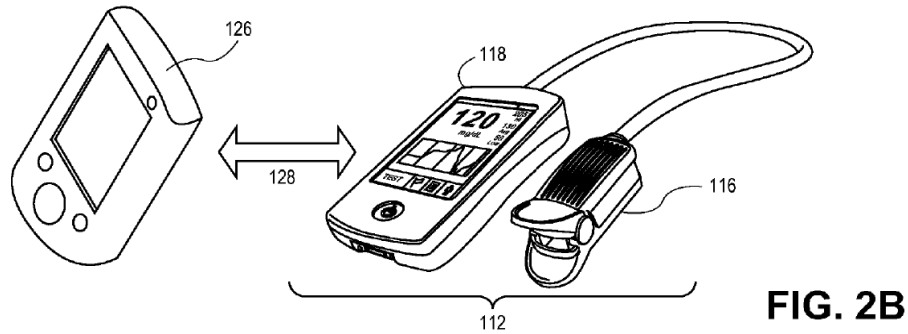


FIG. 2B

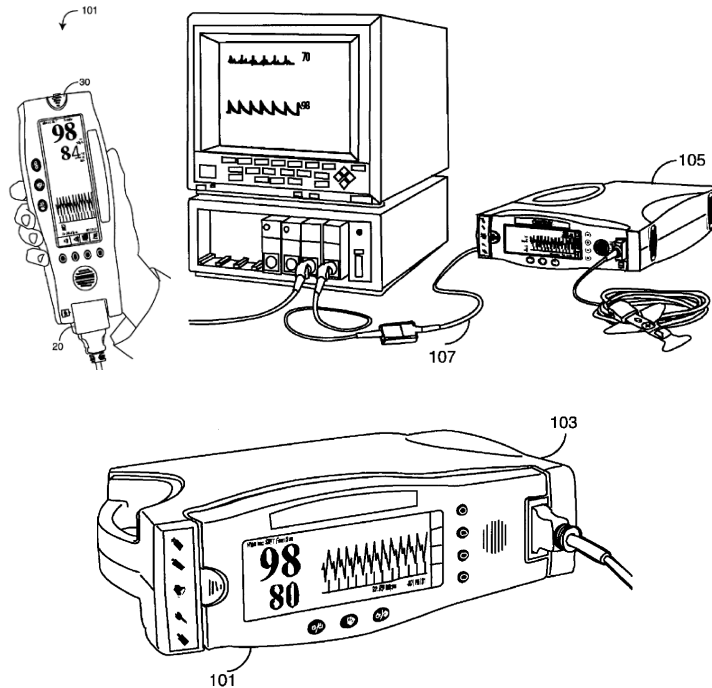
Apple does not assert that the touchscreen of Poeze’s mobile phone 126 displays the claimed set of data and user inputs on the claimed plurality of display portions of a touchscreen. Rather, Apple relies on Kianl² and Baba as disclosing data and inputs, including “examples of input icons and health data trend displays,” that allegedly correspond to the claimed data and inputs displayed in the plurality of display portions. Opp., 12.

Apple asserts it would have been obvious to modify Poeze’s touchscreen to implement Kianl’s input icons and health data trend displays and Baba’s heart icon. *Id.* To the contrary, a POSITA would not have attempted to modify Poeze’s touchscreen to implement Kianl’s user interface and Baba’s heart icon at least because (1) a POSITA would have appreciated the benefits of displaying the complex data and inputs generated by Kianl and Baba *on the same device that generates the complex data and inputs*, as taught by Kianl, and (2) there was no

² “Kianl” should be “Kiani.” EX1006, 42 (changing “Kianl” to “Kiani”). Masimo refers to this reference as “Kianl” solely for consistency with Apple’s briefing.

reason to redundantly display the complex data and inputs on a smartphone touchscreen because that information was already displayed on Kianl's handheld device, and (3) a POSITA would not have reasonably expected success in making the modifications. Kianl describes a "full-featured handheld pulse oximeter," which is an entirely different type of device than a smartphone, with a different user interface designed specifically to display the complex data and inputs generated by Kianl's device. EX1006, 3:40-45. Further, Kianl describes larger, more numerous, and more complex inputs than Poeze's smartphone touchscreen could reasonably display. *Id.*, FIGS. 1–2. Given these differences, Apple has not provided a reason why a POSITA would have modified Poeze to redundantly display Kianl and Baba's complex data and inputs on both the monitor that generates those data and inputs and Poeze's smartphone touchscreen. EX2058 ¶70.

Further, Kianl's user interface (with or without Baba's heart icon) could not have been readily implemented on a smartphone's touchscreen. Rather than a relatively small smartphone like Poeze, Kianl discloses a large, bedside device for real-time monitoring and display of complex physiological parameters in the hospital:



EX1006, FIGS. 1A–C. As illustrated, each embodiment has a large screen that displays multiple real-time physiological parameters, including oxygen saturation and heart rate, and a chart showing historical data for those parameters. Both the pulse oximeter 105 and the handheld 101 of Kianl are much larger than a smartphone. Indeed, Figure 1B of Kianl shows its handheld 101 is much larger than the user’s hand. A POSITA would have understood that the large sizes of Kianl’s pulse oximeter and handheld are necessary to accommodate screens large enough to display Kianl’s complex physiological measurements and historical data. EX2058 ¶¶71–72.

In addition, Kianl does not disclose a touchscreen user interface. Rather, Kianl requires the use of physical buttons, keys, or knobs to operate the device: “User input is handled through control keys 220–260 (FIG. 2A) on a front panel.

User input and displays are controlled by the handheld 101.” EX1006, 3:49–52. Kianl’s handheld includes physical buttons and knobs, including “fixed function keys 220–240, programmable function keys (“soft keys”) 260, [and] associated soft key icons 270.” *Id.*, 4:22–24. The “soft keys” are physical keys with programmable functions labeled by icons displayed on the screen next to the key: “Pressing a soft key 260 next to an icon 270 selects the option.” *Id.* 4:31–32; EX2058 ¶73.

Because Kianl’s interface lacks a touchscreen and requires physical buttons and knobs, a POSITA would not have been able to implement Kianl’s interface on Poeze’s smartphone. EX2058 ¶74. Kianl’s use of physical buttons and knobs is fundamentally different from and incompatible with Poeze’s touchscreen interface. *Id.* Further, a POSITA would not have expected success in either (1) modifying Poeze’s touchscreen interface or (2) adapting Kianl’s complex display of multiple physiological parameters and trend charts, to allow Poeze’s much smaller touchscreen to display the same information. *Id.* Indeed, a POSITA would not have reasonably expected to succeed in displaying Kianl’s (or Baba’s) complex set of multiple physiological parameter measurements, historical charts, and user inputs of Kianl in the extremely limited space of Poeze’s smartphone touchscreen. *Id.* The need to use significant portions of the smartphone screen for touchscreen controls, rather than use physical buttons or knobs for those controls like in Kianl, further demonstrates the lack of reasonable expectation of success. *Id.* Indeed, a POSITA

simply would not have expected both the controls of Kianl and Kianl's (or Baba's) complex data to fit on Poeze's touchscreen. *Id.* And reserving sufficient screen space to display Kianl's and Baba's multiple physiological parameters and historical charts would have required omitting important controls from Poeze's touchscreen, thereby rendering Poeze's device inoperable. *Id.*

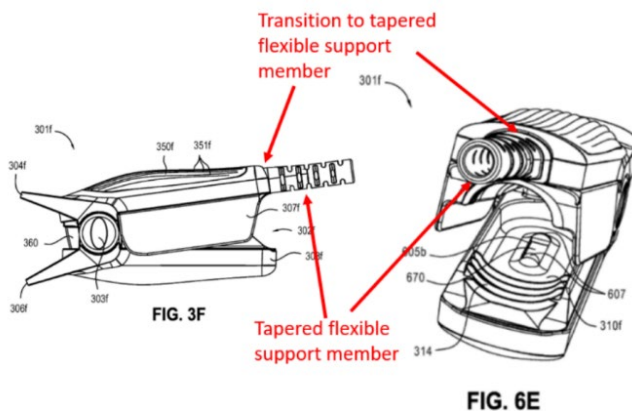
Apple did not even attempt to explain the numerous modifications or demonstrate that a POSITA would have reasonably expected success in modifying Poeze's touchscreen interface to allow it to display the multiple physiological parameters and historical charts Kianl's device can display. And Apple did not identify any changes to Poeze's touchscreen interface—or to the manner of presenting the complex set of data Kianl's device can display—that would make it feasible to display the same information on Poeze's touchscreen. Failing to even identify such changes, Apple certainly did not explain why a POSITA would have reasonably expected success in making the changes necessary to implement the combination. Apple's failure to show a reasonable expectation of success is a fatal omission because reasonable expectation of success is a necessary part of a *prima facie* case of obviousness. *Kinetic Concepts, Inc. v. Smith & Nephew, Inc.*, 688 F.3d 1342, 1360 (Fed. Cir. 2012) (patent challenger must show motivation to combine and reasonable expectation of success). And Apple cannot use its sur-reply to cure its failure to present a necessary part of its *prima facie* case. CTPG, 73–74.

Therefore, the Board should find all substitute claims patentable at least because Apple failed to meet its burden with respect to limitations [21f] through [21l]. EX2058 ¶¶75–76.

G. Limitation [23b] Is Not Taught By Poeze (Substitute Claim 23)

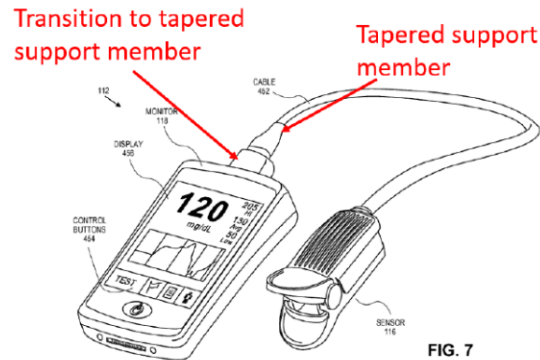
Limitation [23b] recites “the rounded rectangular enclosure comprising, on a first side, a first transition from the enclosure to a tapered flexible support member, and on a second side opposite the first side, a second transition from the enclosure to a tapered flexible support member.”

Apple points to material that Poeze incorporates by reference:



Opp., 26 (citing EX1111). However, that material depicts a finger clip sensor, which is very different from the claimed “rounded rectangular enclosure” of the protective assembly for the processing board, as specified in limitation [21n]. Recognizing this problem, Apple simply asserts that a “flexible support member” would have been “beneficial to include” on the modified monitor of Poeze. *Id.*, 27. But Apple fails to discuss how this might affect the claimed *transition* to such a member and fails to

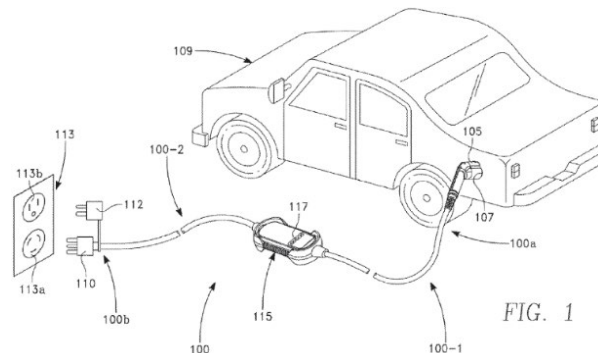
explain how such a modification would somehow benefit Poeze’s monitor. Instead, Apple illustrates a single transition to a support member protruding from the top of Poeze’s *unmodified* monitor:



APPLE-1110, FIG. 7

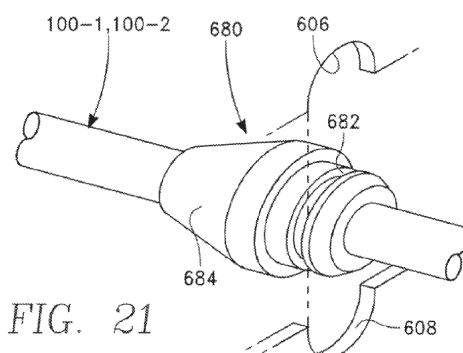
Id. Because this is not rounded and the cord protrudes from a flat face of the monitor, Apple’s fails to show how—if this were transformed to have a “rounded rectangular enclosure” as claimed—the further modification would include the claimed transition. EX2058 ¶¶77-78.

Apple also cites Soden, which is a large electric vehicle charger with very large cables for use on the floor of a garage:



EX1118, FIG. 1. This comes from an entirely different and unanalogous field, and Apple makes no effort to explain why a POSITA would look to Soden, which of

Soden’s teachings allegedly apply, or how or why a POSITA allegedly would have used Soden to further modify Poeze’s already transformed monitor. Instead, Apple selectively cites parts of Soden for phrases about bend relief such as “provide[] relief from lateral bending of the cable” (*id.*, [89]), which refers to this figure:

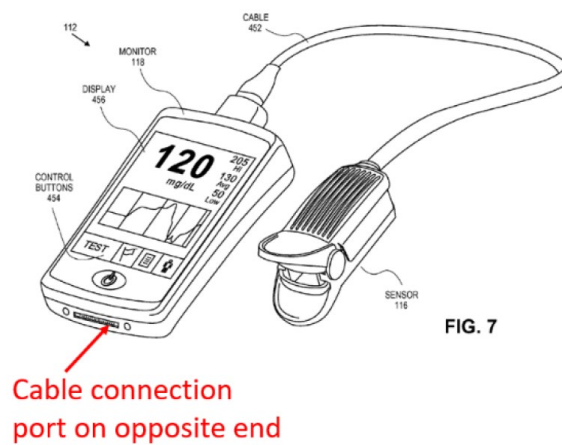


Opp., 27. Apple’s selective reliance on a phrase from the middle of a document in a wholly unrelated field is not only improper and indicative of the hindsight permeating Apple’s arguments, but it is also ineffective because the benefits of a flexible support member itself do not explain how or why a rounded protective *enclosure* would have the claimed *transition* to such a member. EX2058 ¶79.

Apple’s reliance on Martin (Opp., 28) fares no better. Martin describes how military grade fiber cables and optical cables are “sensitive to sharp bends” and “breakages” at the “connector-to-cable” junction (EX1123, [0003]), and how a bend/stress relief sleeve can address these problems (*id.*, [0032]). But Apple identifies nothing in Martin describing how or why a rounded protective *enclosure* would have the claimed *transition* to Martin’s bend/stress relief sleeve. EX2058 ¶79. Similarly, Apple’s cite to Lee’s figures 1–7 (Opp., 28, citing EX1121) does not

explain how or why a rounded protective enclosure would have such a transition. EX2058 ¶80.

Apple argues that a second transition would have been obvious “to provide the same bend relief benefits.” Opp., 28. But as before, bend relief benefits do not explain how or why a rounded protective *enclosure* would have the claimed *transition*. Apple again fails to illustrate or explain its proposed modifications to Poeze’s transformed monitor, or address that Poeze’s connection cable port is included on the unmodified end of the monitor:



Opp., 28. Apple argues that Figure 7 of Poeze discusses potentially useful peripherals for the unmodified port, such as medical sensors, accelerometer, backup, and power. Opp., 29. But discussion of possible connectable devices does nothing to cure the underlying deficiency: Apple utterly fails to explain how or why a rounded protective *enclosure* would have the claimed *transition* to a second bend relief portion. EX2058 ¶80.

H. **Apple Fails To Show A POSITA Would Have Combined Moon With Poeze With A Reasonable Expectation Of Success (All Substitute Claims)**

Apple argues that:

[If] claim 21 is interpreted such that the term “mobile measurement of oxygen saturation (‘SpO2’)” is interpreted to require active reduction and/or correction of motion artifacts from user motion, Moon would have been properly added to all of the Grounds in the same manner, to achieve the same benefits, as discussed in the Petition. Pet., §III.J.

Opp., 9. Apple thus improperly attempts to incorporate eight pages of its Petition (pages 64–72) into its Opposition. The Board should not consider Apple’s improperly incorporated Petition arguments. *Supra* §III.

Apple’s Petition dedicates three pages to explaining specifically why Apple believes *Mendelson* and Moon would have been combined, including that Mendelson’s system is intended for soldiers, Moon seeks to function for non-sedentary patients, Mendelson issues specific alerts, and Mendelson refers to improved filtering. Pet., 67–69. But Apple’s Opposition never explains why any of the Petition’s reasons for combining Moon with Mendelson would have motivated combining Moon with *Poeze*.

Apple’s Petition also relies on three paragraphs of expert testimony to argue that “a POSITA would have had a reasonable expectation of success in such a modification” of Mendelson using Moon because that modification would “yield

predictable results.” Pet., 69 (citing EX1003 ¶¶223–25). But those allegedly predictable results would not apply to the combination of Poeze and Moon that is actually asserted in Apple’s Opposition. And despite bearing the burden, Apple never explains otherwise.

Apple later again improperly incorporates Moon arguments by reference:

Moon is summarized in the Petition. Pet., §III.J. A POSITA would have been motivated to modify Poeze’s system based on Moon such that the monitor 118 (processing board) applies advanced signal processing with data filtering, such as to reduce the effects of motion on vital sign readings and filter out noise for reasons similar to those discussed for the Mendelson-Moon combination in the Petition (Pet., §III.J.2....

Opp., 32. Apple then generically lists benefits of the claimed filtering (“filter noise . . . to ‘greatly enhance accuracy’”; “improve[] signal-to-noise ratio”). *Id.* But these alleged motivations are not specific to the alleged Poeze-Moon combination and essentially amount to restating the claim limitations.

For these reasons, Apple has not met its burden to demonstrate unpatentability of any claims based on grounds that use Moon.

I. Apple Fails To Show A POSITA Would Have Modify Poeze Based On Kianl With A Reasonable Expectation Of Success (All Substitute Claims)

Apple argues that a POSITA would have modified Poeze based on Kianl “for reasons similar to those discussed for the Mendelson-Kianl combination in the

Petition,” and cites §§ III.C and C.2.” Opp., 11. Apple thus attempts to incorporate eight more pages of Petition argument (pages 29–37) into its Opposition. As discussed above, the Board should not consider Apple’s incorporation of these arguments by reference to the Petition. *Supra* §III.

Further, the eight pages of Petition arguments incorporated by Apple discuss a combination of Kianl with *Mendelson*—not the modification of Poeze based on Kianl that Apple now asserts in its Opposition. Apple’s Opposition never explains why any of the Petition’s reasons for combining Mendelson with Kianl would have motivated modifying *Poeze* based on Kianl. The incorporated reasons are also generic (e.g., “identify abnormal” information; “switch between various data views”; allow users to “more easily mentally process SpO2 and heart rate data”; improve “overall usability”; “allow users to easily access various features”). Opp., 11–12. None are specific to Poeze or explain why or how a POSITA would have modified Poeze based on Kianl to arrive at the structure Apple relies on. And just because Kianl allegedly provides “details absent from Poeze” (*id.*, 12) does not provide a reason to modify Poeze based on Kianl as Apple now proposes.

Apple again improperly attempts to incorporate Petition arguments by reference with respect to limitations [22pre]–[22b] and [23a]. *Id.*, 33 (arguing “Kianl provides elements [22pre]–[22b] in the Poeze-Kianl-Baba-Pakula-Moon system for the reasons discussed with respect to claim 14 in the Petition. Pet.,

§III.C.2.”), 26 (arguing “Kianl provides element [23a] in the Poeze-Kianl-Baba-Pakula system for the reasons discussed with respect to claim 17 in the Petition. Pet., §III.C.2.”). But the Petition (in the cited section or otherwise) did not address the “Poeze-Kianl-Baba-Pakula” or Poeze-Kianl-Baba-Pakula-Moon” system on which Apple now relies. Pet., 32–33. The cited Petition section merely addresses the combination of Mendelson and Kianl, and the Petition does not rely on Poeze or Baba or Pakula at all. The fact that Apple relies on the alleged motivations from its Petition shows how generic and inapplicable such motivations are to the convoluted new four- and five-reference combinations asserted in Apple’s Opposition.

For these reasons, Apple has not met its burden to demonstrate unpatentability of any claims based on grounds that use Kianl.

V. CONCLUSION

For the foregoing reasons, and the reasons set forth in Masimo’s Revised Motion to Amend, Masimo’s Revised Motion to Amend should be granted.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: April 24, 2025

/ Philip M. Nelson /

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Attorney for Patent Owner

Masimo Corporation

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 **MASIMO’S REPLY TO APPLE’S OPPOSITION TO MASIMO’S REVISED MOTION TO AMEND AND EXHIBIT 2058** is being served electronically on April 24, 2025, to the e-mail addresses shown below:

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Dated: April 24, 2025

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