

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

**SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC.,
FOSSIL GROUP, INC.,
FOSSIL STORES I, INC.,
FOSSIL PARTNERS, L.P., AND
OURA HEALTH OY, AND
ONEPLUS TECHNOLOGY (SHENZHEN) CO., LTD.**

Petitioners,

v.

OMNI MEDSCI, INC.,

Patent Owner.

Case IPR2025-01251
Patent No. 10,874,304

**PETITIONERS' ADDITIONAL BRIEF REGARDING THE IMPACT OF
THE *REVVO* AND *TESLA* DECISIONS**

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EXHIBIT LIST

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1001	U.S. Patent No. 10,874,304 (“304”)
1002	File History of U.S. Application No. 16/669,794 (“304FH”)
1003	Declaration of Brian Anthony in Support of Petition for <i>Inter Partes</i> Review of U.S. Patent No. 10,874,304 (“Anthony”)
1004	Declaration of Brian Anthony in Support of Petition for <i>Inter Partes</i> Review of U.S. Patent No. 9,651,533 submitted in IPR2019-00916, Ex. 1003 (“533-Anthony”)
1005	<i>Apple Inc. v. Omni Medsci, Inc.</i> , No. IPR2019-00916, Paper 1 (P.T.A.B. Apr. 10, 2019) (“533-Pet.”)
1006	<i>Apple Inc. v. Omni Medsci, Inc.</i> , No. IPR2019-00916, Paper 23 (P.T.A.B. Jan. 31, 2020) (“533-POR”)
1007	<i>Apple Inc. v. Omni Medsci, Inc.</i> , No. IPR2019-00916, Paper 16 (P.T.A.B. Oct. 18, 2019) (“533-Inst.”)
1008	<i>Apple Inc. v. Omni Medsci, Inc.</i> , No. IPR2019-00916, Paper 39 (P.T.A.B. Oct. 14, 2020) (“533-FWD”)
1009	<i>Omni MedSci, Inc. v. Apple Inc.</i> , No. 2021-1229, 2022 WL 2062168 (Fed. Cir. June 8, 2022)
1010	Declaration of Brian Anthony in Support of Petition for <i>Inter Partes</i> Review of U.S. Patent No. 10,517,484 submitted in IPR2021-00453, Ex. 1003 (“484-Anthony”)
1011	<i>Apple Inc. v. Omni Medsci, Inc.</i> , No. IPR2021-00453, Paper 1 (P.T.A.B. Jan. 22, 2021) (“484-Pet.”)
1012	<i>Apple Inc. v. Omni Medsci, Inc.</i> , No. IPR2021-00453, Paper 10 (P.T.A.B. Nov. 12, 2021) (“484-POR”)
1013	<i>Apple Inc. v. Omni Medsci, Inc.</i> , No. IPR2021-00453, Paper 7 (P.T.A.B. Aug. 6, 2021) (“484-Inst.”)

Exhibit No.	DESCRIPTION
1014	<i>Apple Inc. v. Omni Medsci, Inc.</i> , No. IPR2021-00453, Paper 11 (P.T.A.B. Feb. 4, 2022) (“’484-Pet.-Reply”)
1015	<i>Apple Inc. v. Omni Medsci, Inc.</i> , No. IPR2021-00453, Paper 22 (P.T.A.B. Aug. 3, 2022) (“’484-FWD”)
1016	<i>Apple Inc. v. Omni Medsci, Inc.</i> , No. IPR2021-00453, Paper 26 (P.T.A.B. Feb. 14, 2025) (“’484-RFWD”)
1017	<i>Apple Inc. v. Omni MedSci, Inc.</i> , No. 2023-1034, 2024 WL 3084509 (Fed. Cir. June 21, 2024), ECF No. 44
1018	<i>Omni MedSci, Inc. v. Apple Inc.</i> , 2:18-cv-00134-RWS, Dkt. No. 211 (E.D. Tex. June 24, 2019) (“CC Order”)
1019	<i>Omni MedSci, Inc. v. Apple Inc.</i> , 2:18-cv-00429-RWS, Dkt. No. 152 (E.D. Tex. Aug. 14, 2019)
1020	Second Amended Docket Control Order, June 16, 2025. <i>Omni MedSci, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:24-cv-01070-JRG-RSP (E.D. Tex.)
1021-22	<i>Reserved</i>
1023	Defendants’ Supplemental Invalidity and Subject Matter Eligibility Contentions, July 18, 2025. <i>Omni MedSci, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:24-cv-01070-JRG-RSP (E.D. Tex.).
1024	<i>Reserved</i>
1025	U.S. Patent No. 9,241,676 (“Lisogurski”)
1026	U.S. Patent Pub. No. 2010/0217102 (“LeBoeuf”)
1027	U.S. Patent No. 8,108,036 (“Tran”)
1028	U.S. Patent Pub. No. 2005/0049468 (“Carlson”)

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1030	<i>Reserved</i>
1031	U.S. Patent No. 8,050,730 (“Zhang”)
1032	U.S. Patent No. 8,821,397 (“Al-Ali”)
1033	U.S. Patent Pub. No. 2011/0237911 (“Lamego”)
1034	U.S. Patent No. 5,942,749 (“Takeuchi”)
1035	U.S. Patent No. 5,822,473 (“Magel”)
1036	US Patent 5,592,124 (“Mullins”)
1037	E.F. Schubert, Light-Emitting Diodes (Cambridge Univ. Press, 2nd ed. reprinted 2014)
1038	Joseph D. Bronzino, “The Biomedical Engineering Handbook,” (1995)
1039	U.S. Patent No. 8,079,735 (“Vakil”)
1040	<i>Reserved</i>
1041	U.S. Patent Pub. No. 2012/0197093 (“Valencell-093”)
1042	U.S. Patent No. 8,862,196 (“Lynn”)
1043	U.S. Patent No. 8,412,655 (“Colman”)
1044	U.S. Patent No. 5,511,553 (“Segalowitz”)
1045	U.S. Patent No. 6,801,799 (“Mendelson”)
1046	U.S. Patent No. 6,662,033 (“Casciani”)

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1049	U.S. Pat. Pub. 2007/0194939(“Alvarez”)
1050	<i>Reserved</i>
1051	U.S. Patent No. 6,931,269 (“Terry”)
1052-58	<i>Reserved</i>
1059	U.S. Patent No. 5,497,769 (“Gratton”)
1060	U.S. Patent No. 5,827,182 (“Raley”)
1061	U.S. Patent No. 7,764,982 (“Dalke”)
1062	U.S. Patent No. 6,343,223 (“Chin”)
1063	W.O. Patent Pub. No. 2000/013003 (“Colvin”)
1064	U.S. Patent No. 5,554,273 (“Demmin”)
1065	U.S. Patent No. 5,953,713 (“Behbehani”)
1066	U.S. Patent No. 6,587,704 (“Fine”)
1067	U.S. Patent No. 6,397,092 (“Norris”)
1068	U.S. Patent No. 5,360,004 (“Purdy”)
1069-76	<i>Reserved</i>
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Exhibit No.	DESCRIPTION
1081	US. Patent No. 9,651,533 (“533”)
1082	U.S. Patent No. 10,517,484 (“484”)
1083	Declaration of Brian Anthony in Support of Petition for Inter Partes Review of U.S. Patent No. 9,861,286 submitted in IPR2019-00914, Ex. 1003
1084	Declaration of Jonathan Bradford in Support of Petition for <i>Inter Partes</i> Review of U.S. Patent No. 10,874,304
1085	<i>Apple Inc. v. Omni Medsci, Inc.</i> , No. IPR2019-00916, Paper 10 (P.T.A.B. July. 22, 2019) (“533-POPR”)
1086	<i>Samsung Electronics Co., Ltd. et al v. Omni MedSci, Inc.</i> , No. IPR2025-01253 Paper 6 (P.T.A.B. Aug. 5, 2025)
1087	<i>Samsung Electronics Co., Ltd. et al v. Omni MedSci, Inc.</i> , No. IPR2025-01254 Paper 6 (P.T.A.B. Aug. 5, 2025)
1088-1090	<i>Reserved</i>
1091	<i>Apple Inc. v. Omni Medsci, Inc.</i> , No. IPR2021-00453, Paper 27 (P.T.A.B. Apr. 11, 2025)
1092	<i>Samsung Electronics Co., Ltd. et al v. Omni MedSci, Inc.</i> , No. IPR2025-01249 Paper 1 (P.T.A.B. Aug. 5, 2025) (“868 Pet.”)
1093	<i>Samsung Electronics Co., Ltd. et al v. Omni MedSci, Inc.</i> , No. IPR2025-01250 Paper 1 (P.T.A.B. Aug. 5, 2025) (“533 Pet.”)
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1096	<i>Samsung Electronics Co., Ltd. et al v. Omni MedSci, Inc.</i> , No. IPR2025-01254 Paper 1 (P.T.A.B. Aug. 5, 2025) (“475 Pet.”)

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1097	<i>Samsung Electronics Co., Ltd. et al v. Omni MedSci, Inc.</i> , No. IPR2025-01253 Paper 1 (P.T.A.B. Aug. 5, 2025) (“790 Pet.”)
1098	Email correspondence between counsel for Fossil to counsel for Omni
1099	U.S. Patent No. 9,055,868 (“868”)
1100	<i>Reserved</i>
1101	U.S. Patent No. 11,160,455 (“455”)
1102	U.S. Patent No. 12,193,790 (“790”)
1103	U.S. Patent No. 12,268,475 (“475”)
1104	<i>Apple Inc. v. Omni MedSci, Inc.</i> , No. IPR2020-00175, Paper 26 (P.T.A.B. June 14, 2021)
1105	<i>Omni MedSci, Inc. v. Apple Inc.</i> , No. 2021-2213, 2022 WL 2062167 (Fed. Cir. June 8, 2022), ECF No. 47
1106	<i>Apple Inc. v. Omni Medsci, Inc.</i> , No. IPR2020-00029, Paper 7 (P.T.A.B. Apr. 22, 2020)
1107	<i>Apple Inc. v. Omni Medsci, Inc.</i> , No. IPR2019-00914, Paper 13 (P.T.A.B. Nov. 6, 2019)
1108	<i>Apple Inc. v. Omni Medsci, Inc.</i> , No. IPR2019-00917, Paper 14 (P.T.A.B. Oct. 17, 2019)
1109	<i>Reserved</i>
1110	United States District Courts – National Judicial Caseload Profile
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1112	Joint Mot for Preferential Trial Setting, <i>Multimedia Techs. Ltd. v LG Elecs.</i> , 2:22-cv-00494-JRG-RSP, Dkt. No. 273 (E.D. Tex. Mar. 18, 2025)
1113	Omni's First Set of Common Interrogatories to Defendants (2025-05-12)
1114	<i>Reserved</i>
1115	OnePlus Waiver of Service, <i>Omni MedSci, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:24-cv-01070-JRG-RSP, Dkt. No. 70 (E.D. Tex. June 27, 2025)
1116	<i>Omni MedSci, Inc. v. Apple Inc.</i> , 4:20-cv-00563, Dkt. No. 52 (N.D. Cal. Dec. 06, 2021)
1117	Declaration of James Nowell in Support of Petitioners' Opposition to Patent Owner's Discretionary Denial Brief
1118	Defendants' Preliminary Constructions and Extrinsic Evidence – Exhibit A, <i>Omni MedSci, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:24-cv-01070-JRG-RSP (E.D. Tex. Oct. 31, 2025)
1119	Local Patent Rules for the United States District Court for the Eastern District of Texas
1120	Email correspondence between counsel for Samsung and counsel for Omni
1121	December 9, 2025 email from the Board authorizing Petitioners to file additional brief regarding the impact of the <i>Revvo</i> and <i>Tesla</i> decisions

TABLE OF ABBREVIATIONS

Exhibit No.	DESCRIPTION
IPR	<i>Inter Partes</i> Review
Petitioners	Petitioners Samsung Electronics Co. Ltd., Samsung Electronics America Inc., Fossil Group, Inc., Fossil Stores I, Inc., Fossil Partners, L.P., Oura Health Oy, and OnePlus Technology (Shenzhen) Co., Ltd.
PO	Patent Owner
Pet.	<i>Samsung Electronics Co., Ltd. et al. v. Omni MedSci, Inc.</i> , No. IPR2025-01251, Paper 1 (PTAB Aug. 5, 2025)
Texas Case	<i>Omni MedSci, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:24-cv-01070-JRG-RSP (E.D. Tex.)
'304	U.S. Patent No. 10,874,304
POPR	Patent Owner Preliminary Response

I. INTRODUCTION

Petitioners' claim constructions in the parallel Texas Case do not impact this IPR. Regarding potentially indefinite terms, the Petition explains how "the prior art discloses and renders obvious the indisputable scope of" those terms consistent with *Tesla, Inc. v. Intell. Ventures II LLC*, IPR2025-00340, Pap. 18, at 3-4 (Director Nov. 5, 2025). Regardless, Petitioners withdrew all indefiniteness positions in the Texas Case before PO's Preliminary Response ("POPR") was due—eliminating any alleged inconsistencies and complying with *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Pap. 20, at 3-5 (Director Nov. 3, 2025). And even if there could be any inconsistency, Petitioners' stipulation to not raise any indefiniteness issue upon institution further moots this issue. The Petition thus complies with 37 C.F.R. § 42.104(b)(3), *Tesla*, and *Revvo*.

II. PROCEDURAL BACKGROUND

On July 18, 2025, Petitioners, except for OnePlus Technology (Shenzhen) Co., Ltd. who had not appeared in the case yet, served Supplemental Invalidity and Subject Matter Eligibility Contentions in the Texas Case. Ex. 1023. The Contentions identified certain '304 claim terms as potentially indefinite. *Id.*, 236-38. Recognizing the position in the Texas Case, the Petition explains that, "[r]egardless of the outer bounds of these limitations, the prior art discloses and/or renders obvious the indisputable scope of these limitations." Paper 1 ("Pet."), 14, n.3. Likewise,

Petitioners' expert, Dr. Brian Anthony, provided detailed testimony showing that, regardless of the interpretation, the prior art meets these limitations. Ex. 1003, ¶¶66-67, 118-120, 141-142, 181, 200, 235, 242, 258-159, 281, 285, 289, 298, 304, 309, 313, 342-343, 359-360, 364, 400-401.

On October 10, 2025, as part of the Texas Case, Petitioners served their Proposed Terms and Claim Elements for Construction pursuant to Eastern District of Texas Patent Rule ("P.R.") 4-1, which requires all "claim terms, phrases, or clauses which [Defendants] contend[] should be construed or found indefinite by the Court" to be included. *See* Ex. 1119 at 62. The P.R. 4-1 disclosure identified no indefinite terms for the '304, as confirmed by Petitioners' P.R. 4-2 claim construction exchange on October 31, 2025. *See id.* at 63; Ex. 2034.

On November 12, 2025, PO filed its POPR arguing that Petitioners took inconsistent positions on indefiniteness. Paper 12 ("POPR"), 13-16. Petitioners sought to correct PO's misrepresentation of the record, which resulted in the Board's December 9, 2025 authorization of this briefing. Ex. 1121.

III. PETITIONERS' POSITIONS HAVE BEEN CONSISTENT

Petitioners' positions in this IPR and the Texas Case have been consistent. For the terms identified as potentially indefinite in the Texas Case, the Petition, supported by Dr. Anthony's detailed declaration, makes clear that the asserted art satisfies those terms regardless of the terms' outer bounds. Pet., 14, n.3 (citing

Ex. 1003, ¶¶66-67, 118-120, 141-142, 181, 200, 235, 242, 258-259, 281, 285, 289, 298, 304, 309, 313, 342-343, 359-360, 364, 400-401). In contrast, the *Tesla* petitioner argued that a term was indefinite in the district court, while proposing plain and ordinary meaning in its petition without addressing the inconsistent positions. *Tesla*, IPR2025-00340, Pap. 18 at 3-4. Here, consistent with the Director’s guidance, Petitioners showed that, “notwithstanding the alleged indefiniteness of the claim term, an ordinarily skilled artisan would understand that the asserted art satisfies the claim limitation (such as if the limitation prescribed a range and only the outer bounds of the range were unclear).” *Id.* For the same reason, *Revvo Techs.* is inapposite—Petitioners treated the terms consistently between this IPR and the Texas Case.

Even if the Petition’s explanation were insufficient (it is not), Petitioners did not identify any ’304 term as indefinite in their P.R. 4-1 and 4-2 exchanges, thereby withdrawing all indefiniteness positions before the POPR was due in this IPR. *See* §II (discussing E.D. Tex. Local Patent Rules 4-1 and 4-2); Ex. 2034. “[N]o indefiniteness dispute [thus] remains.” Ex. 1120 at 1. PO’s assertion that Petitioners have maintained these disputes is incorrect. EDTX courts recognize that “the Local . . . Rules prevent” “reassert[ing]” indefiniteness defenses after “drop[ping]” them. *Stratasys, Inc. v. Shenzhen Tuozhu Tech. Co.*, No. 2:24-CV-00644-JRG, 2025 WL 3164626, at *2 (E.D. Tex. Nov. 12, 2025) (denying leave to re-assert a withdrawn

indefiniteness position).

Nonetheless, at PO's request, Petitioners stipulate that Petitioners will not raise any indefiniteness arguments in the Texas Case as to any claims subject to an instituted IPR in this proceeding. *See* Ex. 1121. There was and is no inconsistency in Petitioners' indefiniteness positions, and there will be none.

IV. CONCLUSION

Petitioners' claim constructions are consistent between the IPR and the Texas Case, and comply with *Tesla* and *Revvo*. This IPR should be instituted.

Dated: December 12, 2025

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CERTIFICATE OF COMPLIANCE

In compliance with the Board's instruction, the undersigned certifies that the foregoing Petitioners' Additional Briefing Regarding the Impact of the *Revvo* and *Tesla* Decisions is no more than 5 pages, as measured by the word-processing system used to prepare this paper. This count does not include the items excluded by §42.24 as not counting towards the word limit.

Dated: December 12, 2025

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing PETITIONERS' ADDITIONAL BRIEF REGARDING THE IMPACT OF THE *REVVO* AND *TESLA* DECISIONS was served by filing this document through the Patent Trial and Appeal Case Tracking System (P-TACTS) as well as providing a courtesy copy via electronic mail to the following attorneys of record for each party as listed below:

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