

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.; AND
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

OURARING, INC.
Patent Owner.

PGR2024-00030
U.S. Patent No. 11,868,178

**PATENT OWNER'S SUPPLEMENTAL BRIEF
ON U.S. INTERNATIONAL TRADE COMMISSION'S ADJUDICATION
OF THE SAME CLAIMS BASED ON THE SAME OR SUBSTANTIALLY
SAME EVIDENCE AND ARGUMENTS**

TABLE OF EXHIBITS

Exhibit No.	Description
2001	Article titled “The Best Smart Rings to Rule Them All”
2002	Article titled “‘Best Consumer Wellness Company’ award from the UCSF Digital Health Awards and Time magazine's ‘100 Best Inventions of 2020’”
2003	Article titled “Why the Oura Ring Gen 3 was our wearable of the year – Wearable 2022”
2004	Article titled “On the Heels of 1 Million Rings Sold, Oura Now Valued at \$2.55 Billion”
2005	U.S. Patent Application Publication No. 2015/0277559 (“Vescovi”)
2006	U.S. Patent Application Publication No. 2013/0106603 (“Weast”)
2007	U.S. Patent No. 10,768,666
2008	Non-Final Office Action from Application No. 16/224,686, dated October 2, 2019
2009	Response to Non-Final Office Action from Application No. 16/224,686, dated April 1, 2020
2010	Notice of Allowance from Application for U.S. Patent No. 10,768,666, dated December 18, 2018
2011	Joint Claim Construction Chart, dated July 19, 2024
2012	Supplemental Joint Claim Construction Chart, dated August 20, 2024
2013	Article titled “Active RFID vs Passive RFID: What's the Difference?”
2014	Article titled, “How are PCBs made? A Beginner’s Guide to the PCB Manufacturing Process”

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2015	Disclaimer of Claim 11 of U.S. Patent No. 11,868,178, dated August 28, 2024
2016	Claim Construction Order, <i>Certain Smart Wearable Devices, Systems, and Components Thereof</i> , Inv. No. 337-TA-1398, Order No. 17 (Oct. 23, 2024)
2017	RESERVED
2018	Declaration of Dr. Patrick Mercier.
2019	Declaration of Andrew Clarke, CFA (Outside Attorney's Eyes Only - Protective Order Material)
2020	Deposition Transcript of Dr. Brian Anthony, Volume I, dated February 25, 2025
2021	Deposition Transcript of Dr. Brian Anthony, Volume II, dated February 25, 2025
2022	RESERVED
2023	Wikipedia - Printed Circuit Board (Dr. Anthony Depo. Ex. 4)
2024	Inv. No. 337-TA-1398 Evidentiary Hearing Transcript, Day 1, dated December 11, 2024 and Day 3, dated December 13, 2024 (Outside Attorney's Eyes Only - Protective Order Material)
2025	U.S. Patent No. 5,964,701 to Asada
2026	Coin Cell vs. Button Cell vs. Pouch Cell: Understanding the Differences
2027	Ultrahuman Air Ring Teardown Images
2028	RingConn Smart Ring Teardown Images

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2029	Oura Ring Gen. 3 Tear Down Images
2030	Oura Ring Gen. 4 Tear Down Images
2031	Capture from Go Inside Oura Ring Video
2032	Capture of Oura Ring Instagram Page Site
2033	The Motiv Ring User's Manual, available at https://mymotiv.com/static/assets/the-motiv-ring-users-manual.pdf
2034	Schematic, Oura Ring Gen. 1 (Outside Attorney's Eyes Only - Protective Order Material)
2035	Samsung Electronics Co., Ltd. Business Report for the Year Ended December 31, 2023
2036	Arjun Kharpal, Samsung launches the Galaxy Ring — a first-of-its-kind product for the tech giant, CNBC, available at: https://www.cnbc.com/2024/07/10/samsung-galaxy-ring-launch-price-specs-feature-availability.html
2037	Maria Diaz, Samsung unveils Galaxy Ring: Key features, price, and everything you need to know, Zdnet, available at: https://www.zdnet.com/article/samsung-unveils-galaxy-ring-key-features-price-and-everything-you-need-to-know
2038	Explore Galaxy Ring, Samsung US, available at: https://www.samsung.com/us/rings/galaxy-ring/#health
2039	Galaxy Ring, Titanium Black, Size 11, available at: https://www.samsung.com/us/rings/galaxy-ring/buy/galaxy-ring-size-11-titanium-black-sm-q501nzkaxar/
2040	Oura Ring Privacy Policy Oura Health, Ouraring, available at: https://ouraring.com/privacy-policy
2041	RESERVED

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2042	Oura Ring Terms. and Conditions, Ouraring, available at: https://ouraring.com/terms-and-conditions
2043	Oura Health Launches Oura Ring Generation 3, Business Wire, available at: https://www.businesswire.com/news/home/20211026005340/en/%C5%8CURA-Health-Launches-Oura-Ring-Generation-3
2044	Oura Ring, About Us, Ouraring, available at: https://ouraring.com/about-us
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2046	Oura Homepage, available at: https://ouraring.com/
2047	The Origins and Evolution of Oura Ring, available at: https://ouraring.com/blog/history-of-oura/
2048	Maria Diaz, Samsung Galaxy Ring vs. Oura Ring: Which Wearable Should you buy?, Zdnet, available at: https://www.zdnet.com/article/samsung-galaxy-ring-vs-oura-ring-which-wearable-should-you-buy/
2049	Explore the Benefits of Oura: Smart Rings for Wellness, Why Oura, Ouraring, available at: https://ouraring.com/why-oura
2050	Arjun Kharpal, Smart ring leader Oura plans international push as CEO touts new features and thinking on hardware, CNBC, available at: https://www.cnbc.com/2024/11/14/oura-plans-international-expansion-tests-nutrition-and-ai-features.html
2051	Oura Ring Membership, Oura, available at: https://ouraring.com/membership
2052	Previous Oura Ring Generations, Oura Help, available at: https://support.ouraring.com/hc/en-us/articles/360025570153-Previous-Oura-Ring-Generations

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2053	Software Updates for iOS, Oura Help, available at: https://support.ouraring.com/hc/en-us/articles/360025570013-Software-Updates-for-iOS
2054	Software Updates for Android, Oura Help, available at: https://support.ouraring.com/hc/en-us/articles/10470796678035-Software-Updates-for-Android
2055	Introducing the New Oura Ring Generation 3, Oura The Pulse Blog, available at: https://ouraring.com/blog/oura-generation2-vs-generation3/
2056	Shop Oura, Ring Gen3: Choose your Style, Heritage, Silver, available at: https://ouraring.com/product/rings/oura-gen3/heritage/silver
2057	Shop Oura, Ring Gen3: Choose your Style, Horizon, Silver, available at: https://ouraring.com/product/rings/oura-gen3/horizon/silver
2058	Oura Ring 4 — everything we know so far about the next generation smart ring, Tom's Guide, available at: https://www.tomsguide.com/wellness/fitness-trackers/oura-ring-4
2059	Oura Ring 4, Oura Help, available at: https://support.ouraring.com/hc/en-us/articles/33045011508115-Oura-Ring-4
2060	Adrienne So, Review: Oura Ring 4, Wired, available at: https://www.wired.com/review/oura-ring-4/
2061	Shop Oura, Ring Gen4: Choose your Style, available at: https://ouraring.com/product/rings/oura-ring-4/silver
2062	Oura Ring 4 - Silver - Size 8 - Smart Ring - Size First with Oura Ring 4 Sizing Kit - Sleep Tracking Wearable - Heart Rate - Fitness Tracker - Up to 8 Days of Battery Life, Amazon, available at: https://www.amazon.com/Oura-Ring-Tracking-Wearable-Fitness/dp/B0D9WVSZ56/?th=1
2063	Oura Units and membership detail (May 2024) (Outside Attorney's Eyes Only - Protective Order Material)
2064	How to Use the Oura App, Oura Help, available at: https://support.ouraring.com/hc/en-us/articles/360058599753-How-to-Use-the-Oura-App

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2066	What Makes the Oura Ring Different? Oura The Pulse Blog, available at: https://ouraring.com/blog/the-oura-difference/
2067	Oura Launches Gen3 Ring, Monthly Subscription, Fitt Insider, available at: https://insider.fitt.co/oura-launches-gen3-ring-monthly-subscription/
2068	Michael Shirer, IDC Forecasts Continued Growth for Wearables But Growth Will Be Uneven Across Product Categories, IDC, available at: https://www.idc.com/getdoc.jsp?containerId=prUS52615024
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2070	Fitness Tracker Market Size, Share & Trends Analysis Report By Type, By Application, By Wearing Type, By Distribution Channel, By Region, And Segment Forecasts, 2025 - 2030, Research and Markets, available at: https://www.researchandmarkets.com/reports/5390580/fitness-tracker-market-size-share-and-trends
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2077	Kalyani Raje, Smart Rings Market Report 2025 (Global Edition), Cognitive Market Research, available at: https://www.cognitivemarketresearch.com/smart-rings-market-report
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2079	Smart Ring Market to Reach USD 1,405.1 Million by 2032 Report by DataHorizon Research, GlobeNewswire, available at: https://www.globenewswire.com/news-release/2023/10/27/2768392/0/en/Smart-Ring-Market-To-Reach-USD-1-405-1-Million-By-2032-Report-By-DataHorizzon-Research.html
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2086	Kate Brinks, Investments from Fidelity Management & Research Company and Dexcom bring ŌURA valuation to \$5.2 billion, Businesswire, available at: https://www.businesswire.com/news/home/20241219533815/en/%C5%8CURA-Secures-200-Million-in-Series-D-Funding
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2089	Elizabeth Ostertag, Oura, Samsung & More: The Smart Ring Era is Here, available at: https://athlechnews.com/oura-samsung-more-the-smart-ring-era-is-here/
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2101	Oura, Discover Oura's health, fitness, and sleep rings, Our, available at: https://www.ouraring.com/product/rings
2102	Kate Kozuch, Oura Ring 4 review: the new gold standard for smart rings, Tom's Guide, available at: https://www.tomsguide.com/wellness/fitness-trackers/oura-ring-4-review
2103	Samsung Electronics Co., Ltd. and Its Subsidiaries Consolidated Statements of Profit or Loss For the Years Ended December 31, 2020 and 2021
2104	Samsung Electronics Co., Ltd. and Its Subsidiaries Consolidated Statements of Profit or Loss For the Years Ended December 31, 2021 and 2022
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2107	FY22 USD Consolidated Income Statement (Outside Attorney's Eyes Only - Protective Order Material)
2108	FY23 USD Consolidated Income Statement (Outside Attorney's Eyes Only - Protective Order Material)
2109	FY24 USD Consolidated Income Statement (Outside Attorney's Eyes Only - Protective Order Material)
2110	Q1 FY25 USD Consolidated Income Statement (Outside Attorney's Eyes Only - Protective Order Material)
2111	Rings sold ALL TIME – Cumulative (Outside Attorney's Eyes Only - Protective Order Material)
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2113	Ultrahuman Marketing Graphics
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2115	Pingu: Another User-friendly Interface Device 2012
2116	Initial Determination of the U.S. International Trade Commission on Validity of the '178 patent (April 18, 2025)
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2118	Deposition Tr. of Mr. Michael Davies (Outside Attorney's Eyes Only - Protective Order Material)
2119	RESERVED
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2122	Inv. No. 337-TA-1398 ALJ Final Initial Determination on Violation and Recommended Determination on Remedy and Bond, April 18, 2025 (Public)
2123	Inv. No. 337-TA-1398, Notice of the Commission's Final Determination, Aug. 21, 2025
2124	Inv. No. 337-TA-1398, Commission Opinion, Aug. 21, 2025 (Public)
2125	Inv. No. 337-TA-1398 Complainants' Pre-Hearing Brief (Public)
2126	Inv. No. 337-TA-1398 Respondents' Pre-Hearing Brief (Public)
2127	Inv. No. 337-TA-1398 Staff Pre-Hearing Brief (Public)
2128	Inv. No. 337-TA-1398 Complainants' Initial Post-Hearing Brief (Public)
2129	Inv. No. 337-TA-1398 Respondents' Initial Post-Hearing Brief (Public)
2130	Inv. No. 337-TA-1398 Complainants' Responsive Post-Hearing Brief (Public)
2131	Inv. No. 337-TA-1398 Respondents' Responsive Post-Hearing Brief (Public)
2132	Inv. No. 337-TA-1398 Evidentiary Hearing Transcript, Day 4, dated December 16, 2024 (Public)
2133	Inv. No. 337-TA-1398 Evidentiary Hearing Transcript, Day 5, dated December 17, 2024 (Public)
2134	Sept. 26, 2025 Ltr. From Members of Congress to Office of the USTR regarding Inv. No. 337-TA-1398

Patent Owner files this brief pursuant to the authorization granted in Paper 50 to file relevant materials (Exs. 2122-2133) from the related U.S. International Trade Commission (ITC) investigation on the U.S. Patent No. 11,868,178 (“’178 patent”). See Paper 50 (Order) at 3, n4. In addition, pursuant to the Board’s Order “that the parties shall submit in each proceeding subject to this Order any additional exhibits or materials from the Presidential Review or U.S. Trade Representative in the ITC proceeding,” (*id.* at 5), Patent Owner also submits a letter submitted from multiple members of the U.S. Congress to the Office of the United States Trade Representative (USTR) related to the Presidential Review of the ITC’s finding on the ’178 patent. See Ex. 2134.

I. The ITC adjudicated the same claims based on the same or substantially the same evidence and arguments presented here.

Claims 1, 2, and 12-14 of the ’178 patent were recently found valid and infringed by the ALJ, and the Commission issued a Final Determination affirming the same. See Ex. 2122 at 81-116; Ex. 2123 at 1-3, Ex. 2124 at 29. Here, the Petition relies on substantially the same evidence that was presented at the ITC and the Board should find similarly to the ITC.

Indeed, Petitioner’s grounds of challenge here are based on Schröder, Niwa, Mestas, and Yuen. See Paper 3 (Petition) at 4-5. Respondents at the ITC relied on the same evidence, including Schröder, Niwa, Mestas, Yuen, Asada, Webster,

Babashan, Wissmar, Armstrong, and Yang. *See* Ex. 2126 (Respondents Pre-hearing Br.) at 168-400; Ex. 2129 (Respondents Initial Post-Hearing Br.) at 1-61. And similar to the Petition’s, respondents at the ITC also attempted various combinations such as Schröder alone or in combination with other references (Ex. 2126 at 326-354), Niwa alone or in combination with other references (*Id.* at 276-325), Niwa in view of Schröder, and various “curved battery” references. *See also* Ex. 2122 at 81; *id.* at 88-99.

Respondents’ expert, Mr. Alarcon, offered testimony at trial on validity that parallel those offered by Petitioner’s expert here. *See* Ex. 2132 (Tr. Day 4) at 965-1017; *id.* at 1024-1116. The ITC also had the benefit of the testimony of Oura’s technical experts Dr. Rosing and Dr. Sarrafzadeh, and economist Ms. Mulhern that offered opinions on the prior art references, the various obviousness combinations, and secondary considerations of non-obviousness. *See* Ex. 2133 (Tr. Day 5) at 1188:7-1253:11 (Rosing); *id.* at 1253:16-1276:2 (Mulhern on commercial success); *id.* at 1276:4-1295:10 (Sarrafzadeh on copying). In addition, the ALJ had the benefit of the positions of the Commission Investigative Staff who concluded that the evidence did not support finding of invalidity. Ex. 2127 at 49-79.

Based on the extensive evidence analyzed and considered by the ITC, the ALJ concluded that the asserted claims of the ’178 patent were not unpatentable. Ex. 2122

(Final ID) at 81-107. The Commission affirmed and adopted the ALJ’s finding on validity. *See* Exs. 2123, 2124. Moreover, the ALJ concluded that the non-obviousness of the claims was so apparent that even “[i]f Oura had submitted no evidence of objective indicia, I would still find that the asserted claims were not proved obvious.” Ex. 2122 at 107. Nonetheless, based on the same evidence presented here, the ALJ held that Oura was entitled to presumption of nexus because Oura Ring Gens. 3 and 4 were commercial embodiments and coextensive with the claims of the ’178 patent (*id.* at 108-110), Oura Ring was a commercial success (*id.* at 110-112), received industry praise (*id.* at 114), there was failure of others (*id.* at 114-116), and there was a long-felt but unmet need (*id.* at 115-16), each of the factors weighing in favor of a determination of non-obviousness of the asserted claims.¹

While Petitioner was not party to the ITC Investigation, the ALJ and the Commission made number of findings of fact and conclusion of laws that are directly relevant here because the Petition makes many of the same arguments rejected by the ALJ. For example, relevant to Schröder-based grounds—Schröder alone (Ground 1), Schröder-Niwa (Ground 2), and Schröder-Yuen (Ground 4)—for claim

¹ As for copying, the ALJ concluded that “[a]lthough it is a close case, the evidence here does not demonstrate replication.” *Id.* at 113.

1, the ALJ concluded that “Schröder’s design, while disclosing separate housing components, only contemplates the inclusion of an inlay between them” and “Dr. Rosing credibly testified that one of skill would understand that the thickness of Schroder’s inlay is on the order of 100 microns.” Ex. 2122 at 101. Dr. Mercier offered same evidence here that Dr. Anthony does not dispute. Ex. 1081 at 96:1-9. Critically, the ALJ concluded that Schröder does not disclose a battery within the inlay:

Schröder, however, does not in fact disclose that the battery would be in the cavity of Fig. 4. Schröder discusses the possibility of a battery (although it does not show it) when addressing Fig. 3 but not when addressing the embodiment shown in Fig. 4. In Fig. 3, the chip module 10 is disposed above and outside of the inlay 12. While Schröder explains that the battery is ‘connected to the chip module 10’ . . . there is no disclosure in Schröder that the battery is disposed in the inlay embodiment of Fig. 4. While respondents contend that ‘Schröder also discloses that the battery can reside within the curved recess shown in Figures 4-10 and would be connected to the chip module 10 that resides within the recess between components 16 and 18,’ . . . there is, simply no such disclosure in Schröder.

Ex. 2122 at 104-105. “Read in context, the evidence supports that one of skill would understand that Schröder’s battery would be placed adjacent to the chip module 10 of Fig. 3.” *Id.* at 106. Petitioner offers no evidence that is different than that offered by respondent’s expert at the ITC.

As for Grounds 5 (Niwa alone) and Ground 6 (Niwa in view of Schröder), the ALJ concluded that Niwa does not disclose internal and external housing

components because Niwa discloses a unitary housing and there is a rebuttable presumption that require that the individual components of the housing be separate based on the claims and specification. *Id.* at 83-88. The ALJ also rejected an argument that a POSITA would be motivated to and have a reasonable expectation of success to modify Niwa with Schröder (or vice versa). *Id.* at 100-102. And as for dependent claim 12, the ALJ rejected the argument that disclosure of curved batteries in larger wearable means that a POSITA would also be motivated to place a curved battery in either Schröder or Niwa. *Id.* at 88-99.

The Board should come to the same conclusion as the ITC. The grounds of challenge presented here are a clear case of hindsight. The '178 patent disclosed the invention of a finger-worn wearable with a particular structure in 2013. Ex. 1001. As members of Congress noted, "Oura was the first company to commercialize a ring-form health wearable in 2015 and has made substantial investments in U.S.-based research, development and technical support." Ex. 2134. Petitioner now enters the market 12 years later following in Oura's footsteps and seeks to suggest that everything that Oura invented and built was obvious. But there is no evidence presented here that supports findings that are different than those found by the ITC.

Dated: October 8, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on October 8, 2025, I caused a true and correct copy of Patent Owner's Supplemental Brief on U.S. International Trade Commission's Adjudication of the Same or Substantially Same Claims based on Same or Substantially Same evidence and arguments to be served in its entirety, via filing through the Patent Trial and Appeal Case Tracking System (P-TACTS), as well as by delivering copies via email to the following counsel for Petitioner:

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