

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and
SOUND UNITED, LLC,

Defendants.

Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Apple Inc. (“Apple”), for its complaint against Defendants Masimo Corporation (“Masimo”) and Sound United, LLC (“Sound United”) (together, “Defendants”), alleges as follows:

INTRODUCTION

1. Apple is world-renowned for creating innovative products that people love. Apple produces those innovative products through its significant investment in research and development in technology and product design. Apple’s innovations have been recognized with thousands of patents globally.

2. In 2015, Apple released Apple Watch, a revolutionary consumer wearable device. Apple Watch pairs cutting-edge technology with a beautiful design and is made from the highest quality materials. As a result of Apple’s investments and advances in consumer wearables, Apple Watch is the best-selling smart watch of all time. Apple protects these investments and advances through its intellectual property (IP) rights, including patents.

3. Masimo is a hospital equipment manufacturer that has never been in the consumer wearables business.¹ But recently, Masimo released its first watch, direct to consumers, called the Masimo W1. Rather than innovating and developing a product independently, Masimo copied Apple while filing lawsuits to try to prevent sales of Apple Watch.



4. Masimo's copying violates Apple's patent rights. Apple brings this action to stop Masimo's infringement.

¹ See Company Evolution: About Masimo, MASIMO CORP., <https://www.masimo.com/company/masimo/evolution/> (last visited Oct. 13, 2022).

THE PARTIES

5. Plaintiff Apple is a California corporation with its principal place of business at One Apple Park Way, Cupertino, California 95014.

6. Defendant Masimo is a Delaware corporation with its principal place of business at 52 Discovery, Irvine, California 92618. Masimo has appointed the Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808 as its registered agent for service of process.

7. Defendant Sound United is a Delaware limited liability company with its principal place of business at 5541 Fermi Court, Carlsbad, CA 92008. On information and belief, Sound United is a wholly owned subsidiary of Masimo. Sound United has appointed the Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808 as its registered agent for service of process.

8. Joinder of Masimo and Sound United in this action and consolidation for trial is appropriate under 35 U.S.C. § 299. Apple asserts claims for relief jointly, severally, or in the alternative against Masimo and its wholly owned subsidiary Sound United arising from the making, using, importing into the United States, offering for sale, and/or selling of the same infringing product, the W1. Common questions of fact will arise in this action relating to Defendants' infringement and liability.

JURISDICTION AND VENUE

9. This Court has subject-matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 100 *et seq.*

10. This Court has personal jurisdiction over Defendants because Defendants are entities each organized and existing under the laws of the State of Delaware.

11. Venue is proper in this Court under 28 U.S.C. § 1400(b) because Defendants are entities each organized and existing under the laws of the State of Delaware, and therefore each resides in the District of Delaware.

BACKGROUND

12. Apple was founded in 1976. Since then, Apple has made countless significant contributions in a variety of fields, including computers, software, telecommunications, integrated circuits, user interfaces, and industrial design. Apple's successful products include not only wearables, but also smartphones, tablets, desktop and laptop computers, operating systems, music products, professional-grade audio and video production software, semiconductor chips, and more. The United States Patent and Trademark Office ("USPTO") has awarded thousands of patents to Apple for its contributions to science and the useful arts. Apple's patents include U.S. Patent Nos. D735,131; D883,279; D947,842; and D962,936 (the "Patents-in-Suit").

13. Defendants' accused products are one or more products that infringe the Patents-in-Suit, including the Masimo W1 device ("Device") and its charger ("Wireless Charger") (together, "W1").²

I. APPLE REVOLUTIONIZES WEARABLE TECHNOLOGY AND DESIGN

14. Apple released the first-generation Apple Watch in April 2015, and it quickly became the best-selling smart watch. Since then, new line ups of Apple Watch have been released with powerful new technology. In September 2022, Apple announced the newest generation of Apple Watch products, including Apple Watch Series 8, the latest Apple Watch SE, and the all-new Apple Watch Ultra.

² Masimo W1 User's Guide at 7, *available at* <https://www.masimopersonalhealth.com/pages/masimo-w1-support> (last visited Oct. 13, 2022).

Which Apple Watch is right for you?



New

Apple Watch Series 8



New

Apple Watch SE



New

Apple Watch Ultra

15. Apple Watch integrates seamlessly with popular Apple products such as the iPhone and expands their capabilities. It allows wearers to conveniently and intuitively access many of their favorite features. For example, users can receive and respond to notifications from their iPhone, place and answer phone calls, listen to music, download apps, and access features such as Apple Maps and Siri—all on a device conveniently located on the wearer's wrist. Apple Watch also uses this position on the wearer's wrist to introduce new capabilities, such as advanced fitness tracking and health metrics including heart health, sleep, women's health, and mobility. And features like Fall Detection, Crash Detection, and Emergency SOS can also help users call for help in the moment they need it. These features and others work in tandem with apps on the wearer's iPhone.

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