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The Apple Watch Ban Explained: Why Blood Oxygen Tech is Off the Table This Christmas

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Getting your hands on an Apple Watch with blood oxygen-sensing technology might be challenging this Christmas. Just last December, the U.S. International Trade Commission (ITC) found that Apple's blood oxygen reading in their smartwatches infringed on Masimo's patents¹. The result? The UTC banned Apple from importing the Apple Series 9 and Ultra 2 smart watches². The court lifted the ban's stay, meaning that Apple still cannot import watches with the disputed blood technology³.

This all began in 2020 when Masimo, a medical device brand, brought a suit against Apple for trade theft and patent infringement of 17 patents⁴. Masimo claimed that Apple hired Masimo employees in 2013 and 2014 who inappropriately shared Masimo trade secrets with Apple⁵. It is presumed that Apple used this information to create the Apple Watch Series⁶. The court threw out most of Masimo's claims regarding trade secret⁷, but Masimo was fighting this issue on many fronts.

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¹ Emma Roth, *Apple Watch ban: everything you need to know*, THEVERGE (Oct. 25, 2024), <https://www.theverge.com/24009254/apple-watch-itc-ban-patent-dispute>.

² *Id.*

³ *Id.*

⁴ Julie Clover, *Apple's Trade Secret Battle with Masimo Over Pulse Oximetry Technology Ends in Mistrial*, MACRUMORS (May 1, 2023), <https://www.macrumors.com/2023/05/01/apple-masimo-trade-secret-lawsuit-mistrial/>.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

In June of 2021, Masimo filed a complaint with the ITC claiming that Apple's pulse oximeter technology infringed on its patents⁸. The Commission agreed and issued a ban on October 26, 2023, on the Apple Watch Series 6, 7, 8, and 9⁹. Apple appealed this and is waiting to hear back.

In response to the trade secret case filed by Masimo, Apple countersued Masimo for patent infringement¹⁰. Just last week, the jury decided that Masimo's devices had infringed on Apple Watch patents¹¹. The Jury found for Apple and against Masimo on infringement of Masimo's W1, Freedom, and health module and charger, awarding Apple only \$250 in damages¹². This is the statutory minimum for infringement in the United States¹³. The jury issued a verdict in favor of Masimo in nearly all the issues except for two¹⁴. The jury's mixed verdict did not stop either party as the litigation continued¹⁵.

Last week, the two brands met in California court for a bench trial¹⁶. Masimo is not seeking monetary damages this time, but their argument remains. Masimo wants an injunction against the Apple Watch, as the ITC ban is separate from this case¹⁷.

So, until we hear back from the California bench trial or the ITC, Apple cannot sell any watches with this patented blood oxygen sensing technology in the United States¹⁸. In the meantime, they have been selling versions of the smartwatches without the blood oxygen sensing technology.

⁸ Christopher Yasiejko, *Apple Watch Imports Set for Christmas Ban After Masimo Win*, BLOOMBERG (Oct. 26, 2023), <https://www.bloomberg.com/news/articles/2023-10-26/apple-watch-imports-set-for-christmas-ban-after-masimo-win>.

⁹ *Id.*

¹⁰ Blake Brittain, *Apple wins \$250 US jury verdict in patent case over Masimo smart watches*, REUTERS (Oct. 28, 2024), <https://www.reuters.com/legal/masimo-smartwatches-infringe-apple-patents-us-jury-says-2024-10-25/>.

¹¹ *Id.*

¹² *Id.*

¹³ 35 U.S.C. § 284

¹⁴ *Id.*

¹⁵ Christopher Yasiejko, *Apple Wins \$250, But Little Else, at Trial on Watch Patents*, BLOOMBERG (Oct., 25, 2024), <https://www.reuters.com/legal/masimo-smartwatches-infringe-apple-patents-us-jury-says-2024-10-25/>.

¹⁶ Juli Clover, *Apple Continues Working to Get Blood Oxygen Sensing Back in U.S.*, MACRUMORS (Nov. 5, 2024), <https://www.macrumors.com/2024/11/05/masimo-apple-california-trade-secret-trial/>.

¹⁷ *Id.*

¹⁸ *Id.*