

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

**DECLARATION OF BRIAN W. ANTHONY, PH.D.
IN SUPPORT OF PETITION FOR INTER PARTES REVIEW OF
U.S. PATENT 8,886,269**

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I. Introduction

I, Dr. Brian W. Anthony, declare as follows:

1. I have been retained on behalf of Apple Inc. for the above-captioned *inter partes* review proceeding to provide my expert opinions and expert knowledge. I understand that this proceeding involves U.S. Patent No. 8,886,269 (“the ’269 patent”) titled “Wearable Light-Guiding Bands for Physiological Monitoring” by Steven F. LeBoeuf, Jesse B. Tucker, and Michael E. Aumer, and that the ’269 patent is currently assigned to Valencell, Inc.

2. In preparing this declaration, I have reviewed and am familiar with all the references cited herein. I have reviewed and am familiar with the ’269 patent and its file history. I confirm that to the best of my knowledge the accompanying exhibits are true and accurate copies of what they purport to be, and that an expert in the field would reasonably rely on them to formulate opinions such as those set forth in this declaration.

3. The ’269 patent describes non-invasive optical biosensors for health monitoring. I am familiar with the technology described in the ’269 patent as of its February 19, 2014 filing date and the state of the art as of its claimed February 25, 2009 priority date.

4. I have been asked to provide my independent technical review, analysis, insights, and opinions regarding the ’269 patent and the references that

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