

Horvath, John

From: Trials
Sent: Monday, September 28, 2020 4:09 PM
To: Horvath, John; Fenick, Sharon; Obermann, Grace
Cc: Trials
Subject: FW: IPR2019-00916 - Apple v. Omni Medsci
Attachments: 013-1 Ex 2131 MacFarlane Declaration.PDF

Please see below

Thanks
Andrew

From: Cathy A. Nikkila <cnikkila@brookskushman.com>
Sent: Monday, September 28, 2020 8:26 AM
To: Trials <Trials@USPTO.GOV>
Cc: OMSC0110IPR2@brookskushman.com; IPRNotices@sidley.com
Subject: IPR2019-00916 - Apple v. Omni Medsci

Your Honors,

Patent Owner requests that the MacFarlane response Declaration, recently filed in the IPR involving U.S. Pat. No. 10,188,299 (IPR2020-00175, Exhibit 2131) (attached), be introduced as Exhibit 2125 in this proceeding concerning U.S. Patent No. 9,651,533. The patents in the two proceedings are related. (See IPR 2020-00175, Paper No. 11, DI at p. 2, "Related Matters.") The Declaration response in the IPR2020-00175 proceeding addresses questions the Board asked during oral argument in this proceeding concerning the Lisogurski reference, in particular with respect to adjustments to the "firing rate" as a person begins to exercise. Petitioner opposes this request and has been copied on this email.

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Legal Assistant



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IPR2019-00916