

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

- - - - -x

APPLE, INC., Case IPR2020-01520  
U.S. Patent 10,258,265  
Petitioner,

Case IPR2020-01539  
U.S. Patent 10,588,554

-against-

MASIMO CORPORATION,

Case IPR2020-01537  
U.S. Patent 10,588,553

Case IPR2020-01536  
U.S. Patent 10,588,553

Patent Owner.

Case IPR2020-01538  
U.S. Patent 10,588,554

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VIDEO-RECORDED DEPOSITION OF  
THOMAS WILLIAM KENNY JR., PH.D.  
Zoom Recorded Videoconference  
09/18/2021  
9:03 a.m. Pacific Daylight Time

REPORTED BY: AMANDA GORRONO, CLR  
CLR NO. 052005-01

DIGITAL EVIDENCE GROUP  
1730 M Street, NW, Suite 812  
Washington, D.C. 20036  
(202) 232-0646

**MASIMO 2027  
Apple v. Masimo  
IPR2020-01521**

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09/18/2021  
9:03 a.m. (PDT)

VIDEO-RECORDED DEPOSITION OF THOMAS WILLIAM  
KENNY, JR. Ph.D., held virtually via Zoom  
Videoconferencing, before Amanda Gorrono, Certified  
Live Note Reporter, and Notary Public of the State of  
New York.

1 A P P E A R A N C E S

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21 ALSO PRESENT:

Billy Fahnert, Legal Videographer/Exhibit Technician,

22 Digital Evidence Group

1 I N D E X

2

3 WITNESS EXAMINATION BY Page

4 THOMAS WILLIAM MR. HELM 6

5 KENNY, JR. Ph.D.

6

7 EXHIBITS IDENTIFIED

8 EXHIBIT DESCRIPTION PAGE

9 Exhibit 1047 Second Declaration of Dr. ... 8  
Thomas W. Kenny - IPR1520

10 Exhibit 1040 Eugene Hecht Optics, Second.. 33  
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11 IPR2020-01520

12 Exhibit 1015 Mendelson Design and ..... 46  
Evaluation of a New

13 Reflectance Pulse Oximeter  
Sensor

14 Exhibit 1014 Ohsaki US Patent ..... 127  
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15 2001/0056243A1

16 Exhibit 2012 Webster Design of Pulse ..... 185  
Oximeters

17 Exhibit 1001 United States Patent Poeze .. 201  
Patent No. 10,258,265

18 Exhibit 1013 United States Patent ..... 228  
Application No. US

19 2004/0054291 A1, dated  
March 18, 2004

20 Exhibit 1047 Second Declaration, IPR No... 228  
IPR2020-01536

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1                   AUTOMATED MESSAGE: Recording in  
2 progress.

3                   THE TECH: We are on the record.

4 This is the remote video deposition of Dr. Thomas W.  
5 Kenny regarding IPR numbers 2020-01520, 2020-01536,  
6 2020-01537, 2020-1538 -- 01538, and 2020-01539 in the  
7 matter of Apple, Inc. versus Masimo Corporation in  
8 the United States Patent and Trademark Office.

9                   My name is Billy Fahnert. I am the  
10 video technician today. The court reporter is Amanda  
11 Gorrano. We are here on behalf of Digital Evidence  
12 Group.

13                   Today's date is September 18th, 2021.  
14 The time is 9:03 a.m. Pacific Daylight Time. All  
15 parties have stipulated to the witness being recorded  
16 remotely.

17                   Will counsel please identify  
18 yourselves for the record and then the witness will  
19 be sworn in.

20                   MR. HELM: Jeremiah Helm, Knobbe  
21 Martens on behalf of the patent owner, Masimo, and  
22 with me on the line is Steve Larson and Jacob

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