

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

_____	)	
APPLE INC.,	)	
	)	
Petitioner,	)	US PATENT NO: 10,588,553
	)	IPR NO. 2020-1536
-against-	)	
	)	US PATENT NO: 10,588,554
MASIMO CORPORATION,	)	IPR NO. 2020-1538
	)	
Patent Owner.	)	
_____	)	

VIDEO-RECORDED DEPOSITION OF  
THOMAS WILLIAM KENNY, JR. PH.D.

VOLUME 1

Zoom Recorded Videoconference

04/24/2021

9:01 a.m. (PDT)

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 2008  
Masimo v. Apple  
IPR2020-01538**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

04/24/2021  
9:01 a.m. (PDT)

VIDEO-RECORDED DEPOSITION OF THOMAS WILLIAM  
KENNY, JR. Ph.D., VOLUME 1, 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

2 (Via Zoom Videoconferencing):

3

4 ON BEHALF OF PETITIONER APPLE:

Dan Smith, Esquire

5 Fish & Richardson

1717 Main Street

6 Suite 5000

Dallas, Texas 75201

7 PHONE: 214-292-4071

8 E-MAIL: Dsmith@fr.com

9 -AND-

Andrew B. Patrick, Esquire

10 Fish & Richardson

1000 Maine Avenue SW

11 Washington, D.C. 20024

PHONE: 202-626-7735

12 E-MAIL: Patrick@fr.com

13 -AND-

Hyun Jin In, Ph.D., Esquire

14 Fish & Richardson

1000 Maine Avenue SW

15 Washington, D.C. 20024

PHONE: 202-626-7765

16 E-MAIL: In@fr.com

17

18

19

20

21

22

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

2 (Via Zoom Videoconferencing):

3

4 ON BEHALF OF PATENT OWNER MASIMO:

Stephen W. Larson, Esquire

5 Knobbe Martens Olson & Bear

2040 Main Street

6 Irvine, CA 92614

PHONE: 949-721-5301

7 E-MAIL: Stephen.larson@knobbe.com

8

-AND-

Jeremiah S. Helm, Ph.D., Esquire

9 Knobbe Martens Olson & Bear

1717 Pennsylvania Avenue N.W.

10 Washington, DC 20006

PHONE: 202-640-6400

11 E-MAIL: Jeremiah.helm@knobbe.com

12

-AND-

13 Jacob Peterson, Esquire

Knobbe Martens Olson & Bear

14 925 4th Ave #2500

Seattle, WA 98104

15 PHONE: 206-405-2000

E-MAIL: Jacob.peterson@knobbe.com

16

17 ALSO PRESENT:

18 Billy Fahnert, Legal Video Specialist/Trial Tech,

19 Digital Evidence Group

20

21

22

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

I N D E X

WITNESS EXAMINATION  
THOMAS WILLIAM  
KENNY, JR. Ph.D.  
BY MR. LARSON 8

E X H I B I T S

EXHIBIT	DESCRIPTION	PAGE
Exhibit 1024	Mendelson Measurement Site and Photodetector Size Considerations in Optimizing Power Consumption of a Wearable Reflectance Pulse Oximeter.....	244
Exhibit 2003	Mendelson Paper 2003 in IPR1536 and IPR1538.....	246

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.