

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

---

APPLE INC., )  
) IPR NO. 2020-1520  
Petitioner, ) US PATENT NO: 10,258,265  
) )  
-against- ) IPR NO. 2020-1537  
) US PATENT NO: 10,588,553  
MASIMO CORPORATION, )  
) IPR NO. 2020-1539  
Patent Owner. ) US PATENT NO: 10,588,554  
) )

---

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

VOLUME 1

Zoom Recorded Videoconference

04/22/2021

9:02 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

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

04/22/2021

9:02 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

2 (Via Zoom Videoconferencing):

3 ON BEHALF OF PETITIONER APPLE:

Dan Smith, Esquire

4 Fish & Richardson

1717 Main Street

5 Suite 5000

Dallas, Texas 75201

6 PHONE: 214-292-4071

E-MAIL: Dsmith@fr.com

7 -AND-

8 Andrew B. Patrick, Esquire

Fish & Richardson

9 1000 Maine Avenue SW

Washington, D.C. 20024

10 PHONE: 202-626-7735

E-MAIL: Patrick@fr.com

11 -AND-

Hyun Jin In, Ph.D., Esquire

12 Fish & Richardson

1000 Maine Avenue SW

13 Washington, D.C. 20024

PHONE: 202-626-7765

14 E-MAIL: In@fr.com

15

16

17

18

19

20

21

22

1 A P P E A R A N C E S (CONT.D)

2 (Via Zoom Videoconferencing):

ON BEHALF OF RESPONDENT MASIMO:

3 Stephen W. Larson, Esquire  
Knobbe Martens

4 2040 Main Street  
Irvine, CA 92614

5 PHONE: 949-721-5301

E-MAIL: Stephen.larson@knobbe.com

6 -AND-

Jeremiah S. Helm, Ph.D., Esquire

7 Knobbe Martens

1717 Pennsylvania Avenue N.W.

8 Washington, DC 20006

PHONE: 202-640-6400

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

-AND-

10 Jacob Peterson, Esquire

Knobbe Martens

11 925 4th Ave #2500

Seattle, WA 98104

12 PHONE: 206-405-2000

13 E-MAIL: Jacob.peterson@knobbe.com

14

15 ALSO PRESENT:

16 Billy Fahnert, Legal Video Specialist/Trial Tech,

17 Digital Evidence Group

18

19

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

EXPERT WITNESS EXAMINATION  
THOMAS WILLIAM  
KENNY, JR. Ph.D.  
BY MR. LARSON 7

PREVIOUSLY MARKED EXHIBITS IDENTIFIED

EXHIBIT	DESCRIPTION	PAGE
Exhibit 1003	Declaration of Dr. Thomas ... W. Kenny - IPR2020-1520,	10
Exhibit 1006	US Patent Application ..... Publication No: US 2002/0188210 A1	31
Exhibit 1003	Declaration of ..... Dr. Thomas W. Kenny - IPR2020-01537	253
Exhibit 1003	Declaration of ..... Dr. Thomas W. Kenny - IPR2020-01539	263

# 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.