

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

MASIMO CORPORATION,  
Patent Owner.

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Case IPR2021-00193  
Patent 10,299,708

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**PETITIONER'S SUBMISSION OF SUPPLEMENTAL INFORMATION**

**EXHIBITS**

- APPLE-1001 U.S. Patent No. 10,299,708 to Poeze, et al. (“the ’708 patent”)
- APPLE-1002 Excerpts from the Prosecution History of the ’708 patent (“the Prosecution History”)
- APPLE-1003 Declaration of Dr. Thomas W. Kenny
- APPLE-1004 Curriculum Vitae of Dr. Thomas W. Kenny
- APPLE-1005 *Masimo Corporation, et al. v. Apple Inc.*, Complaint, Civil Action No. 8:20-cv-00048 (C.D. Cal.)
- APPLE-1006 U.S. Pub. No. 2002/0188210 (“Aizawa”)
- APPLE-1007 JP 2006-296564 (“Inokawa”)
- APPLE-1008 Certified English Translation of Inokawa and Translator’s Declaration
- APPLE-1009 U.S. Pat. No. 7,088,040 (“Ducharme”)
- APPLE-1010 U.S. Pat. No. 8,177,720 (“Nanba”)
- APPLE-1011 RESERVED
- APPLE-1012 U.S. Pat. No. 6,853,304 (“Reisman”)
- APPLE-1013 U.S. Pub. No. 2004/0220738 (“Nissila”)
- APPLE-1014 U.S. Pub. No. 2001/0056243 (“Ohsaki”)
- APPLE-1015 “Design and Evaluation of a New Reflectance Pulse Oximeter Sensor,” Y. Mendelson, et al.; Worcester Polytechnic Institute, Biomedical Engineering Program, Worcester, MA 01609; Association for the Advancement of Medical Instrumentation, vol. 22, No. 4, 1988; pp. 167-173 (“Mendelson-1988”)
- APPLE-1016 “A Wearable Reflectance Pulse Oximeter for Remote Physiological Monitoring,” Y. Mendelson, et al.; Proceedings of the 28th IEEE EMBS Annual International Conference, 2006; pp. 912-915 (“Mendelson-2006”)

- APPLE-1017 Excerpt from Merriam-Webster Dictionary
- APPLE-1018 “Acrylic: Strong, stiff, clear plastic available in a variety of brilliant colors,” available at <https://www.curbellplastics.com/Research-Solutions/Materials/Acrylic>
- APPLE-1019 U.S. Pat. No. 7,031,728 (“Beyer”)
- APPLE-1020 U.S. Pat. No. 7,092,735 (“Osann, Jr.”)
- APPLE-1021 U.S. Pat. No. 6,415,166 (“Van Hoy”)
- APPLE-1022 QuickSpecs; HP iPAQ Pocket PC h4150 Series
- APPLE-1023 U.S. Pat. App. Pub. No. 2007/0145255 (“Nishikawa”)
- APPLE-1024 “Measurement Site and Photodetector Size Considerations in Optimizing Power Consumption of a Wearable Reflectance Pulse Oximeter,” Y. Mendelson, et al.; Proceedings of the 25th IEEE EMBS Annual International Conference, 2003; pp. 3016-3019 (“Mendelson-2003”)
- APPLE-1025 U.S. Pat. No. 6,801,799 (“Mendelson-’799”)
- APPLE-1026 Declaration of Jacob Munford
- APPLE-1027 U.S. Pub. No. 2007/0093786 (“Goldsmith”)
- APPLE-1028 U.S. Pub. No. 2004/0138568 (“Lo”)
- APPLE-1029 Wikipedia: The Free Encyclopedia, “Universal asynchronous receiver-transmitter” at [https://en.wikipedia.org/wiki/Universal\\_asynchronous\\_receiver-transmitter](https://en.wikipedia.org/wiki/Universal_asynchronous_receiver-transmitter), last accessed 08/27/2020
- APPLE\_1030 U.S. Pub. No. 2008/0242958 to Al-Ali et al. (“Al-Ali”)
- APPLE-1031 to 1036 RESERVED
- APPLE-1037 *Masimo Corporation, et al. v. Apple Inc.*, Second Amended Complaint, Civil Action No. 8:20-cv-00048 (C.D. Cal.) (Redacted)

APPLE-1038	U.S. Patent No. 8,577,431 to Lamego et al. (“CIP Patent”)
APPLE-1039	Order Re Motion to Stay in <i>Masimo Corporation et al. v. Apple Inc.</i> , Case 8:20-cv-00048-JVS-JDE, October 13, 2020
Exhibit 1040	Declaration of Jacob Munford
Exhibit 1041	Declaration of Gordon MacPherson: Mendelson-2003
Exhibit 1042	Declaration of Gordon MacPherson: Mendelson-2006

Pursuant to the Board's Order of July 13, 2021, granting Petitioner's Motion to Submit Supplemental Information (Paper 11), Petitioner submits herewith Exhibit 1040 ("Declaration of Jacob Munford"), Exhibit 1041 ("Declaration of Gordon MacPherson: Mendelson-2003"), and Exhibit 1042 ("Declaration of Gordon MacPherson: Mendelson-2006") and their respective appendices. These exhibits are true and exact copies of the exhibits attached to Petitioner's motion.

Respectfully submitted,

Dated: July 19, 2021

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