

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

MASIMO CORPORATION,
Patent Owner.

Case IPR2021-00208
Patent 10,258,266

**PETITIONER'S MOTION TO FILE SUPPLEMENTAL INFORMATION
PURSUANT TO 37 C.F.R. § 42.123**

EXHIBITS

- APPLE-1001 U.S. Patent No. 10,258,266 to Poeze, et al. (“the ’266 patent”)
- APPLE-1002 Excerpts from the Prosecution History of the ’266 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 to 1013 RESERVED
- 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 RESERVED
- APPLE-1017 RESERVED
- 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 to 1022 RESERVED

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 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 *Masimo Corporation et al. v. Apple Inc.*, Case 8:20-cv-00048-JVS-JDE, October 13, 2020

APPLE 1040 Declaration of Jacob Munford

APPLE 1041 Declaration of Gordon MacPherson: Mendelson-2003

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") and Exhibit 1041 ("Declaration of Gordon MacPherson: Mendelson-2003") 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

/Hyun Jin In/

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4)(i) *et seq.*, the undersigned certifies that on July 19, 2021, a complete and entire copy of this “Petitioner’s Submission of Supplemental Information” and its attached exhibits were provided by electronic mail to the Patent Owner by serving the correspondence e-mail address of record as follows:

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