

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

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APPLE, INC.,

Case IPR2020-01520

U.S. Patent 10,258,265

Petitioner,

Case IPR2020-01539

U.S. Patent 10,588,554

-against-

Case IPR2020-01537

U.S. Patent 10,588,553

MASIMO CORPORATION,

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 Ex. 2027**  
Apple v. Masimo  
IPR2021-00209

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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

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I N D E X

|                  |                |      |
|------------------|----------------|------|
| WITNESS          | EXAMINATION BY | Page |
| THOMAS WILLIAM   | MR. HELM       | 6    |
| KENNY, JR. Ph.D. |                |      |

EXHIBITS IDENTIFIED

| EXHIBIT      | DESCRIPTION  | PAGE |
|--------------|--|------|
| Exhibit 1047 | Second Declaration of Dr. ...<br>Thomas W. Kenny - IPR1520                                   | 8    |
| Exhibit 1040 | Eugene Hecht Optics, Second..<br>Edition Bates No.<br>IPR2020-01520                          | 33   |
| Exhibit 1015 | Mendelson Design and .....<br>Evaluation of a New<br>Reflectance Pulse Oximeter<br>Sensor    | 46   |
| Exhibit 1014 | Ohsaki US Patent .....<br>Application Pub. No.<br>2001/0056243A1                             | 127  |
| Exhibit 2012 | Webster Design of Pulse .....<br>Oximeters   | 185  |
| Exhibit 1001 | United States Patent Poeze ..<br>Patent No. 10,258,265                                       | 201  |
| Exhibit 1013 | United States Patent .....<br>Application No. US<br>2004/0054291 A1, dated<br>March 18, 2004 | 228  |
| Exhibit 1047 | Second Declaration, IPR No...<br>IPR2020-01536   | 228  |

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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