

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

Before the Honorable Cameron R. Elliot
Administrative Law Judge

In the Matter of

CERTAIN WEARABLE ELECTRONIC
DEVICES WITH ECG FUNCTIONALITY
AND COMPONENTS THEREOF

Inv. No. 337-TA-1266

RESPONDENT'S LIST OF CLAIM TERMS TO BE CONSTRUED

Pursuant to the schedule set forth in Order No. 6, Respondent Apple Inc. (Apple) hereby submits the following list of claim terms to be construed from the 71 currently asserted claims of U.S. Patent No. 9,572,499 (the '499 patent), related U.S. Patent No. 10,595,731 (the '731 patent), and U.S. Patent No. 10,638,941 (the '941 patent).

U.S. Patent No. 9,572,499

- “alerting said first user to sense an electrocardiogram” (claim 1)
- “alert” (claim 11)
- “heart rate sensor” (claims 1 & 11)

U.S. Patent No 10,595,731

- “receive ECG data from the ECG sensor” (claim 1)/“receiving ECG data from an ECG sensor” (claim 17)/ “receive ECG data from an ECG sensor” (claim 25)
- “confirm the presence of the arrhythmia based on the ECG data” (claims 1 & 15)/
“confirming the presence of the arrhythmia based on the ECG data” (claim 17)

U.S. Patent No 10,638,941

- “receiving electric signals ... from an electrocardiogram sensor” (claim 1)/“receive electric signals ... from the ECG sensor” (claim 12)

- “to confirm a presence of the arrhythmia” (claim 1)/ “to confirm the presence of the arrhythmia” (claim 12)
- “when the activity level is resting” (claim 1)/ “when the activity level value is resting” (claim 12)
- “discordance” (claims 1 & 12)

Applicable to All Patents

For all asserted independent method claims of the '499, '731, and '941 patents, Apple seeks a construction that the steps of each of the claimed methods must be performed in the order listed in the claims.

Apple reserves the right to amend its list of terms for claim construction based on the terms from the asserted patents proposed by Complainant AliveCor, Inc. (AliveCor) and/or Staff, and to propose constructions for any of the terms identified by AliveCor and/or Staff.

Dated: August 18, 2021

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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing document:

RESPONDENT'S LIST OF CLAIM TERMS TO BE CONSTRUED

have been served on this 18th day of August, 2021, on the following:

<p>Whitney Winston Office of Unfair Import Investigations U.S. International Trade Commission 500 E Street, SW, Suite 401 Washington, DC 20436-0003</p> <p>whitney.winston@usitc.gov</p>	<p><input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Federal Express <input checked="" type="checkbox"/> Via Electronic Mail <input checked="" type="checkbox"/> Via Box.com</p>
<p>S. Alex Lasher, Esq. QUINN EMANUEL URQUHART & SULLIVAN LLP 1300 I Street NW, Suite 900 Washington, DC 20005</p> <p>qe-alivecor@quinnemanuel.com</p> <p><i>Counsel for Complainant AliveCor, Inc.</i></p>	<p><input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Federal Express <input checked="" type="checkbox"/> Via Electronic Mail</p>

/s/ Ashley Cox