Subject:	FW: AliveCor v. Apple (337-TA-1266): Deadline for Prior Art Narrowing

From: Katherine Reardon
Sent: Wednesday, November 17, 2021 8:03 PM
To: QE-Alivecor <qe-alivecor@quinnemanuel.com>; whitney.winston@usitc.gov
Cc: [Service] Apple-AliveCor ITC <ServiceAppleAliveCorITC@fr.com>
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Counsel,

Pursuant to the Court's Order No. 6, Apple hereby notifies AliveCor that it intends to no longer pursue in this investigation the prior art asserted in Apple's IPRs (PCT Patent Publication WO2012/140559 (Shmueli), U.S. Patent Publication 2014/0275840 (Osorio), and Hu YH, Palreddy S, Tompkins WJ. A patient-adaptable ECG beat classifier using a mixture of experts approach. IEEE Transactions on Bio-medical Engineering. 1997 Sep; 44(9):891-900 (Hu). Subject to AliveCor's opening expert reports, Apple further agrees to advance only those prior art anticipatory and/or obviousness references identified in its invalidity contentions. Apple reserves its right to reference other prior art referenced in its Notice of Prior Art or as identified by Apple's experts to show the state of the art at the time of the alleged invention. As we've discussed on the parties' various meet and confers, Apple's remaining assertion of four primary references in limited combinations with other secondary references in response to AliveCor's continued assertion of 37 claims is reasonable. We expect that AliveCor will drop substantially more claims well in advance of the expert discovery deadline, as Apple continues to be prejudiced by the fact that AliveCor knows what subset of claims it intends to try at this point, but has failed to substantially further narrow the case. When AliveCor drops additional claims, Apple will consider dropping additional prior art.

Regards,
Kate

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