

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

MASIMO CORPORATION,
Patent Owner.

Case IPR2022-01291
U.S. Patent 10,687,745

**PETITIONER'S OPPOSITION TO PATENT OWNER'S
MOTION TO EXCLUDE EVIDENCE**

LIST OF EXHIBITS

- APPLE-1001 U.S. Pat. No. 10,687,745 to Al-Ali (“the ’745 Patent”)
- APPLE-1002 Prosecution History of the ’745 Patent (Serial No. 16/835,772)
- APPLE-1003 Declaration of Dr. Brian Anthony
- APPLE-1004 U.S. Pat. No. 8,670,819 (“Iwamiya”)
- APPLE-1005 U.S. Pat. No. 9,392,946 (“Sarantos”)
- APPLE-1006 U.S. Pub. No. 2014/0275854 (“Venkataraman”)
- APPLE-1007 U.S. Pat. No. 6,483,976 (“Shie”)
- APPLE-1008 U.S. Pat. No. 6,801,799 (“Mendelson-799”)
- APPLE-1009 U.S. Pub. No. 2015/0018647 (“Mandel”)
- APPLE-1010 U.S. Pub. No. 2009/0275810 (“Ayers”)
- APPLE-1011 PCT. Pub. No. 2011/051888 (“Ackermans”)
- APPLE-1012 U.S. Pat. No. 6,158,245 (“Savant”)
- APPLE-1013 Design of Pulse Oximeters, J.G. Webster; Institution of Physics Publishing, 1997 (“Webster”)
- APPLE-1014 U.S. Pub. No. 2009/0054112 (“Cybart”)
- APPLE-1015 U.S. Pat. No. 5,893,364 (“Haar”)
- APPLE-1016 U.S. Pat. No. 5,952,084 (“Anderson”)
- APPLE-1017 U.S. Pat. No. 10,470,695 (the “’695 patent”)
- APPLE-1018 *Apple v. Masimo*, Case No. IPR2020-01722, Paper 29 (Final Written Decision) (PTAB May 5, 2022) (the “’695 FWD”)

APPLE-1019 – APPLE-1030 RESERVED

APPLE-1031 *Masimo Corporation, et al. v. Apple Inc.*, Redacted Complaint, ITC Inv. No. 337-TA-1276

APPLE-1032 *Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation*, issued June 21, 2022 (“Interim Guidance”)

APPLE-1033 Final Initial Determination on Violation of Section 337, Public Version, ITC Inv. No. 337-TA-1276, January 10, 2023

APPLE-1034 Emails re Masimo’s Request for Authorization to Motion for Additional Discovery

APPLE-1035 Protective Order

APPLE-1036 CONFIDENTIAL - ITC Inv. No. 337-TA-1276 Hearing Transcript of Dr. Ueyn Block

APPLE-1037 CONFIDENTIAL - ITC Inv. No. 337-TA-1276 Hearing Transcript of Dr. Saahil Mehra

APPLE-1038 ITC Inv. No. 337-TA-1276 Exhibit RX-0335 (U.S. Pat. No. 5,830,137 (“Scharf”))

APPLE-1039 ITC Inv. No. 337-TA-1276 Exhibit RX-0504 (Austin Wareing, Optimization of Reflectance-Mode Pulse Oximeter Sensors)

APPLE-1040 ITC Inv. No. 337-TA-1276 Exhibit RX-0508 (Jianchu Yao and Steve Warren, Stimulating Student Learning with a Novel “In-House” Pulse Oximeter Design (2005))

APPLE-1041 ITC Inv. No. 337-TA-1276 Exhibit RX-0632

APPLE-1042 CONFIDENTIAL - Supplemental Declaration of Dr. Brian Anthony

- APPLE-1043 Excerpt of The American Heritage Dictionary of the English Language, Fifth Edition, Houghton Mifflin Harcourt Publishing Company (2011)
- APPLE-1044 Excerpt of Collins Dictionary, HarperCollins Publishers (2010)
- APPLE-1045 Excerpt of Merriam-Webster's Collegiate Dictionary, Eleventh Edition, Merriam-Webster, Incorporated (2014)
- APPLE-1046 Excerpts from Bronzino, The Biomedical Engineering Handbook, CRC Press, Inc. (1995) ("Bronzino")
- APPLE-1047 U.S. Patent No. 6,014,576 to Raley
- APPLE-1048 Severinghaus et al., Recent Developments in Pulse Oximetry, Anesthesiology, Vol. 76, No. 6 (June 1992)
- APPLE-1049 Duffy, MIO Alpha BLE Review, PC Magazine (Jan. 28, 2013) available at <https://www.pcmag.com/reviews/mio-alpha-ble>
- APPLE-1050 Pang et al., A Neo-Reflective Wrist Pulse Oximeter, IEEE Access, Volume 2 (January 12, 2015)
- APPLE-1051 Li et al., A Wireless Reflectance Pulse Oximeter With Digital Baseline Control for Unfiltered Photoplethysmograms, IEEE Transactions on Biomedical Circuits and Systems, Vol. 6, No. 3 (June 2012)
- APPLE-1052 U.S. Patent Application Publication No. 2006/0253010 to Brady et al.
- APPLE-1053 Cai et al., Implementation of a Wireless Pulse Oximeter Based on Wrist Band Sensor, 2010 3rd International Conference on Biomedical Engineering and Informatics (BMEI 2010)
- APPLE-1054 International Publication No. WO 2001/17421 to Lindberg et al.
- APPLE-1055 Maattala et al., Optimum Place for Measuring Pulse Oximeter Signal in Wireless Sensor-Belt or Wrist-Band, 2007 International

Conference on Convergence Information Technology, IEEE
(2007)

- APPLE-1056 Fontaine et al., Reflectance-Based Pulse Oximeter for the Chest and Wrist, Worcester Polytechnic Institute (April 2013) *available at* <https://digital.wpi.edu/show/6969z2326>
- APPLE-1057 Stein, “Withings Pulse O2 review: Fitness band plus heart rate monitor checks blood oxygen, too,” CNET.com (April 25, 2014), available at <https://www.cnet.com/reviews/withings-pulse-o2-review/>
- APPLE-1058 U.S. Patent No. 7,468,036 to Rulkov et al.
- APPLE-1059 CONFIDENTIAL - Transcript of the Deposition of Dr. R. James Duckworth (August 9, 2023)
- APPLE-1060 Mendelson et al., A Wearable Reflectance Pulse Oximeter for Remote Physiological Monitoring, Proceedings of the 28th IEEE EMBS Annual International Conference (Sept. 3, 2006)
- APPLE-1061 International Publication No. WO 2011/051888 to Ackermans et al.
- APPLE-1062 U.S. Patent Application Publication No. 2005/0116820 to Goldreich
- APPLE-1063 International Publication No. WO 2012/140559 to Shmueli et al.
- APPLE-1064 U.S. Patent No. 7,650,176 to Sarussi et al.
- APPLE-1065 U.S. Patent Application Publication No. 2002/0095092 to Kondo et al.
- APPLE-1066 U.S. Patent Application Publication No. 2015/0355604 to Fraser et al.
- APPLE-1067 U.S. Patent No. 6,580,086 to Schulz et al.

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