

January 18, 2022

Sarah R. Frazier

The Honorable Lisa R. Barton
Secretary
U.S. International Trade Commission
500 E Street, S.W.
Washington, D.C. 20436

+1 617 526 6022 (t)
+1 617 526 5000 (f)
sarah.frazier@wilmerhale.com

Re: *Certain Light-Based Physiological Measurement Devices and Components Thereof*,
Inv. No. 337-TA-1276

Dear Secretary Barton:

Enclosed for filing in the above-referenced investigation are Agreements to be Bound by the Protective Orders of expert witness/consultant, Brian Anthony.

Copies of this submission are being served on the Administrative Law Judge and all parties to the investigation, as provided in the attached certificate of service.

Please contact the undersigned should you have any questions regarding this matter.

Respectfully submitted,

/s/ Sarah R. Frazier

Sarah R. Frazier

October 18, 2021

The Honorable Lisa R. Barton
Secretary
U.S. International Trade Commission
500 E Street, S.W.
Washington, D.C. 20436

Re: *Certain Light-Based Physiological Measurement Devices and Components Thereof*, Inv.
No. 337-TA-1276

Dear Secretary Barton:

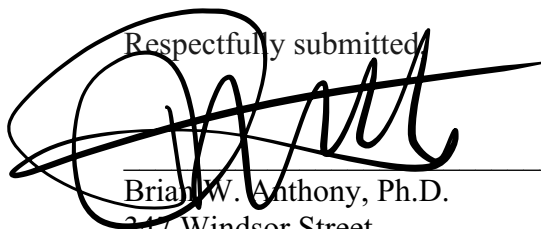
I have been retained as an expert witness/consultant for Apple Inc. (“Apple”) in the above-referenced investigation. By this letter, I acknowledge that I have read the Protective Order (Order No. 1) issued by Chief Administrative Law Judge Bullock in this investigation on August 18, 2021 (the “Protective Order”), and hereby agree:

- (1) To be bound by the terms of the Protective Order;
- (2) Not to reveal any confidential business information (as the term is defined in the Protective Order) to anyone other than another person designated in paragraph 3 of the Protective Order; and
- (3) To utilize such confidential business information solely for purposes of this Investigation.

I, Brian W. Anthony, acknowledge that information submitted for purposes of this Investigation may be disclosed to and used:

- (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or
- (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. I understand that all contract personnel will sign appropriate nondisclosure agreements.

Respectfully submitted



10/20/2021

Brian W. Anthony, Ph.D.
347 Windsor Street
Cambridge, MA 02141
(857) 334-6782

EXHIBIT A

CERTIFICATION OF EXPERT/CONSULTANT REGARDING PROTECTIVE ORDER


I, Brian W Anthony [print or type full name], of Cambridge MA/self am not an employee of the Party who retained me or of a competitor of any Party and will not use any information, documents, or things that are subject to the Protective Order entered January 10 2022, for any purpose other than this litigation.

I agree not to be involved in creating, developing, or modifying, for commercial use (which, for the avoidance of doubt, does not include academic research which is not for industry), any technology designed for performing wearable non-invasive monitoring of pulse oximetry, total hemoglobin, oxygen content, carboxyhemoglobin, and/or methemoglobin, from the time of receipt of material designated as CONFIDENTIAL BUSINESS INFORMATION SUBJECT TO PROTECTIVE ORDER or HIGHLY CONFIDENTIAL SOURCE CODE – ATTORNEYS’ EYES ONLY of any Party other than the Party who retained me, through the date that I cease to have access to any such designated material. For avoidance of doubt, during periods in which I have ceased to have possession of such material or any documents or notes reflecting such material, this paragraph shall not apply.

I state under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed On January 10 2022.

Brian W Anthony
[Printed Name]


[Signature]

*CERTAIN LIGHT-BASED PHYSIOLOGICAL MEASUREMENT
DEVICES AND COMPONENTS THEREOF*

Inv. No. 337-TA-1276

CERTIFICATE OF SERVICE

I, Lanta M. Chase, hereby certify that true and correct copies of the foregoing, **AGREEMENTS TO BE BOUND BY THE PROTECTIVE ORDERS**, have been served on this 18th day of January 2022, on the following in the manner indicated:

<p>The Honorable Lisa R. Barton Secretary U.S. International Trade Commission 500 E Street, S.W. Washington, DC 20436</p>	<p><input checked="" type="checkbox"/> Via Electronic Filing <input type="checkbox"/> Via Hand Delivery (2 Copies) <input type="checkbox"/> Via Overnight Delivery <input type="checkbox"/> Via Facsimile</p>
<p>The Honorable Monica Bhattacharyya Administrative Law Judge U.S. International Trade Commission 500 E Street, S.W., Room 317 Washington, DC 20436</p>	<p><input type="checkbox"/> Via Hand Delivery (2 Copies) <input type="checkbox"/> Via Overnight Delivery <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via Electronic Mail edward.jou@usitc.gov michael.maas@usitc.gov</p>
<p>Stephen C. Jensen Joseph R. Re Sheila N. Swaroop Ted. M. Cannon Alan G. Laquer Kendall M. Loebbaka KNOBBE, MARTENS, OLSON & BEAR, LLP 2040 Main Street Fourteenth Floor Irvine, CA 92614</p> <p>William R. Zimmerman Jonathan E. Bachand KNOBBE, MARTENS, OLSON & BEAR, LLP 1717 Pennsylvania Avenue N.W., Suite 900 Washington, DC 20006</p> <p>Brian C. Horne KNOBBE, MARTENS, OLSON & BEAR, LLP 1925 Century Park East Suite 600 Los Angeles, CA 90067 Karl W. Kowalis Matthew S. Friedrichs</p>	<p><input type="checkbox"/> Via Hand Delivery (2 Copies) <input type="checkbox"/> Via Overnight Delivery <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via Electronic Mail masimo.appleitc@knobbe.com</p>

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.