UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

MASIMO CORPORATION,

Patent Owner.

Case Nos. IPR2022-01465, IPR2022-01466
U.S. Patent 10,687,745

DECLARATION OF R. JAMES DUCKWORTH

I declare that all statements made herein on my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

I reserve the right to supplement my opinions in the future to respond to any arguments or positions Apple may raise, taking account of new information as it becomes available to me.

Dated: 12/12/2022

R. James Duckworth, Ph.D

I, R. James Duckworth, declare and state as follows:

I. INTRODUCTION

1. My name is R. James Duckworth, Ph.D. I have been retained by Knobbe, Martens, Olson & Bear, LLP, counsel for Patent Owner Masimo Corporation ("Masimo"). I am making this declaration at the request of Masimo in the matters of *Inter Partes* Review Nos. IPR2022-01465 and IPR2022-01466, both of which concern dependent claims 2-6, 8, 10-14, 17, 19, and 21-26 of U.S. Patent 10,687,745 ("the '745 Patent"). I understand that IPR2022-01465 and -01466 also present arguments on independent Claims 1, 15, and 20 of the '745 Patent, but that Apple is not challenging those claims in these two petitions. I understand that Apple's Apple Watch Series 6 and Series 7 and later are accused by Masimo of infringing claims 9 and 27 of the '745 Patent in the parties' parallel ITC investigation (Investigation No. 337-TA-1276, the "ITC Investigation"). I understand that those claims were addressed in earlier-filed IPR petitions IPR2022-01291 and IPR2022-01292. I understand that this Declaration is being submitted in each of the above-captioned proceedings as Exhibit 2002.

2. I am being compensated by Masimo for my work in this matter at my standard hourly rate for expert consulting services. My compensation in no way depends on the outcome of this proceeding. I have no financial interest in any of the parties to these matters.

II. INFORMATION AND MATERIALS CONSIDERED

3. I have been asked to provide technical expert opinions relating to the validity of the claims of the '745 Patent. In conducting the analyses and forming the opinions set forth in this Declaration, I have reviewed and considered the '745 Patent's claims, specification, and file history. I have also reviewed and considered Apple's petitions for IPR2022-01465 ("1465 Petition") and IPR2022-01466 ("1466 Petition"), the prior art references that Apple relies on, the declarations of Dr. Brian Anthony (EX1003), and all other exhibits[1] that Apple attached to the 1465 Petition and 1466 Petition. I understand that, except for the Anthony declarations (EX1003), the exhibits that Apple attached to the 1465 Petition and 1466 Petition refer to the same exhibits. To distinguish between the two declarations that Dr. Anthony provided in the 1465 Petition and 1466 Petition, I will refer to the Anthony declarations as EX1003-1465 and EX1003-1466, respectively. I further understand that Apple filed corrected petitions that addressed clerical errors. The changes in the corrected petitions do not affect my opinions. Citations to the petitions refer to the corrected petitions.

[1] I understand Apple's Exhibits 1023-1030 are placeholder exhibit numbers with no accompanying exhibits. I also understand that Apple included Exhibits 1019-1022 only in IPR2022-01465.

4. I have also reviewed and considered at least the following materials in preparing this declaration:

Exhibit No.	Description
2004	Y. Mendelson et al., "A wearable reflectance pulse oximeter for remote physiological monitoring," Proceedings of the 28th IEEE EMBS Annual International Conference, pp. 912-915, 2006
2005	R.J. Duckworth et al., "Field Testing of a Wireless Wearable Reflectance Pulse Oximeter," American Telemedicine Association Annual Conference, 2006
2006	Y. Mendelson, "Wearable Wireless Pulse Oximetry for Physiological Monitoring," Worcester Polytechnic Institute Precise Personnel Location Workshop, 2008
2008	*Masimo Corp. et al. v. Apple Inc.*, June 6-10, 2022 Public Hearing Transcript, ITC Inv. No 337-TA-1276
2011	*Masimo Corp. et al. v. Apple Inc.*, Masimo's June 27, 2022 Public Initial Post-Hearing Brief, ITC Inv. No 337-TA-1276
2019	U.S. Patent Pub. No. 2017/0325744
2020	January 3, 2013 Masimo Press Release Regarding iSpO2
2021	October, 2013 Marcelo Lamego Email to Apple CEO Tim Cook
2022	U.S. Patent No. 10,524,671
2023	U.S. Patent No. 10,247,670
2024	U.S. Patent No. 11,009,390
2025	U.S. Patent No. 10,219,754
2027	*Masimo Corp. et al. v. Apple Inc.*, Public Order Regarding Masimo's Motion for Preliminary Injunction, Case No. 8:20-cv-00048 (C.D. Cal.)

Exhibit No.	Description
2028	Apple Webpage Titled "Apple Watch Series 6"
2029	Apple Watch Series 6 Video
2050	Respondent Apple Inc.'s Post-Hearing Brief (publicly filed July 13, 2022 in the Investigation)
2051	Complainants' Reply Post-Hearing Brief (publicly filed July 25, 2022 in the Investigation)
2052	Respondent Apple Inc.'s Corrected Pre-Hearing Brief (publicly filed May 27, 2022 in the Investigation)
2053	February 23, 2022 Updated Joint Proposed Claim Construction Chart, filed in the Investigation
2054	January 27, 2022 Complainants' Opening Claim Construction Brief, filed in the Investigation
2055	February 10, 2022 Respondent Apple Inc.'s Rebuttal *Markman* Brief, filed in the Investigation
2056	Excerpts of the File History of App. No. 16/532,065
2057	Excerpts of the File History of App. No. 15/195,199
2062	September 15, 2020 Apple Press Release Regarding Apple Watch Series 6
2063	Andrew Griffin, "Apple Watch Series 6: Why Apple Added a Sensor to Tell How Much Oxygen Is in Your Blood as Its Big New Feature – And What It Means," Independent, Oct. 7, 2020 (https://www.independent.co.uk/tech/apple-watch-series-6-blood-oxygen-pulse-oximetry-red-light-heart-rate-vo2-max-b513807.html)

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