¢	ase 8:20-cv-00048-JVS-JDE Document 473 #:38776				
1 2 3 4 5 6 7 8 9 10 11 12 13	ben.katzenellenbogen@knobbe.com Perry D. Oldham (Bar No. 216016) perry.oldham@knobbe.com Stephen W. Larson (Bar No. 240844) stephen.larson@knobbe.com <b>KNOBBE, MARTENS, OLSON &amp; BEAR, LLH</b> 2040 Main Street, Fourteenth Floor Irvine, CA 92614 Telephone: (949) 760-0404; Facsimile: (94 Adam B. Powell (Bar. No. 272725) adam.powell@knobbe.com <b>KNOBBE, MARTENS, OLSON &amp; BEAR, LLH</b> 3579 Valley Centre Drive San Diego, CA 92130 Telephone: (858) 707-4000; Facsimile: (85 Attorneys for Plaintiffs, MASIMO CORPORATION and CERCACOR LAN	h R. Re (Bar No. 134479) h.re@knobbe.com en C. Jensen (Bar No. 149894) jensen@knobbe.com min A. Katzenellenbogen (Bar No. 208527) atzenellenbogen@knobbe.com D. Oldham (Bar No. 216016) oldham@knobbe.com en W. Larson (Bar No. 240844) en.larson@knobbe.com <b>BE</b> , MARTENS, OLSON & BEAR, LLP Main Street, Fourteenth Floor c, CA 92614 hone: (949) 760-0404; Facsimile: (949) 760-9502 h B. Powell (Bar. No. 272725) powell@knobbe.com <b>BE</b> , MARTENS, OLSON & BEAR, LLP Valley Centre Drive Diego, CA 92130 hone: (858) 707-4000; Facsimile: (858) 707-4001 neys for Plaintiffs, MO CORPORATION and CERCACOR LABORATORIES, INC.			
14	IN THE UNITED STATES DISTRICT COURT				
15	FOR THE CENTRAL DISTRICT OF CALIFORNIA SOUTHERN DIVISION				
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> <li>27</li> <li>28</li> </ol>	MASIMO CORPORATION, a Delaware corporation; and CERCACOR LABORATORIES, INC., a Delaware corporation Plaintiffs, v. APPLE INC., a California corporation Defendant.	Case No. 8:20-cv-00048-JVS-JDE <b>DECLARATION OF ADAM B.</b> <b>POWELL IN SUPPORT OF MOTION</b> <b>FOR RECONSIDERATION OF THE</b> <b>COURT'S JUNE 10 ORDER</b> <b>DENYING MOTION TO COMPEL</b> <b>DISCOVERY FROM TIM COOK</b> <b>(DKT. 455)</b> [Discovery Document: Referred to Magistrate Judge John D. Early] Date: August 19, 2021 Time: 10:00 a.m. Ctrm: 6A Discovery Cut-Off: 3/7/2022 Pre-Trial Conference: 11/21/2022 Trial: 12/6/2022			

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## EXHIBIT 6

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Case 8:2	0-cv-00048-JVS-JDE Document 473 Fil #:38860	ed 07/19/21 Page 85 of 168 Page ID
Case	8:18-cv-02001-JVS-JDE Document 321-1 Fi #:18216	iled 07/02/21 Page 1 of 94 Page ID
1 2 3 4 5 6 7 8 9 10 11 12 13	Joseph R. Re (Bar No. 134479) joseph.re@knobbe.com Stephen C. Jensen (Bar No. 149894) stephen.jensen@knobbe.com Irfan Irfan A. Lateef (Bar No. 204004) irfan.lateef@knobbe.com Perry D. Oldham (Bar No. 216016) perry.oldham@knobbe.com Brian C. Claassen (Bar No. 253627) brian.claassen@knobbe.com <b>KNOBBE, MARTENS, OLSON &amp; BEAR, LLP</b> 2040 Main Street, Fourteenth Floor Irvine, CA 92614 Telephone: (949) 760-0404 Facsimile: (949) 760-9502 Attorneys for Plaintiffs, Masimo Corporation and Cercacor Laboratories, Inc.	Mark D. Kachner (Bar No. 234192) mark.kachner@knobbe.com KNOBBE, MARTENS, OLSON & BEAR, LLP 1925 Century Park East, Suite 600 Los Angeles, CA 90067 Telephone: (310) 551-3450 Facsimile: (310) 601-1263
14	5 FOR THE CENTRAL DISTRICT OF CALIFORNIA	
15		
16		
17 18 19 20 21 22 23 24 25	MASIMO CORPORATION, a Delaware corporation; and CERCACOR LABORATORIES, INC., a Delaware corporation, Plaintiffs/Counterdefendants, v. TRUE WEARABLES, INC., a Delaware corporation; and MARCELO LAMEGO, an individual,	<ul> <li>Case No. 8:18-CV-02001-JVS-JDE</li> <li>PLAINTIFFS' EXHIBITS 3-5, 8, AND 10 TO THE</li> <li>DECLARATION OF MARK D.</li> <li>KACHNER IN SUPPORT OF</li> <li>OPPOSITION TO APPLE INC.'S</li> <li>MOTION TO QUASH AND FOR</li> <li>A PROTECTIVE ORDER</li> <li>Hon. James V. Selna</li> <li>Hon. Magistrate John D. Early</li> <li>[Discovery Document: Referred to Magistrate Judge John D. Early]</li> </ul>
26 27	Defendants/Counterclaimants.	<ul> <li>Hearing: June 24, 2021</li> <li>Time: 10:00 a.m.</li> <li>Court: Room: 6A</li> </ul>
	Defendants/Counterclaimants. UNREDACTED VERSION OF DOCUMENT COURT DATED JUNE 24	j Time: 10:00 a.m. ) Court: Room: 6A ) S FILED PURSUANT TO ORDER OF THE

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Case 8:20-cv-00048-JVS-JDE Document 473 Filed 07/19/21 Page 86 of 168 Page ID #:38861 Case 8:18-cv-02001-JVS-JDE Document 321-1 Filed 07/02/21 Page 36 of 94 Page ID #:18251

# EXHIBIT 4

## [TRUE016520-522]

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Case 8:18-cv-02001-JVS-JDE Document 321-1 Filed 07/02/21 Page 37 of 94 Page ID #:18252 #:18252



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#### The three equations

Marcelo Lamego <mmlamego@stanfordalumni.org> To: tcook@apple.com

Wed, Oct 2, 2013 at 12:54 AM

Dear Tim Cook,

I was approached by Apple in the beginning of this year (by David Affourtit and James Foster) and was asked if I would like to join the executive technical team. Because I did not want to sign the Apple's NDA for an onsite interview, the process came to a halt. I felt that it was not appropriate to receive confidential information from or disclose confidential information to Apple given my fiduciary responsibilities as the Chief Technical Officer of Cercacor.

I have developed several medical devices in the last 10 years and I am positively sure I could add a significant value to the Apple team, if I was given the chance of becoming part of it in a senior technical executive position and without conflicting with the large IP I have developed for Masimo and Cercacor during the same period.

What I am sure Apple soon will realize is that medical, wellness and fitness technologies are very deceptive in the sense that they are easy to develop for products that work in most (~80%)

he users. Getting the same technology to work in almost the entire population is a problem axtremely more complex. This is the very reason most medical device startups become insolvent. Knowing Apple's reputation, I am sure you would not settle for even 99%, imagine then, 80%.

As you probably know, regulatory barriers are another important consideration when dealing with medical technologies in general. If the FDA or any other regulatory agency worldwide (i.e., Canada, Japan, Korea, Europe, etc.) believe your product should be regulated by their standards then, the choice of intended use combined with the technology realization strategy can make the development shorten or longer by several years.

The reason I feel attracted by Apple as a company is not related to the things most people are interested in, i.e., brand recognition, great culture, great products, great people. It has to do with the fact that, as an engineer, I realized that there are three important equations to be solved in order to create a competitive global medical, wellness and fitness product portfolio:

(i) The user equation - Apple has solved it and created the industry standard. With a brand recognition similar to the ones from luxury products, everybody is interested in understanding and using Apple's intuitive interfaces.

(ii) The patient equation - This is the deceptive part.

(<sup>11</sup>) The connectivity equation - This can only be solved with scale and brand recognition, which a synonymous for Apple. Reliable wireless technology and device interoperability will become a must in the medical device segment.

https://mail.google.com/mail/u/0?ik=4082d4e25e&view=pt&search=...=msg-1%3A1447769362243174174&simpl=msg-1%3A1447769352243174174 Page 1 of 2

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