

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and
SOUND UNITED, LLC,

Defendants.

C.A. No. 22-1377-MN-JLH

JURY TRIAL DEMANDED

MASIMO CORPORATION,

Counter-Claimant,

v.

APPLE INC.,

Counter-Defendant.

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and
SOUND UNITED, LLC,

Defendants.

C.A. No. 22-1378-MN-JLH

JURY TRIAL DEMANDED

MASIMO CORPORATION and
CERCACOR LABORATORIES, INC.,

Counter-Claimants,

v.

APPLE INC.,

Counter-Defendant.

JOINT CLAIM CONSTRUCTION CHART FOR ASSERTED APPLE PATENTS

The parties have met and conferred pursuant to Paragraph 11 of the Scheduling Order (D.I. 103 in -1377 matter, D.I. 92 in -1378 matter), and present the following Joint Claim Construction Chart (attached as Exhibit A), which sets forth the disputed claims/terms from U.S. Patent Nos.: D883,279; D947,842; D962,936; D735,131; 10,076,257; 10,627,783; 10,942,491; 10,987,054; 11,106,352; and 11,474,483.

The attached Joint Claim Construction Chart (Exhibit A) identifies the disputed claims, terms, and phrases of the patents-at-issue, and provides each party's proposed constructions of those claims, terms, and phrases as well as the intrinsic evidence supporting each party's respective proposed constructions. Pursuant to Paragraph 11 of the Scheduling Order, copies of the patents-at-issue as well as the portions of the intrinsic record relied upon by Apple are attached as Exhibit B, and the portions of the intrinsic record relied upon by Masimo are attached as Exhibit C. The parties have made a good faith effort to include all known support in the intrinsic record for their respective proposed constructions, but reserve their rights to supplement the Joint Claim Construction Chart with additional evidence and to rely upon additional evidence in their claim construction briefs.

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Exhibit A

Joint Claim Construction Chart

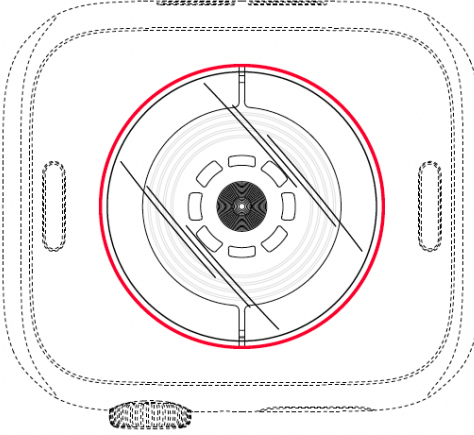
I. Asserted Apple Design Patents

The following chart identifies the claims at issue from U.S. Patent Nos. D883,279 (the “D’279 Patent”), D947,842 (the “D’842 Patent”), D962,936 (the “D’936 Patent”), and D735,131 (the “D’131 Patent”) (collectively, the “Asserted Apple Design Patents”), as well as each party’s proposed constructions and citations to intrinsic evidence in support of such constructions.¹

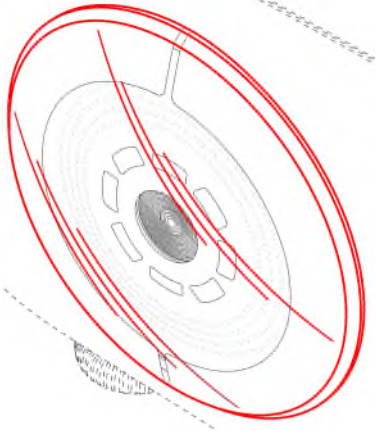
Asserted Apple Design Patents			
No.	Patent(s)	Apple’s Proposed Constructions & Intrinsic Evidence	Masimo’s Proposed Constructions & Intrinsic Evidence
A-1	D’279	The claim of the D’279 Patent: The ornamental design for an electronic device, as shown in Figures 1-9 of the D’279 Patent. <u>Intrinsic Evidence:</u> D’279 Patent, including its claim, description, and Figures 1-9.	See A-2 through A-12.

¹ Each party reserves the right to rely upon the portions of the intrinsic record cited by the other party, and to rely upon additional intrinsic evidence in the claim constructions briefs to respond to or rebut evidence and arguments made by the other party. Moreover, the parties’ citations to the specification or file history of certain patents are exemplary for like citations within the specifications and file histories of the asserted patents. Additionally, the parties rely generally on the specifications and file histories of the asserted patents, including but not limited to the specific citations identified herein. While each row in this Joint Claim Construction Chart corresponds to a disputed claim, term, or phrase, the parties may group together certain disputes in their claim construction briefs.

Joint Claim Construction Chart

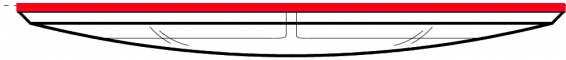
Asserted Apple Design Patents			
No.	Patent(s)	Apple's Proposed Constructions & Intrinsic Evidence	Masimo's Proposed Constructions & Intrinsic Evidence
A-2	D'279, D'842, and D'936	Not indefinite. <u>Intrinsic Evidence:</u> D'279 Patent, including its claim, description, and Figures 1-9; D'842 Patent, including its claim, description, and Figures 1-9; D'936 Patent, including its claim, description, and Figures 1-9	The claims of the D'279, D'842, and D'936 Patents are indefinite as to whether, and to what extent, an outermost circle is claimed. <u>Intrinsic Evidence:</u> D'279 Patent, including its claim, description, and Figures 1-9; D'842 Patent, including its claim, description, and Figures 1-9; D'936 Patent, including its claim, description, and Figures 1-9.
A-3	D'279, D'842, D'936  See, e.g., D'279 Patent at FIG. 4.	See No. A-1, A-13, and A-17	An outermost circle on the bottom of an electronic device. <u>Intrinsic Evidence:</u> D'279, D'842, D'936 Patents at Description, Claims, FIGS. 2, 4-8; <i>Masimo Corp. v. Apple Inc.</i> , IPR2023-00774, Paper No. 8 (PTAB July 12, 2023) (Apple's POPR for D'279 Patent); <i>Masimo Corp. v. Apple Inc.</i> , IPR2023-00702, Paper No. 8 (PTAB June 29, 2023) (Apple's POPR for D'842 Patent); <i>Masimo Corp. v. Apple Inc.</i> , IPR2023-00728, Paper No. 8 (PTAB June 21, 2023) (Apple's POPR for D'936 Patent).

Joint Claim Construction Chart

Asserted Apple Design Patents			
No.	Patent(s)	Apple's Proposed Constructions & Intrinsic Evidence	Masimo's Proposed Constructions & Intrinsic Evidence
A-4	D'279  See, e.g., D'279 Patent at FIG. 2.	See No. A-1	A circular protrusion coextensive with and protruding from the outermost circle. The protrusion has a cylindrical portion, a chamfered edge, and a convex dome. The height ² of the protrusion is approximately 12% of the diameter of the protrusion. Intrinsic Evidence: D'279 Patent at Description, Claims, FIGS. 2, 4-8; <i>Masimo Corp. v. Apple Inc.</i> , IPR2023-00774, Paper No. 8 (PTAB July 12, 2023) (Apple's POPR for D'279 Patent).

² This relationship can also be phrased as: the diameter of the protrusion is approximately 8.5 times the height of the protrusion.

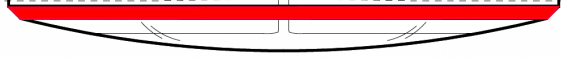
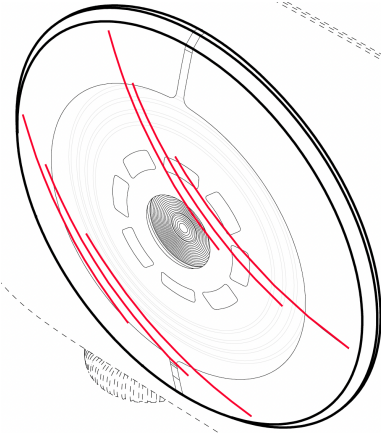
Joint Claim Construction Chart

Asserted Apple Design Patents			
No.	Patent(s)	Apple's Proposed Constructions & Intrinsic Evidence	Masimo's Proposed Constructions & Intrinsic Evidence
A-5	D'279 	See No. A-1	The height³ of the cylindrical portion is approximately 16% of the height of the protrusion and approximately 2.0% of the diameter of the protrusion. <u>Intrinsic Evidence:</u> D'279 Patent at Description, Claims, FIGS. 2, 4-8; <i>Masimo Corp. v. Apple Inc.</i>, IPR2023-00774, Paper No. 8 (PTAB July 12, 2023) (Apple's POPR for D'279 Patent).

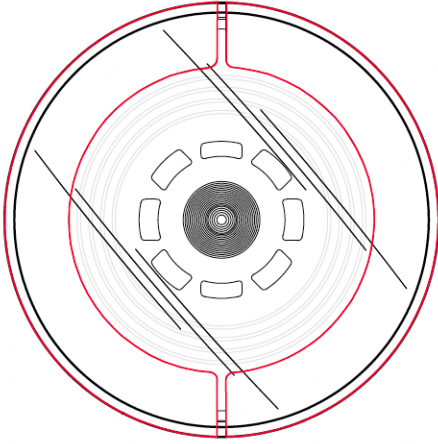
See, e.g., D'279 Patent at FIG. 5.

³ This relationship can also be phrased as: the height of the protrusion is approximately 6.3 times the height of the cylindrical portion and the diameter of the protrusion is approximately 50 times the height of the cylindrical portion.

Joint Claim Construction Chart

Asserted Apple Design Patents			
No.	Patent(s)	Apple's Proposed Constructions & Intrinsic Evidence	Masimo's Proposed Constructions & Intrinsic Evidence
A-6	D'279		The chamfered edge is located between the cylindrical portion and the convex dome. <u>Intrinsic Evidence:</u> D'279 Patent at Description, Claims, FIGS. 2, 4-8; <i>Masimo Corp. v. Apple Inc.</i>, IPR2023-00774, Paper No. 8 (PTAB July 12, 2023) (Apple's POPR for D'279 Patent).
A-7	See, e.g., D'279 Patent at FIG. 5. D'279 	See No. A-1	The convex dome has a transparent, translucent and highly polished, and/or reflective surface. <u>Intrinsic Evidence:</u> D'279 Patent at Description, Claims, FIGS. 2, 4-8; <i>Masimo Corp. v. Apple Inc.</i>, IPR2023-00774, Paper No. 8 (PTAB July 12, 2023) (Apple's POPR for D'279 Patent).

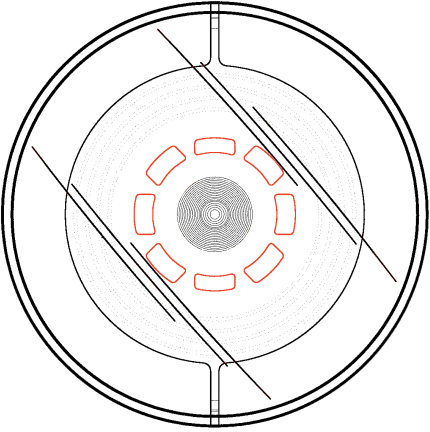
Joint Claim Construction Chart

Asserted Apple Design Patents			
No.	Patent(s)	Apple's Proposed Constructions & Intrinsic Evidence	Masimo's Proposed Constructions & Intrinsic Evidence
A-8	D'279	 See, e.g., D'279 Patent at FIG. 4.	An outer broken-circular feature formed by two arches providing the appearance of a unified circle rather than two separate opposed shapes. The outer edge of each arch coincides with the outermost circle. The top surface of each arch appears coextensive with the cylindrical portion, the chamfered edge, and the convex dome. Each arch has a flat end. Each flat end has a rounded transition to the inner edge of each arch and a sharp transition to the outer edge of each arch (where the end is perpendicular to the outermost circle). The flat ends are separated by a relatively small gap⁴ that is approximately 2.0% of the diameter of the outermost circle. The width⁵ of each arch (the distance between the inner and outer edges of each arch) is approximately 30% of the radius of the outermost circle. <u>Intrinsic Evidence:</u> D'279 Patent at Description, Claims, FIGS. 2, 4-8; <i>Masimo Corp. v. Apple Inc.</i>, IPR2023-00774, Paper No. 8 (PTAB July 12, 2023) (Apple's POPR for D'279 Patent).

⁴ This relationship can also be phrased as: the diameter of the outermost circle is approximately 50 times larger than the gap between the ends of the arches.

⁵ This relationship can also be phrased as: the radius of the outermost circle is approximately 3.4 times greater than the width of each arch.

Joint Claim Construction Chart

A-9	D'279, D'842  See, e.g., D'279 Patent at FIG. 4.	See No. A-1, A-13	Eight four-sided shapes arranged symmetrically in a circle on a surface below the convex portion of the arches. Two of the four-sided shapes are centered on an imaginary line formed by the gaps between the arches. Each of the eight four-sided shapes has two longer sides and two shorter sides. The shorter sides are flat and substantially parallel to each other, and form eight trapezoidal gaps between the shapes that narrow toward the center of the outermost circle. The gaps between the four-sided shapes are wider than the gaps between the arches. The longer dimension⁶ of each four-sided shape is approximately 19% of the radius of the outermost circle. The shorter dimension⁷ of each four-sided shape is approximately 9.0% of the radius of the outermost circle. The distance between the center of the outermost circle and the inner edge of each four-sided shape⁸ is approximately 28% of the radius of the outermost circle. The distance between the outer edge of each four-sided shape and the outermost circle⁹ is approximately 64% of the radius of the outermost circle. Each shape has an area¹⁰ of approximately 0.5% of the area of the outermost circle.
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Joint Claim Construction Chart

Asserted Apple Design Patents			
No.	Patent(s)	Apple's Proposed Constructions & Intrinsic Evidence	Masimo's Proposed Constructions & Intrinsic Evidence
			<u>Intrinsic Evidence:</u> D'279, D'842 Patents at Description, Claims, FIGS. 2, 4-8; <i>Masimo Corp. v. Apple Inc.</i>, IPR2023-00774, Paper No. 8 (PTAB July 12, 2023) (Apple's POPR for D'279 Patent); <i>Masimo Corp. v. Apple Inc.</i>, IPR2023-00702, Paper No. 8 (PTAB June 29, 2023) (Apple's POPR for D'842 Patent).

⁶ This relationship can also be phrased as: the radius the outermost circle is approximately 5.3 times greater than the longer dimension of each four-sided shape.

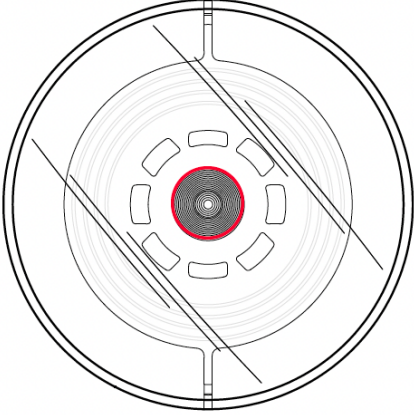
⁷ This relationship can also be phrased as: the radius the outermost circle is approximately 11 times greater than the shorter dimension of each four-sided shape.

⁸ This relationship can also be phrased as: the radius of the outermost circle is approximately 3.5 times greater than the distance between the center of the outermost circle and the inner edge of each four-sided shape.

⁹ This relationship can also be phrased as: the radius of the outermost circle is approximately 1.6 times the distance between the outer edge of each four-sided shape and the outermost circle.

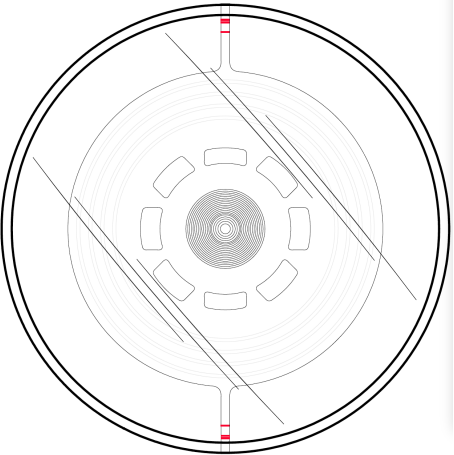
¹⁰ This relationship can also be phrased as: the area of the outermost circle is approximately 200 times greater than the area of each four-sided shape.

Joint Claim Construction Chart

Asserted Apple Design Patents			
No.	Patent(s)	Apple's Proposed Constructions & Intrinsic Evidence	Masimo's Proposed Constructions & Intrinsic Evidence
A-10	D'279	 See, e.g., D'279 Patent at FIG. 4.	Twenty concentric circles in the center of the outermost circle and surrounded by the arrangement of four-sided shapes. The twenty concentric circles are recessed below the surface having the four-sided shapes. The radius¹¹ of the largest central concentric circle is approximately 17% of the radius of the outermost circle. <u>Intrinsic Evidence:</u> D'279 Patent at Description, Claims, FIGS. 2, 4-8; <i>Masimo Corp. v. Apple Inc.</i>, IPR2023-00774, Paper No. 8 (PTAB July 12, 2023) (Apple's POPR for D'279 Patent).

¹¹ This relationship can also be phrased as: the radius of the outermost circle is approximately 5.8 times the radius of the largest central concentric circle.

Joint Claim Construction Chart

Asserted Apple Design Patents			
No.	Patent(s)	Apple's Proposed Constructions & Intrinsic Evidence	Masimo's Proposed Constructions & Intrinsic Evidence
A-11	D'279, D'842, D'936  See, e.g., D'279 Patent at FIG. 4.	See No. A-1, A-13, and A-17	Three parallel lines spanning each gap between the ends of the arches. The six lines are below the convex portion of the arches and are not visible in a front, rear, left side, or right side view. <u>Intrinsic Evidence:</u> D'279, D'842, D'936 Patents at Description, Claims, FIGS. 2, 4-8; <i>Masimo Corp. v. Apple Inc.</i> , IPR2023-00774, Paper No. 8 (PTAB July 12, 2023) (Apple's POPR for D'279 Patent); <i>Masimo Corp. v. Apple Inc.</i> , IPR2023-00702, Paper No. 8 (PTAB June 29, 2023) (Apple's POPR for D'842 Patent); <i>Masimo Corp. v. Apple Inc.</i> , IPR2023-00728, Paper No. 8 (PTAB June 21, 2023) (Apple's POPR for D'936 Patent).

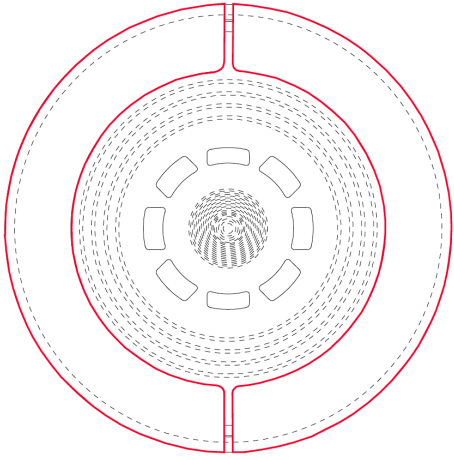
Joint Claim Construction Chart

Asserted Apple Design Patents			
No.	Patent(s)	Apple's Proposed Constructions & Intrinsic Evidence	Masimo's Proposed Constructions & Intrinsic Evidence
A-12	D'279, D'842, D'936	See No. A-1, A-13, and A-17	The overall appearance of the claimed design is an elegant and streamlined concentric circle appearance, rather than a bulky assembly of shapes. <u>Intrinsic Evidence:</u> D'279, D'842, D'936 Patents at Description, Claims, FIGS. 2, 4-8; <i>Masimo Corp. v. Apple Inc.</i>, IPR2023-00774, Paper No. 8 (PTAB July 12, 2023) (Apple's POPR for D'279 Patent); <i>Masimo Corp. v. Apple Inc.</i>, IPR2023-00702, Paper No. 8 (PTAB June 29, 2023) (Apple's POPR for D'842 Patent); <i>Masimo Corp. v. Apple Inc.</i>, IPR2023-00728, Paper No. 8 (PTAB June 21, 2023) (Apple's POPR for D'936 Patent). See A-2, A-3, A-9, A-11, A-12
A-13	D'842	The claim of the D'279 Patent: The ornamental design for an electronic device, as shown in Figures 1-9 of the D'842 Patent. <u>Intrinsic Evidence:</u> D'842 Patent, including its claim, description, and Figures 1-9.	

Joint Claim Construction Chart

Asserted Apple Design Patents			
No.	Patent(s)	Apple's Proposed Constructions & Intrinsic Evidence	Masimo's Proposed Constructions & Intrinsic Evidence
A-14	D'842 and D'936	Not indefinite. <u>Intrinsic Evidence</u> : D'842 Patent, including its claim, description, and Figures 1-9; D'936 Patent, including its claim, description, and Figures 1-9	The claims of the D'842 and D'936 Patents are indefinite as to whether, and to what extent, the shape of the surface of the arches is claimed. <u>Intrinsic Evidence</u> : D'842 Patent, including its claim, description, and Figures 1-9; D'936 Patent, including its claim, description, and Figures 1-9.

Joint Claim Construction Chart

Asserted Apple Design Patents			
No.	Patent(s)	Apple's Proposed Constructions & Intrinsic Evidence	Masimo's Proposed Constructions & Intrinsic Evidence
A-15	D'842, D'936  See, e.g., D'842 Patent at FIG. 4.	See No. A-13, A-17	An outer broken-circular feature formed by two arches providing the appearance of a unified circle rather than two separate opposed shapes. The outer edge of each arch coincides with the outermost circle. The top surface of each arch includes a cylindrical portion, a convex portion, and a chamfered edge located between the cylindrical portion and the convex portion. Each arch has a flat end. Each flat end has a rounded transition to the inner edge of each arch and a sharp transition to the outer edge of each arch (where the end is perpendicular to the outermost circle). The flat ends are separated by a relatively small gap ¹² that is approximately 2.0% of the diameter of the outermost circle. The width ¹³ of each arch (the distance between the inner and outer edges of each arch) is approximately 30% of the radius of the outermost circle. <u>Intrinsic Evidence:</u> D'842, D'936 Patents at Description, Claims, FIGS. 2, 4-8; <i>Masimo Corp. v. Apple Inc.</i> , IPR2023-00702, Paper No. 8 (PTAB June 29, 2023) (Apple's POPR for D'842 Patent); <i>Masimo Corp. v. Apple Inc.</i> , IPR2023-00728, Paper No. 8 (PTAB June 21, 2023) (Apple's POPR for D'936 Patent).

Joint Claim Construction Chart

Asserted Apple Design Patents			
No.	Patent(s)	Apple's Proposed Constructions & Intrinsic Evidence	Masimo's Proposed Constructions & Intrinsic Evidence
A-16	D'842, D'936  See, e.g., D'842 Patent at FIG. 5.	See No. A-13, A-17	The height¹⁴ of the cylindrical portion of each arch is approximately 2.0% of the diameter of the outermost circle. The height¹⁵ of each arch is approximately 7.0% of the diameter of the outermost circle. <u>Intrinsic Evidence:</u> D'842, D'936 Patents at Description, Claims, FIGS. 2, 4-8; <i>Masimo Corp. v. Apple Inc.</i>, IPR2023-00702, Paper No. 8 (PTAB June 29, 2023) (Apple's POPR for D'842 Patent); <i>Masimo Corp. v. Apple Inc.</i>, IPR2023-00728, Paper No. 8 (PTAB June 21, 2023) (Apple's POPR for D'936 Patent).

¹² This relationship can also be phrased as: the diameter of the outermost circle is approximately 50 times larger than the gap between the ends of the arches.

¹³ This relationship can also be phrased as: the radius of the outermost circle is approximately 3.4 times greater than the width of each arch.

¹⁴ This relationship can also be phrased as: the diameter of the outermost circle is approximately 50 times the height of the cylindrical portion.

¹⁵ This relationship can also be phrased as: the diameter of the outermost circle is approximately 14 times the height of each arch.

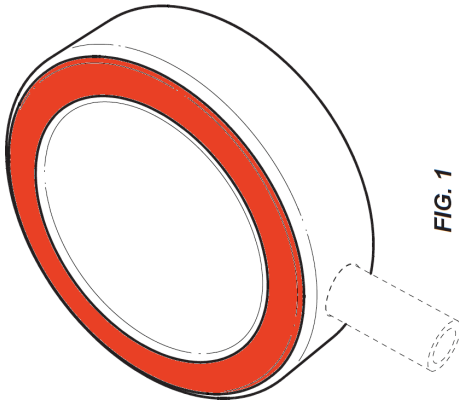
Joint Claim Construction Chart

Asserted Apple Design Patents			
No.	Patent(s)	Apple's Proposed Constructions & Intrinsic Evidence	Masimo's Proposed Constructions & Intrinsic Evidence
A-17	D'936	The claim of the D'936 Patent: The ornamental design for an electronic device, as shown in Figures 1-9 of the D'936 Patent. <u>Intrinsic Evidence:</u> D'936 Patent, including its claim, description, and Figures 1-9.	See A-2, A-3, A-11, A-12, A-14 through A-16
A-18	D'131	The claim of the D'131 Patent: The ornamental design for an electronic device, as shown in Figures 1-11 of the D'131 Patent. <u>Intrinsic Evidence:</u> D'131 Patent, including its claim, description, and Figures 1-11.	See A-19 through A-25
A-19	D'131	Not indefinite. <u>Intrinsic Evidence:</u> D'131 Patent, including its claim, description, and Figures 1-11	The claim of the D'131 Patent is indefinite as to whether, and to what extent, a bottom surface is claimed. <u>Intrinsic Evidence:</u> D'131 Patent, including its claim, description, and Figures 1-11.
A-20	D'131	 FIG. 7 See, e.g., D'131 Patent at FIG. 7.	A cylindrical shape with substantially rounded outer edges between the sidewall and the top and bottom surfaces of the cylinder. <u>Intrinsic Evidence:</u> D'131 Patent at Description, Claims, Figures; <i>Masimo Corp. v. Apple Inc.</i>, IPR2023-00831, Apple's Forthcoming POPR for D'131 Patent.

Joint Claim Construction Chart

Asserted Apple Design Patents			
No.	Patent(s)	Apple's Proposed Constructions & Intrinsic Evidence	Masimo's Proposed Constructions & Intrinsic Evidence
A-21	D'131  FIG. 7 See, e.g., D'131 Patent at FIG. 7.	See No. A-18	The sidewall is perpendicular to the top and bottom surfaces. <u>Intrinsic Evidence:</u> D'131 Patent at Description, Claims, Figures; <i>Masimo Corp. v. Apple Inc.</i> , IPR2023-00831, Apple's Forthcoming POPR for D'131 Patent.

Joint Claim Construction Chart

Asserted Apple Design Patents			
No.	Patent(s)	Apple's Proposed Constructions & Intrinsic Evidence	Masimo's Proposed Constructions & Intrinsic Evidence
A-22	D'131	 See, e.g., D'131 Patent at FIG. 1.	A short, wide, flat ring on top of the top surface of the cylinder that has a smaller diameter than the sidewall. The top surface of the ring has a rounded outer edge that meets the top surface of the cylinder at a right angle. The width of the ring¹⁶ is approximately 20% of radius of the cylinder sidewall and the area of the ring is approximately 35% of the area of the circle¹⁷ defined by the cylinder sidewall. The height of the ring¹⁸ is approximately 5.0% of height of the cylinder (from the bottom surface to the top surface). The width of the top surface between the ring and the sidewall¹⁹ is approximately 20% of the width of the ring. <u>Intrinsic Evidence:</u> D'131 Patent at Description, Claims, Figures; <i>Masimo Corp. v. Apple Inc.</i>, IPR2023-00831, Apple's Forthcoming POPR for D'131 Patent.

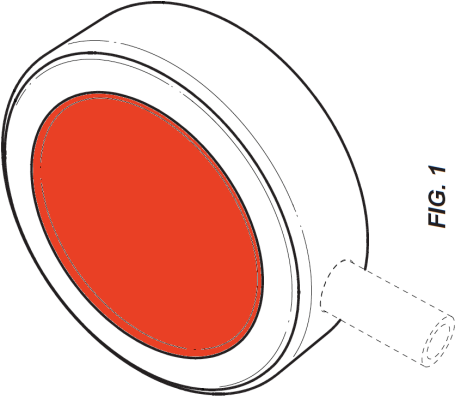
¹⁶ This relationship can also be phrased as: the radius of the cylinder sidewall is approximately 5.0 times the width of the ring.

¹⁷ This relationship can also be phrased as: the area of the circle defined by the cylinder sidewall is approximately 3.0 times the area of the ring.

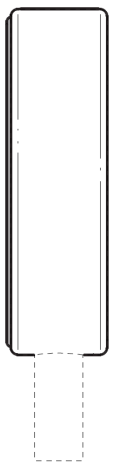
¹⁸ This relationship can also be phrased as: the height of the cylinder is approximately 20 times the height of the ring.

¹⁹ This relationship can also be phrased as: the ring is approximately 5.0 times wider than the space between the ring and the sidewall.

Joint Claim Construction Chart

Asserted Apple Design Patents			
No.	Patent(s)	Apple's Proposed Constructions & Intrinsic Evidence	Masimo's Proposed Constructions & Intrinsic Evidence
A-23	D'131	 FIG. 1 See, e.g., D'131 Patent at FIG. 1.	The short, wide, flat ring surrounds a featureless circular recessed center portion. (The claimed design is not limited to a concave recess.) <u>Intrinsic Evidence:</u> D'131 Patent at Description, Claims, Figures; <i>Masimo Corp. v. Apple Inc.</i>, IPR2023-00831, Apple's Forthcoming POPR for D'131 Patent.
A-24	D'131	 FIG. 6 See, e.g., D'131 Patent at FIG. 6.	A flat bottom surface with a diameter that is substantially the same as the diameter of the sidewall. <u>Intrinsic Evidence:</u> D'131 Patent at Description, Claims, Figures; <i>Masimo Corp. v. Apple Inc.</i>, IPR2023-00831, Apple's Forthcoming POPR for D'131 Patent.

Joint Claim Construction Chart

Asserted Apple Design Patents			
No.	Patent(s)	Apple's Proposed Constructions & Intrinsic Evidence	Masimo's Proposed Constructions & Intrinsic Evidence
A-25	D'131  See, e.g., D'131 Patent at FIG. 6.	See No. A-18	The height of the cylinder is approximately 28% of the diameter formed by its sidewall. ²⁰ Intrinsic Evidence: D'131 Patent at Description, Claims, Figures; <i>Masimo Corp. v. Apple Inc.</i> , IPR2023-00831, Apple's Forthcoming POPR for D'131 Patent.

²⁰ This relationship can also be phrased as: the diameter of the cylinder is approximately 3.6 times the height of the cylinder.

Joint Claim Construction Chart

II. Asserted Apple Utility Patents

The following chart identifies the claims at issue from U.S. Patent Nos. 10,076,257 (the “’257 Patent”), 10,627,783 (the “’783 Patent”), 10,942,491 (the “’491 Patent”), 10,987,054 (the “’054 Patent”), 11,106,352 (the “’352 Patent”), and 11,474,483 (the “’483 Patent”) (collectively, the “Asserted Apple Utility Patents”), as well as each party’s proposed constructions and citations to intrinsic evidence in support of such constructions.²¹

Asserted Apple Utility Patents			
No.	Patent(s)	Term	Apple’s Proposed Constructions & Intrinsic Evidence Masimo’s Proposed Constructions & Intrinsic Evidence
A-26	’257	embedded in	plain and ordinary meaning <u>Intrinsic Evidence:</u> ’257 Patent, including at Abstract; 3:30-36; 8:40-9:3; 9:14-21; 9:22-24; 9:34-52; 10:24-33; Figs. 4A; 4B. ’257 Patent File History, including 9/2/16 Response at 13-14; 1/15/18 Response at 12. IPR2023-00745, including Paper 1 at 8-9. <u>Intrinsic Evidence:</u> ’257 Patent Claims: 1, 4-8, 12-14. ’257 Patent Specification: FIG. 4A, 4B, 8:40-41, 8:67-9:3, 9:-14-48, 10:24-29. ’257 Patent File History (App. No. 14/136,658): September 4, 2016 Office Action Response, January 15, 2018 Office Action Response.

²¹ Each party reserves the right to rely upon the portions of the intrinsic record cited by the other party, and to rely upon additional intrinsic evidence in the claim constructions briefs to respond to or rebut evidence and arguments made by the other party. Moreover, the parties’ citations to the specification or file history of certain patents are exemplary for like citations within the specifications and file histories of the asserted patents. Additionally, the parties rely generally on the specifications and file histories of the asserted patents, including but not limited to the specific citations identified herein. While each row in this Joint Claim Construction Chart corresponds to a disputed claim, term, or phrase, the parties may group together certain disputes in their claim construction briefs.

Joint Claim Construction Chart

Asserted Apple Utility Patents				
No.	Patent(s)	Term	Apple's Proposed Constructions & Intrinsic Evidence	Masimo's Proposed Constructions & Intrinsic Evidence
A-27	'257	at least the thickness of the second portion is constructed from material having a second conductivity	not indefinite, and plain and ordinary meaning <u>Intrinsic Evidence:</u> '257 Patent, including at 2:6-13; 2:44-50; 2:55-59; 2:64-3:14; 6:17-45; 8:20-24; 8:53-9:3; 9:4-10; 9:14-35; 9:36-57; 9:58-10:11; 10:24-33; Figs. 3; 4A; 4B; 5. plain and ordinary meaning <u>Intrinsic Evidence:</u> '783 Patent, including at 10:30-35; 21:56-60; 24:1-12. IPR2023-00634, including Paper 1 at 13.	This claim phrase is indefinite. <u>Intrinsic Evidence:</u> '257 Patent Specification: FIGS. 3, 4B, 9:36-57. made essentially from a nonmetallic, inorganic mineral (such as clay) and hardened by heat <u>Intrinsic Evidence:</u> '783 Patent Claims: 1, 3, 6, 8. '783 Patent Specification: 10:29-35, 24:2-12. <i>Masimo Corp. v. Apple Inc.</i> , IPR2023-00634, Paper No. 8 (PTAB June 28, 2023) (Apple's POPR for '783 Patent).
A-28	'783	ceramic		

Joint Claim Construction Chart

Asserted Apple Utility Patents			
No.	Patent(s)	Term	Apple's Proposed Constructions & Intrinsic Evidence Masimo's Proposed Constructions & Intrinsic Evidence
A-29	'783 '491 '483	biosensor module module that includes one or more components that detects and/or measures a physiological condition or property Intrinsic Evidence: '783 Patent²², including at 2:44-55; 2:60-67; 3:3-9; 4:28-34; 16:42-63; 28:7-24; 37:48-52; 40:43-50; Figs. 7, 16. IPR2023-00634, including Paper 1 at 14.	components that sense physiological signals Intrinsic Evidence: '783 Patent Claims: 1, 2, 9, 11, 13-15, 19. '783 Patent Specification: 28:17-23, 40:43-45. '491 Patent Claims: 7-9, 14-16. '491 Patent specification: 28:17-23, 40:43-45. '483 Patent Claims: 1, 10. '483 Patent specification: 29:54-60, 42:25-27.

²² The '783, '491, and '483 Patents are in the same patent family and share substantially the same specification. Accordingly, the exemplary citations to the '783 Patent also apply to the claim term in the '491 and '483 Patents.

Joint Claim Construction Chart

Asserted Apple Utility Patents				
No.	Patent(s)	Term	Apple's Proposed Constructions & Intrinsic Evidence	Masimo's Proposed Constructions & Intrinsic Evidence
A-30	'491 '054 '483	transparent	plain and ordinary meaning <u>Intrinsic Evidence:</u> '054 Patent, including at 12:6-14; 12:29-36; 13:11-26; 18:51-52; Fig. 4A. '491 Patent²³, including at 2:53-57; 3:22-31; 21:57-22:7; 22:13-15; 34:8-21; 34:27-31; 40:45-50. IPR2023-00807, including Paper 1, at 10. IPR2023-00734, including Paper 1, at 36.	able to transmit all light without diffusion <u>Intrinsic Evidence:</u> '491 Patent Claims: 3, 14. '491 Patent specification: 2:53-57, 22:13-33, 34:8-34; 40:45-50. '483 Patent Claims: 1, 10, 12, 16, 20. '483 Patent specification: 4:17-21, 23:47-67, 35:52-36:11, 42:27-32. '054 Patent Claims: 1, 4-6. '054 Patent specification: FIGS. 5A-E, 6, 9A; 5:57-67, 6:15-17, 7:38-42, 12:6-14, 13:21-26, 13:35-39, 14:3-6, 16:53-18:4.
A-31	'491	configured to maintain alignment	plain and ordinary meaning <u>Intrinsic Evidence:</u> '491 Patent, including at 5:41-44; 42:67-43:3; 43:26-41; 45:15-48. IPR2023-00734, including Paper 1, at 76.	having all structure necessary to keep in an existing state of alignment <u>Intrinsic Evidence:</u> '491 Patent Claims: 4, 12. '491 Patent Specification: 45:15-48.

²³ The '491 and '483 Patents are in the same patent family and share substantially the same specification. Accordingly, the exemplary citations to the '491 Patent also apply to the claim term in the '483 Patent.

Joint Claim Construction Chart

Asserted Apple Utility Patents				
No.	Patent(s)	Term	Apple's Proposed Constructions & Intrinsic Evidence	Masimo's Proposed Constructions & Intrinsic Evidence
A-32	'491	near-field communication system	system that permits communication wirelessly over close distances <u>Intrinsic Evidence:</u> '491 Patent, including at 1:49-59; 8:44-54; 12:45-56; 13:4-9; 17:31-40; 41:19-24; 43:47-60; Fig. 17. '491 Patent Prosecution History, including 5/13/2020 Non-Final Office Action, at 5. IPR2023-00734, including Paper 1, at 58.	a contactless communication technology operating over a radio using a base frequency of 13.56 MHz with a typical range of up to 2cm and a data rate of 424 Kbit/s <u>Intrinsic Evidence:</u> '491 Patent Claim: 5. '491 Patent specification: 8:44-54, 13:4-10, 17:31-40, 41:19-24; 43:52-65.
A-33	'491 '054	formed from a transparent [material/substrate]	plain and ordinary meaning <u>Intrinsic Evidence:</u> '054 Patent, including at 6:17-20; 27:51-63; 28:23-25; Fig. 11B. '491 Patent, including at 2:53-57; 3:22-31; 10:33-39; 21:62-22:2; 22:13-15; 22:46-55; 24:3-13; 26:12-23; 34:18-21; 40:45-50.	made entirely of a transparent [material/substrate] <u>Intrinsic Evidence:</u> '491 Patent Claims: 3, 14. '491 Patent Specification: 2:53-57, 22:13-33, 40:45-50. '054 Patent Claims: 1, 4-6, 8. '054 Patent Specification: FIGS. 4A-C, 5A-E, 6, 9A, 12:64-13:26, 16:53-18:13, 19:1-12. '054 Patent File History (App. No. 16/841,543): November 23, 2020 Office Action Response. <i>Masimo Corp. v. Apple Inc.</i>, IPR2023-00635, Paper No. 8 (PTAB June 28, 2023) (Apple's POPR for '054 Patent).

Joint Claim Construction Chart

Asserted Apple Utility Patents				
No.	Patent(s)	Term	Apple's Proposed Constructions & Intrinsic Evidence	Masimo's Proposed Constructions & Intrinsic Evidence
A-34	'054	carrier member	structure that can support the electrodes, or on which the electrodes can be formed or attached <u>Intrinsic Evidence:</u> '054 Patent, including at 6:11–15; 13:27–30; Figs. 4–10.	a structure to which electrodes are attached <u>Intrinsic Evidence:</u> '054 Patent Claims: 1, 4-6, 8, 9-12, 15-19. '054 Patent Specification: FIGS. 4A-C, 5A-E, 9A, 12:64-13:26, 16:53-18:13, 19:1-12. '054 Patent File History (App. No. 16/841,543): November 23, 2020 Office Action Response. <i>Masimo Corp. v. Apple Inc.</i>, IPR2023-00635, Paper No. 8 (PTAB June 28, 2023) (Apple's POPR for '054 Patent).
A-35	'054	deposited on	plain and ordinary meaning <u>Intrinsic Evidence:</u> '054 Patent, including at 6:21–37; 9:66–10:19; 16:32–34; 17:42–45; 19:43–53; 29:30–41; Fig. 4C.	applied directly to <u>Intrinsic Evidence:</u> '054 Patent Claims: 1, 4-6, 8, 9-12, 15-19. '054 Patent Specification: FIGS. 4A-C, 5C-D, 9A, 13:27-14:28, 17:26-18:4, 19:1-12. '054 Patent File History (App. No. 16/841,543): November 23, 2020 Office Action Response. <i>Masimo Corp. v. Apple Inc.</i>, IPR2023-00635, Paper No. 8 (PTAB June 28, 2023) (Apple's POPR for '054 Patent).

Joint Claim Construction Chart

Asserted Apple Utility Patents				
No.	Patent(s)	Term	Apple's Proposed Constructions & Intrinsic Evidence	Masimo's Proposed Constructions & Intrinsic Evidence
A-36	'352	application	plain and ordinary meaning <u>Intrinsic Evidence:</u> '352 Patent, including at 1:25-31; 1:38-43; 5:26-28; 6:4-15; 6:23-26; 7:36-47; 13:52-14:3; 17:7-14; 17:21-32; 17:33-61; 17:62-66; 19:41-55; 21:9-14; 21:15-35; 21:63-22:7; 22:48-23:3; 24:55-61; 25:42-26:3; 30:24-67; 31:1-8; 38:37-52; 39:16-21; 39:40-46; 39:51-41:9; 41:17-22; 41:41-61; 44:51-65; 45:27-32; 46:33-35; 45:52-62; 47:24-26; 48:50-60; 49:43-67; 52:65-53:3; 56:26-57:18; 57:35-66; 58:35-53; 58:65-59:21; 59:48-67; 60:1-33; 60:54-61:14; 61:58-62:12; 63:22-28; 63:43-51; 64:4-29; 66:14-30; 67:63-68:7; 70:3-28; 70:54-62; 71:52-72:11; 72:12-36; 72:42-73:2; 74:6-28; 75:1-15; 76:52-58; 77:4-67; 78:1-45; 79:2-12; 80:50-57; 82:1-47; 83:19-62; 83:63-84:4; 86:11-36; Figs. 1A-1B; 4A; 5H; 5L-5P; 5Q-5AL; 5AO; 5CY-EB; 5EX-FN; 5GC-GQ; 7A-7E; 8A-8C. U.S. Patent Pub. No. 2016/0202865 at ¶¶ 87, 100, 101.	a program that, in response to user commands, performs a task beyond: (a) device control, (b) device status indication, or (c) another task related to the internal function of the device itself <u>Intrinsic Evidence:</u> '352 Patent Claims: 1, 9, 17. '352 Patent Specification: FIGS. 1A, 3, 4A, 1:25-27; 1:38-43; 6:1-3; 7:36-58, 17:21-67, 19:44-50; 21:63-22:7, 30:24-67; 40:27-35; 48:35-39; 49:43-67; 80:19-22; 84:23-28.

Joint Claim Construction Chart

Asserted Apple Utility Patents			
No.	Patent(s)	Term	Apple’s Proposed Constructions & Intrinsic Evidence Masimo’s Proposed Constructions & Intrinsic Evidence
A-37	’483	side	plain and ordinary meaning <u>Intrinsic Evidence:</u> ’483 patent, including at 3:23-27; 3:30-36; 3:43-51; 4:49-52; 5:8-22; 22:49-62; 23:57- 60; 24:1-7; 30:34-67; 31:13-24; Figs. 6, 8, 9, 11, 12. external surface different from the front surface or the back surface <u>Intrinsic Evidence:</u> ’483 Patent Claims: 1, 10, 16 ’483 Patent Specification: FIG. 8, 3:23-27, 3:43-51. ’483 Patent File History (App. No. 17/672,653): July 20, 2022 Office Action Response.

Joint Claim Construction Chart

III. Agreed Upon Constructions

The following chart identifies the terms/phrases of Asserted Apple Design Patents and the Asserted Apple Utility Patents for which the parties have agreed upon a construction, as well as the parties' agreed construction for each such term/phrase.

Patent(s)	Term(s)	Agreed Upon Constructions
D'279, D'842, D'936	N/A	The broken lines in the figures show portions of the electronic device and environment that form no part of the claimed design.
D'279	N/A	The oblique line shading shows a transparent, translucent and highly polished or reflective surface.
D'131	N/A	The broken lines in the figures show portions of the charger and environment that form no part of the claimed design. The shade lines in the figures show contour and not surface ornamentation.
'257	lead	plain and ordinary meaning
'257	pad	plain and ordinary meaning
'257	conductivity	plain and ordinary meaning
'783, '491	water-tight seal; waterproof seal	plain and ordinary meaning
'352	power savings state	plain and ordinary meaning
'352	home screen user interface	plain and ordinary meaning