

On behalf of **Masimo Corporation**

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MASIMO CORPORATION,
Petitioner

v.

APPLE INC.,
Patent Owner

Case No. IPR2023-00702
U.S. Patent No. D947,842

PETITIONER'S UPDATED EXHIBIT LIST

LIST OF EXHIBITS

Exhibit No.	Description
1001	U.S. Patent No. D947,842
1002	File History of U.S. Patent No. D947,842
1003	Declaration of Joel Delman
1004	<i>Curriculum Vitae</i> of Joel Delman
1005	<i>Apple Inc. v. Masimo Corporation, et al.</i> , Complaint, No. 1:22-cv-01377 (D. Del.)
1006	PCT Appl. Pub. No. WO 2017/165532 (“Paulke”)
1007	U.S. Pat. Appl. Pub. No. 2019/0196411 (“Yuen”)
1008	U.S. Pat. No. D827,831 (“Fong”)
1009	U.S. Pat. Appl. Pub. No. 2017/0086743 (“Bushnell”)
1010	RESERVED
1011	U.S. Pat. No. 6,801,799 (“Mendelson”)
1012	RESERVED
1013	RESERVED
1014	Declaration of R. James Duckworth, Ph.D.
1015	<i>Curriculum Vitae</i> of R. James Duckworth, Ph.D.
1016	Scott Jung, “Medgadget Joins the Verily Baseline ProjectStudy, Part 2: The Tech,” archived on October 27, 2017 by the Internet Organization’s “Wayback Machine” at https://web.archive.org/web/20171027221742/https://www.medgadget.com/2017/10/medgadget-joins-verily-baseline-project-study-part-2-tech.html

Exhibit No.	Description
1017	<i>Masimo Corp. et al. v. Apple Inc.</i> , Apple’s September 14, 2022 Public Second Corrected Post-Hearing Brief, ITC Inv. No 337-TA-1276
1018	“Apple Watch Series 4: Beautifully redesigned with breakthrough communication, fitness and health capabilities,” archived on September 12, 2018 by the Internet Organization’s “Wayback Machine” at https://web.archive.org/web/20180912191250/https://www.apple.com/newsroom/2018/09/redesigned-apple-watch-series-4-revolutionizes-communication-fitness-and-health/
1019	“Your heart rate. What it means, and where on Apple Watch you’ll find it,” archived on January 23, 2019 by the Internet Organization’s “Wayback Machine” at https://web.archive.org/web/20190123031906/https://support.apple.com/en-us/HT204666
1020	“Apple Watch Series 4 – Health,” archived on September 20, 2018 by the Internet Organization’s “Wayback Machine” at https://web.archive.org/web/20180920103403/https://www.apple.com/apple-watch-series-4/health/
1021	<i>Masimo Corp. et al. v. Apple Inc.</i> , June 6-10, 2022 Public Hearing Transcript, ITC Inv. No 337-TA-1276
1022	“Charge Apple Watch,” https://support.apple.com/guide/watch/charge-apple-watch-apd2b717523a/watchos (last visited Mar. 6, 2023)
1023	“Apple Watch Magnetic Charging Cable (1 m),” https://www.apple.com/shop/product/MX2E2AM/A/apple-watch-magnetic-charging-cable-1m (last visited Mar. 6, 2023)
1024	U.S. Pat. No. 10,610,157 (“’157 patent”)
1025	U.S. Pat. No. 10,627,783 (“’783 patent”)
1026	<i>Masimo v. Apple</i> , Excerpts of Redacted Sept. 23, 2022 Opening Expert Report of Steve Warren, Ph.D., No. 8:20-cv-48 (CD Cal.)
1027	“Apple Watch Series 4 Teardown,”

Exhibit No.	Description
	https://www.ifixit.com/Teardown/Apple+Watch+Series+4+Teardown/113044 (last visited Mar. 6, 2023)
1028	RESERVED
1029	K192415 510(k) Summary for Verily Study Watch, https://www.accessdata.fda.gov/cdrh_docs/pdf19/K192415.pdf (last visited Mar. 6, 2023)
1030	U.S. Pat. No. 10,912,501
1031	Y. Mendelson et al., “Measurement Site and Photodetector Size Considerations in Optimizing Power Consumption of a Wearable Reflectance Pulse Oximeter,” Proceedings of the 25th IEEE Conference (2003)
1032	U.S. Pat. No. D753,510
1033	U.S. Pat. No. D782,537
1034	U.S. Pat. No. D735,131
1035	Chinese Design Reg. No. 303285726
1036	König et al., <i>Reflectance Pulse Oximetry – Principles and Obstetric Application in the Zurich System</i> , 1998
1037	Yitzhak Mendelson, <i>Invasive and Noninvasive Blood Gas Monitoring</i> , 1991
1038	<i>Masimo Corp. et al. v. Apple Inc.</i> , Public Excerpts of Apple’s June 6, 2022 Opening Presentation, ITC Inv. No 337-TA-1276
1039	U.S. Pat. No. D816,524
1040	<i>Masimo Corp. et al. v. Apple Inc.</i> , Public Excerpts of Final Initial Determination on Violation of Section 337, ITC Inv. No 337-TA-1276
1041	U.S. Pat. No. 10,912,502

Exhibit No.	Description
1042	U.S. Pat. No. 10,945,648
1043	N. Meziane et al., Dry Electrodes for Cardiography, Physiological Measurement 34 (2013)
1044	U.S. Pat. No. 6,265,789
1045	<i>Apple Inc. v. Masimo Corporation, et al.</i> , Masimo’s Public Opposition to Apple’s Motion for an Expedited Trial, No. 1:22-cv-01377 (D. Del.)
1046	<i>Apple Inc. v. Masimo Corporation, et al.</i> , Public Excerpt of January 30, 2023 Declaration of James Malackowski in Support of Apple Inc.’s Motion for an Expedited Trial, No. 1:22-cv-01377 (D. Del.)
1047	U.S. Pat. No. 6,091,530 (“Duckworth”)
1048	U.S. Pat. No. 6,075,755 (“Zarchan”)
1049	Y. Mendelson, “A Wearable Reflectance Pulse Oximeter for Remote Physiological Monitoring,” Proceedings of the 28th IEEE Conference (2006)
1050	Y. Mendelson, “Wearable Wireless Pulse Oximetry for Physiological Monitoring,” PPL Workshop (2008)
1051	<i>Apple Inc. v. Masimo Corporation, et al.</i> , Scheduling Order, No. 1:22-cv-01377 (D. Del.)
1052	Bell, Gabriel, et al., Two Years in Review: Rehearing Petitions in Patent Cases, Intellectual Property Technology Law Journal, Vol. 35, No. 4, April 2023
1053	FedCirBlog, En Banc Petitions
1054	Wells, D., et al., Is Federal Circuit on the verge of upending harmonious co-existence between design patents and utility patents? Reuters, July 31, 2023
1055	Cutala, Alfonzo, et al., Federal Circuit Set to Rehear Case En Banc

Exhibit No.	Description
	Impacting the Longstanding Test for Design Patent Obviousness, Hodgson Russ LLP, August 10, 2023
1056	McDermott, Eileen, Full Federal Circuit to Review Challenge to Test for Design Patent Obviousness, IPWatchdog, June 30, 2023
1057	FedCirBlog, Click-to-Call Technologies, LP v. Ingenio, Inc.
1058	Brief For the United States as Amicus Curiae on Rehearing En Banc in Support of Neither Party, <i>LKQ Corporation, et al. v. GM Global Technology Operations LLC</i> , Fed. Cir. No. 2021-2348

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: October 27, 2023

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CERTIFICATE OF SERVICE

I hereby certify that, pursuant to 37 C.F.R. § 42.6(e) and with the agreement of counsel for Patent Owner, a true and correct copy of **PETITIONER'S UPDATED EXHIBIT LIST** is being served electronically on October 27, 2023, to the e-mail addresses shown below:

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Dated: October 27, 2023

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