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Cc: [Carol Pitzel Cruz](#); [Knobbe.MasimoDE](#); [Apple Masimo Service](#); [whmasimoantitrustservice@wilmerhale.com](#); [dmoore@potteranderson.com](#); [bpalapura@potteranderson.com](#); [Jack Phillips](#); [Megan C. Haney](#)
Subject: [Ext] RE: Apple v. Masimo (C.A. Nos. 1377/1378) - Apple's Final Invalidity Contentions
Date: Thursday, November 16, 2023 5:14:49 PM

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Counsel,

Pursuant to the Parties' agreement, Masimo identifies the following prior art grounds:

Apple Asserted Utility Patents:

- '257 Patent:
 - All asserted claims except claim 12
 - Ground 1 – Polar Pacer
 - Ground 2 – Polar Pacer and Mills
 - Ground 3 – Polar Pacer and Markel
 - Ground 4 – Polar Pacer and Ushiyama
 - Claim 12
 - Ground 1 – Polar Pacer and Hung
 - Ground 2 – Polar Pacer and Mills
 - Ground 3 – Polar Pacer and Markel
 - Ground 4 – Polar Pacer and Ushiyama
- '352 Patent – All asserted claims:
 - Ground 1 – Asus Google Nexus 7
 - Ground 2 – Asus ZenWatch and Asus Google Nexus 7
 - Ground 3 – Samsung Galaxy S8
 - Ground 4 – LG Watch Style, Asus Google Nexus 7, and Chae
- '783 Patent – All asserted claims:
 - Ground 1 – Fossil Abacus, Epson Pulsense PS-100, and Kotanagi
 - Ground 2 – Fossil Abacus, Mio Fuse, and Lapetina
 - Ground 3 – Qualcomm Toq, Epson Pulsense PS-100, and Kotanagi
 - Ground 4 – Qualcomm Toq, Mio Fuse, and Lapetina
- '054 Patent – All asserted claims:
 - Ground 1 – Rothkopf and Oranger/CSM50K
 - Ground 2 – Oranger/CMS50K and Epson Pulsense PS-100
 - Ground 3 – Hu [2-24-2016] and Rothkopf
 - Ground 4 – Lee [5-14-2015] and Rothkopf
- '491 Patent – All asserted claims:
 - Ground 1 – Fossil Abacus, Epson Pulsense PS-100, and Nymi Band
 - Ground 2 – Fossil Abacus, and Lapetina

- Ground 3 – Fossil Abacus, Mio Fuse and Nymi Band
 - Ground 4 – Qualcomm Toq, Epson Pulsense PS-100, and Nymi Band
- '483 Patent:
 - All asserted claims
 - Ground 1 – Epson Pulsense PS-100, Nymi Band, and Lapetina
 - Ground 2 – Mio Fuse, Mio Shape, and Lapetina
 - Ground 3 – Mio Fuse, Lapetina, and Lee
 - Asserted claims 1, 2, 6, 7, 12, and 13
 - Ground 4 – Epson Pulsense PS-100, Nymi Band, and Coppola
 - Asserted claims 3 and 9
 - Ground 5 – Epson Pulsense PS-100, Nymi Band, Coppola, and the Fossil Abacus

Apple Asserted Design Patents:

- D'936 Patent:
 - Ground 1 – Paulke
 - Ground 2 – Fong, Akana-524
 - Ground 3 – CN-666, Paulke
 - Ground 4 – Chung, Paulke
- D'842 Patent:
 - Ground 1 – Paulke, Chung
 - Ground 2 – Fong, Chung, Akana-524
 - Ground 3 – CN-666, Paulke, Chung
 - Ground 4 – Chung, Paulke
- D'279 Patent:
 - Ground 1 – Paulke, Chung, Akana-524
 - Ground 2 – Fong, Chung, Akana-524
 - Ground 3 – CN-666, Paulke, Chung, Akana-524
 - Ground 4 – Chung, Paulke, Akana-524
- D'131 Patent:
 - Ground 1 – (Lee-616 or GMYLE Charger), Chiang
 - Ground 2 – Murray, Chiang
 - Ground 3 – Magconn Charger, (Lee-616 or GMYLE Charger)

All grounds include the knowledge of a person of ordinary skill in the art.

Best regards,

Nick

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