UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC

In the Matter of ) Investigation No
Certain Light-Based ) 337-TA-1276
Physiological Measurement )
Devices and Components Thereof )

APPLE CONFIDENTIAL BUSINESS INFORMATION

SUBJECT TO THE PROTECTIVE ORDER

REMOTE VIDEOTAPED DEPOSITION OF DR. TAO SHUI

APPEARING REMOTELY

February 11, 2022

12:00 p.m.

Reported by: Eileen Mulvenna, CSR/RMR/CRR

DIGITAL EVIDENCE GROUP
1730 M Street, NW, Suite 812
Washington, D.C. 20036
(202) 232-0646



MASIMO 2082
Apple v. Masimo
IPR2024-00243

REMOTE VIDEOTAPED DEPOSITION of DR. TAO SHUI, a witness on behalf of Respondent Apple in the above-titled action, held on Friday, February 11, 2022, commencing at approximately 12:00 p.m., before Eileen Mulvenna, CSR/RMR/CRR, Certified Shorthand Reporter, Registered Merit Reporter, Certified Realtime Reporter, and Notary Public of the State of New York.

A P P E A R A N C E S:

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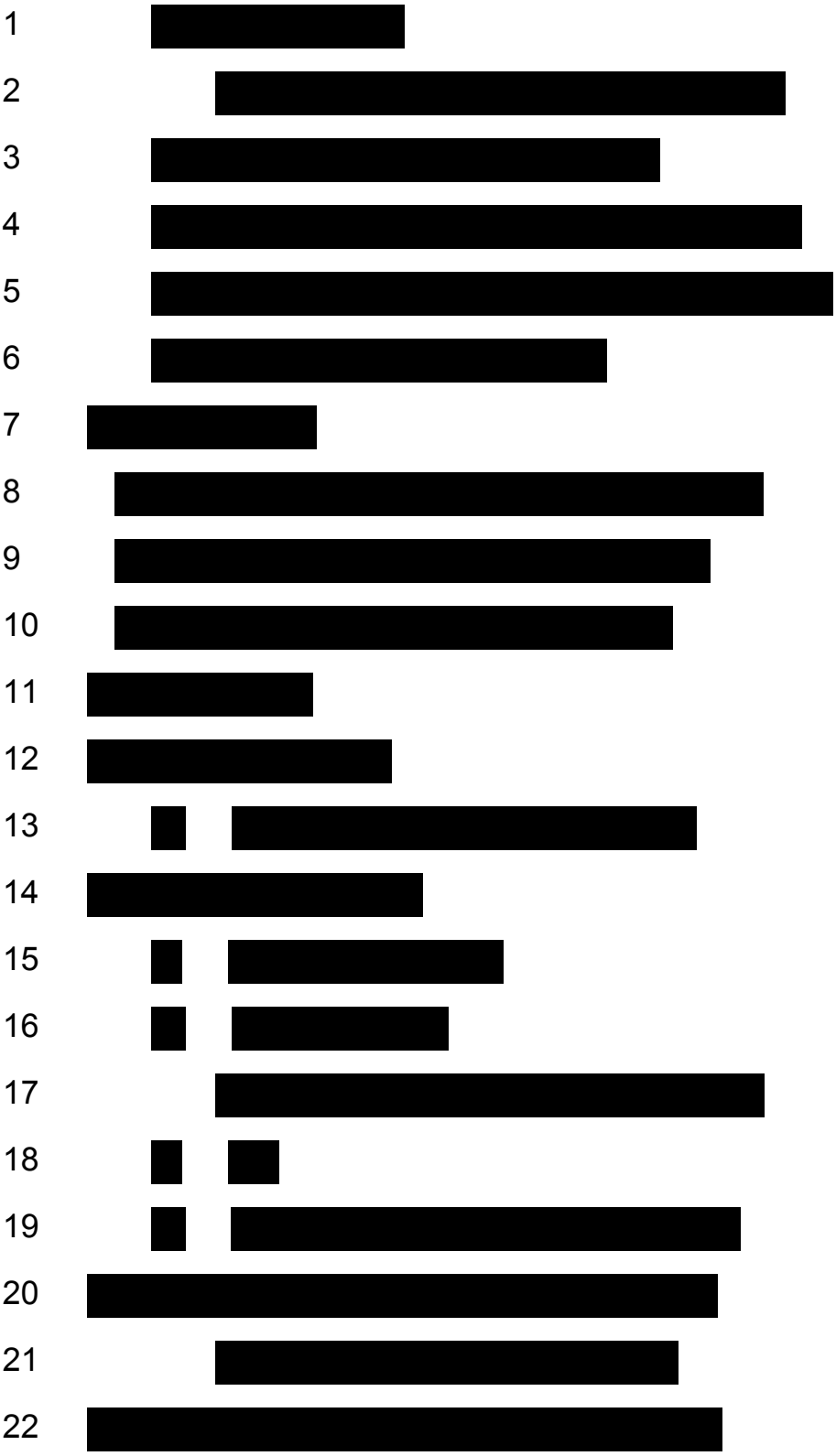
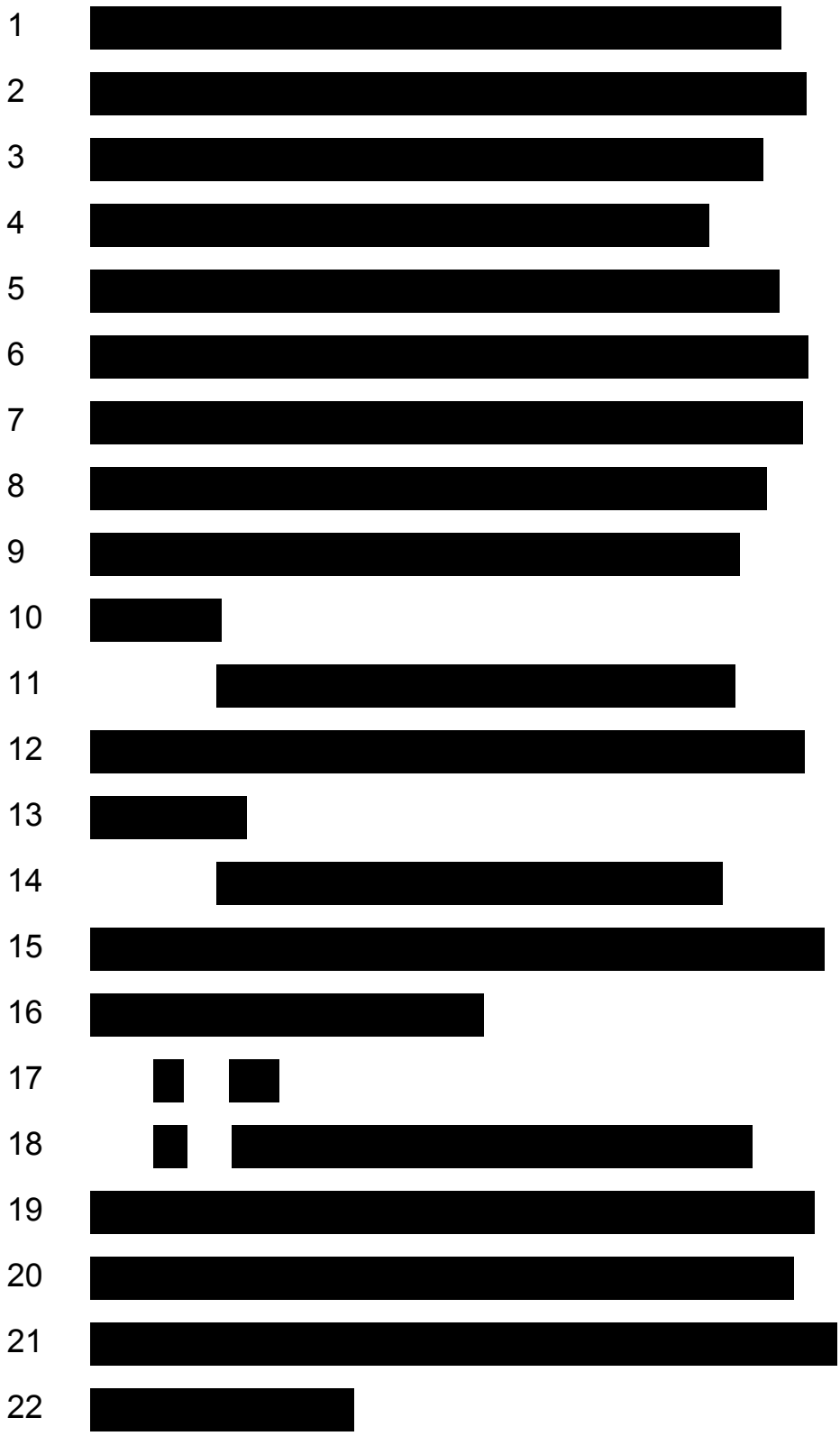
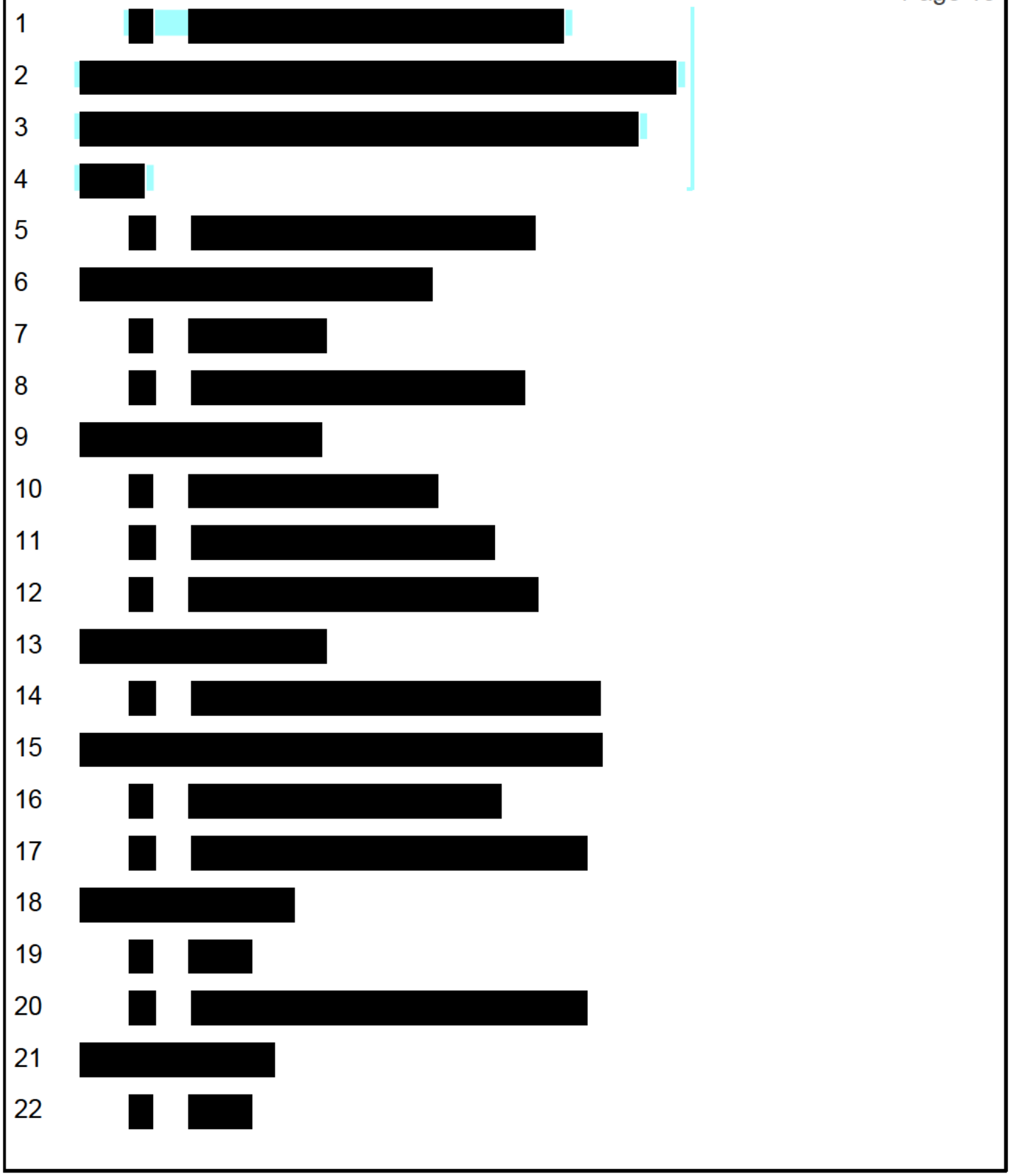
ALSO PRESENT:
Ryan Moran, Esq., Apple
Billy Fahnert, Videographer

[redacted]





Apple Counter-Designations (Page 9:20 to Page 10:4)



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Apple Counter-Designations (Page 12:5 to Page 12:7, Page 12:18 to Page 12:21) Masimo Designations (Page 12:12 to Page 12:17)

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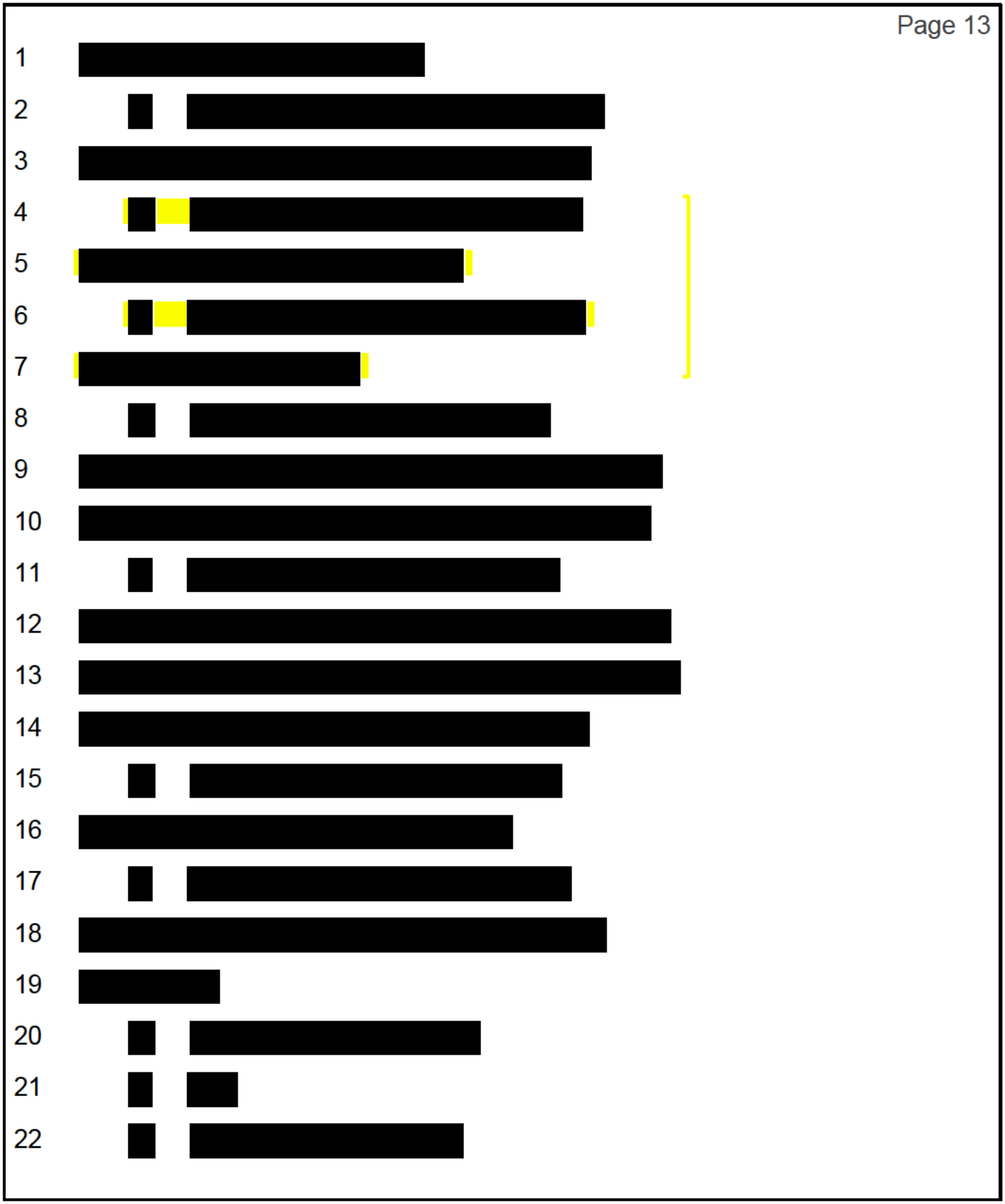
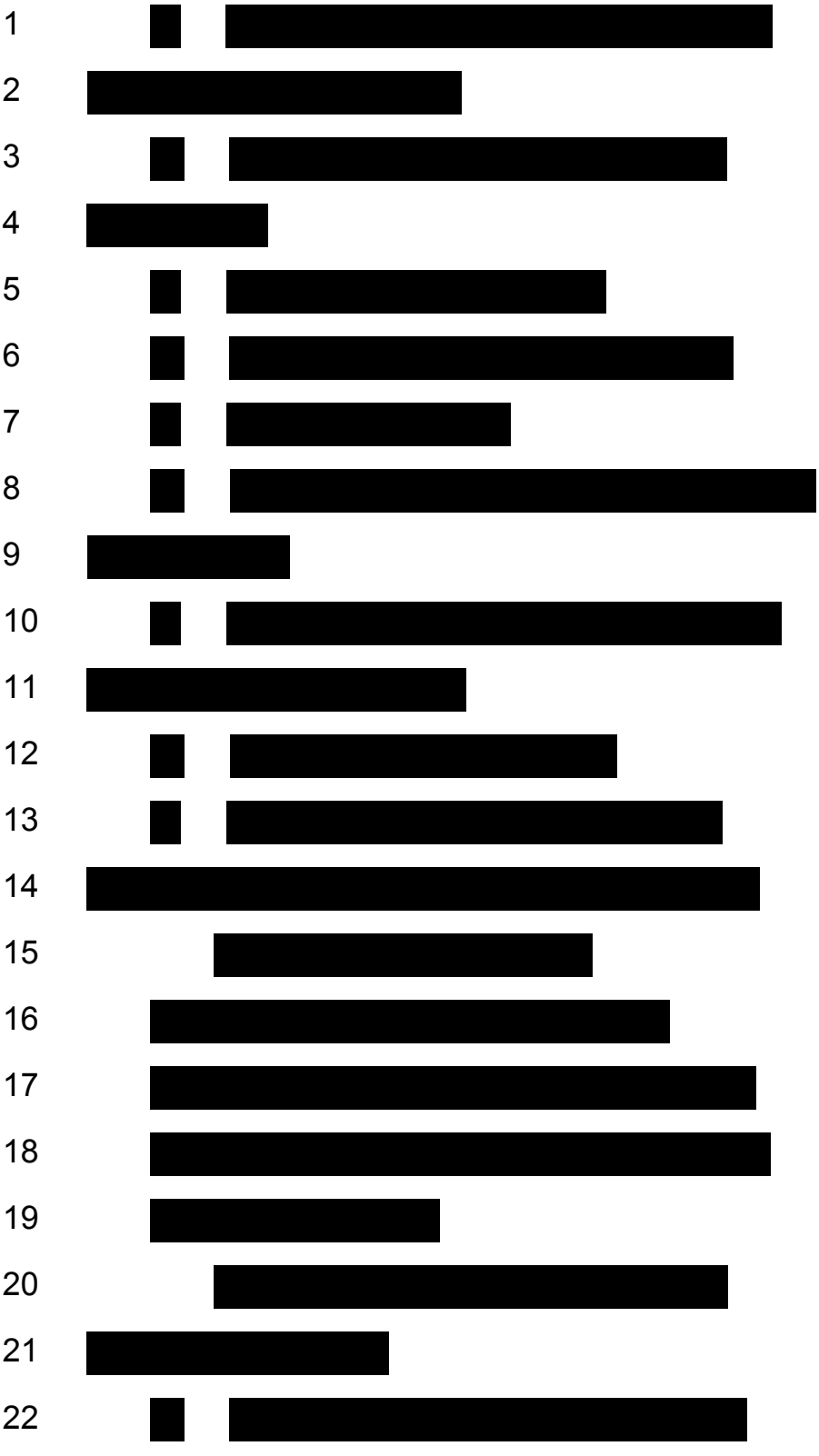


Masimo Designations (Page 13:4 to Page 13:7)



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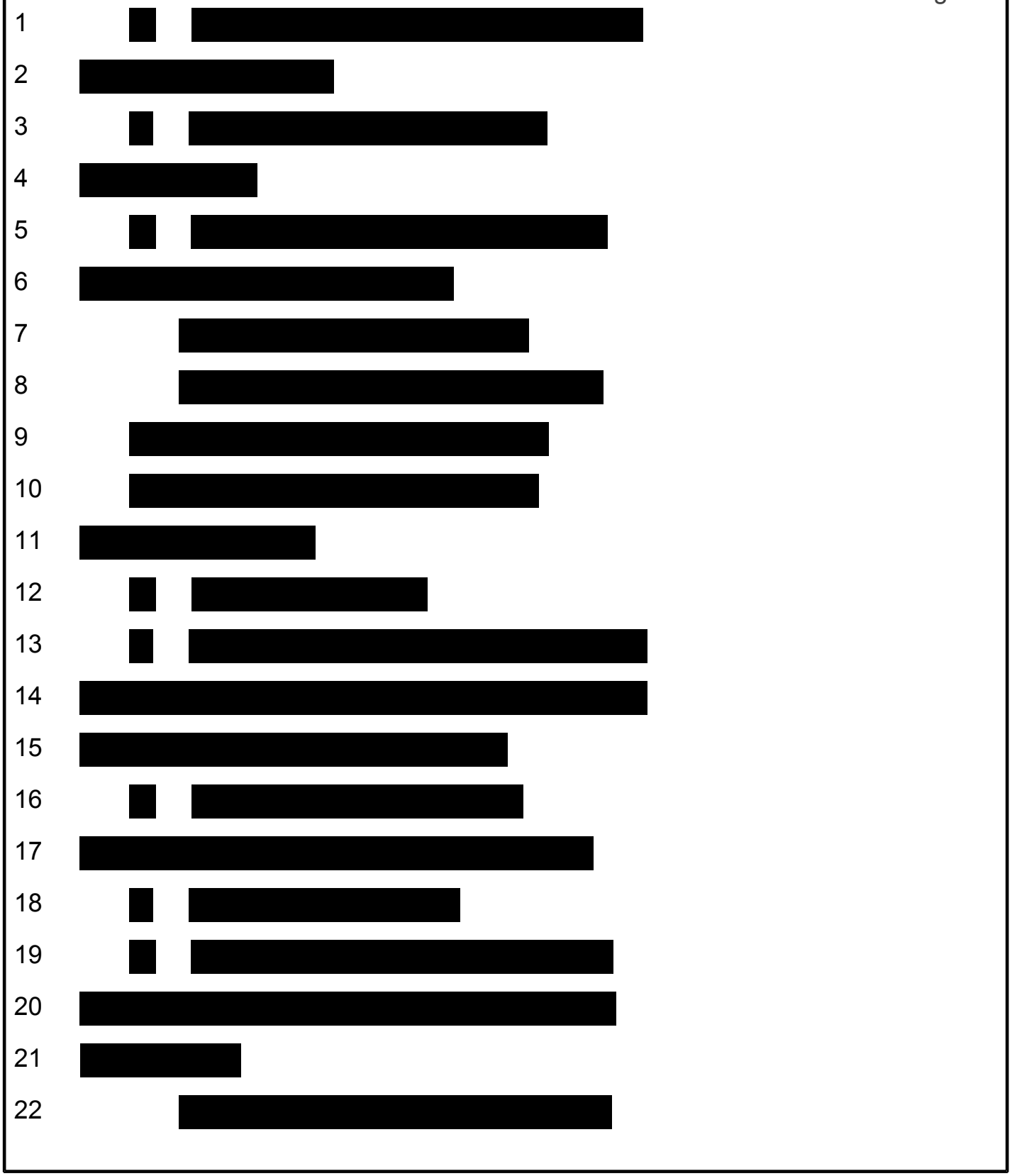
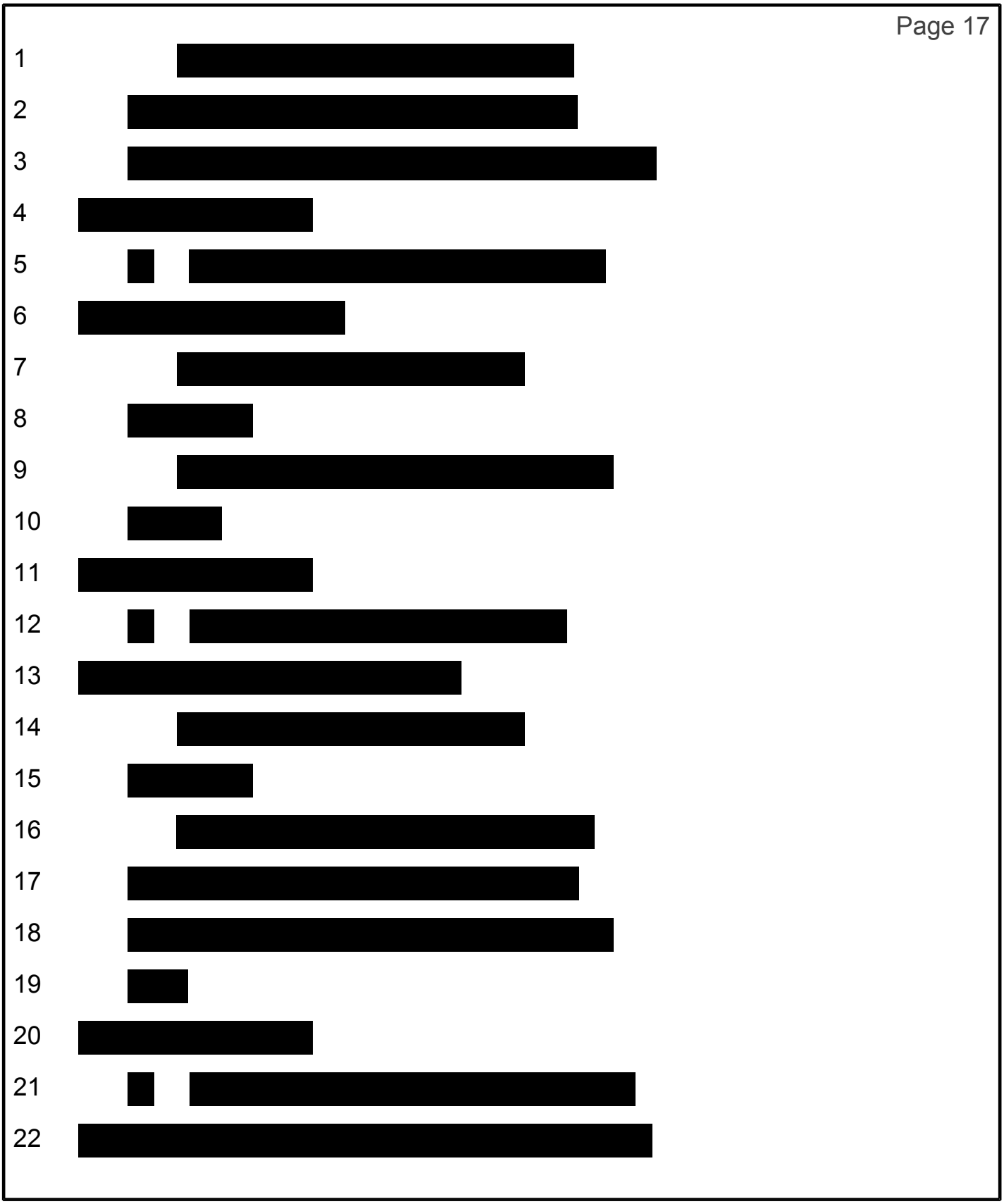
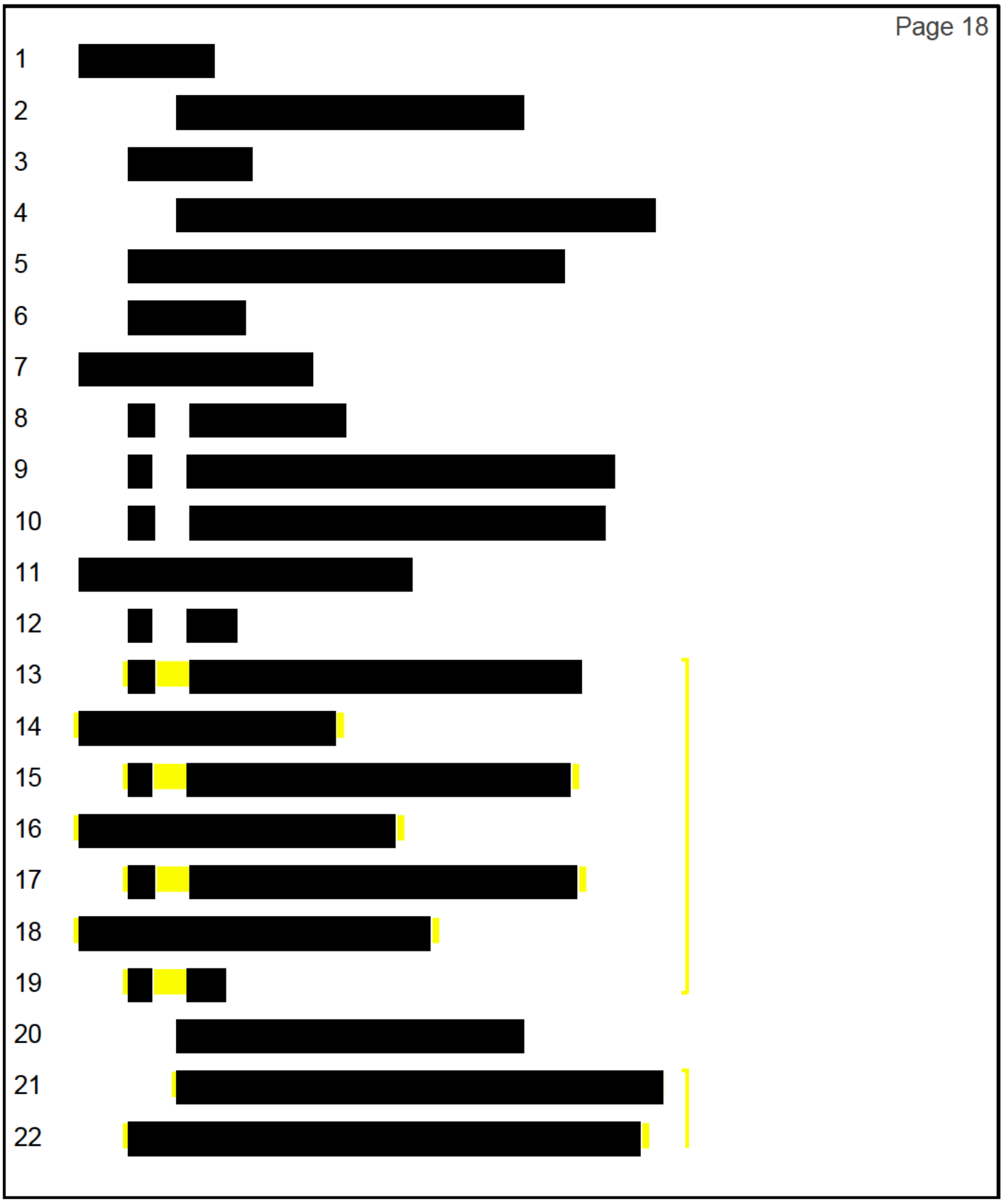
Masimo Designations (Page 15:2 to Page 15:8, Page 15:9 to Page 15:11)








● Masimo Designations (Page 18:13 to Page 18:19, Page 18:21 to Page 19:11)

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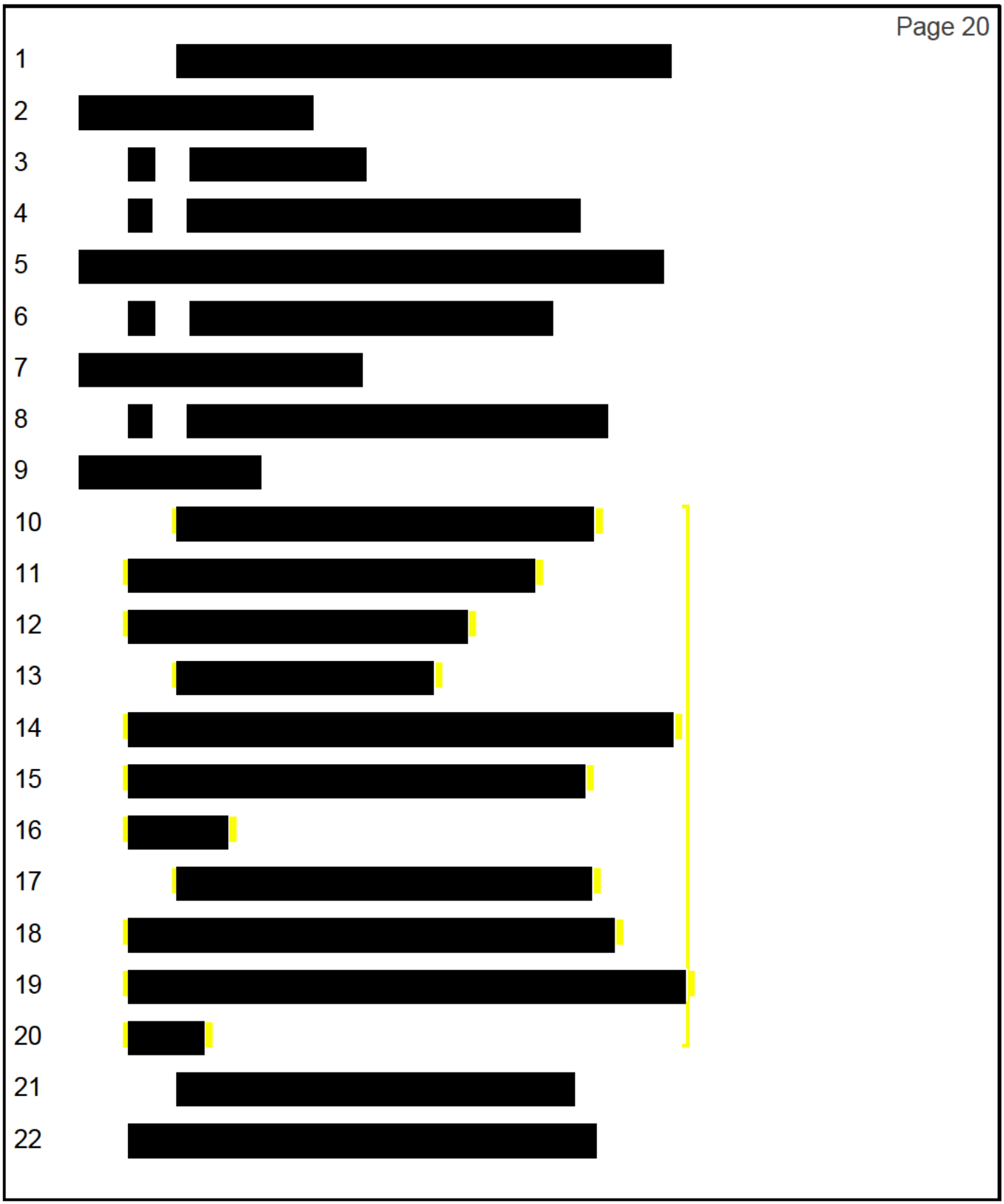
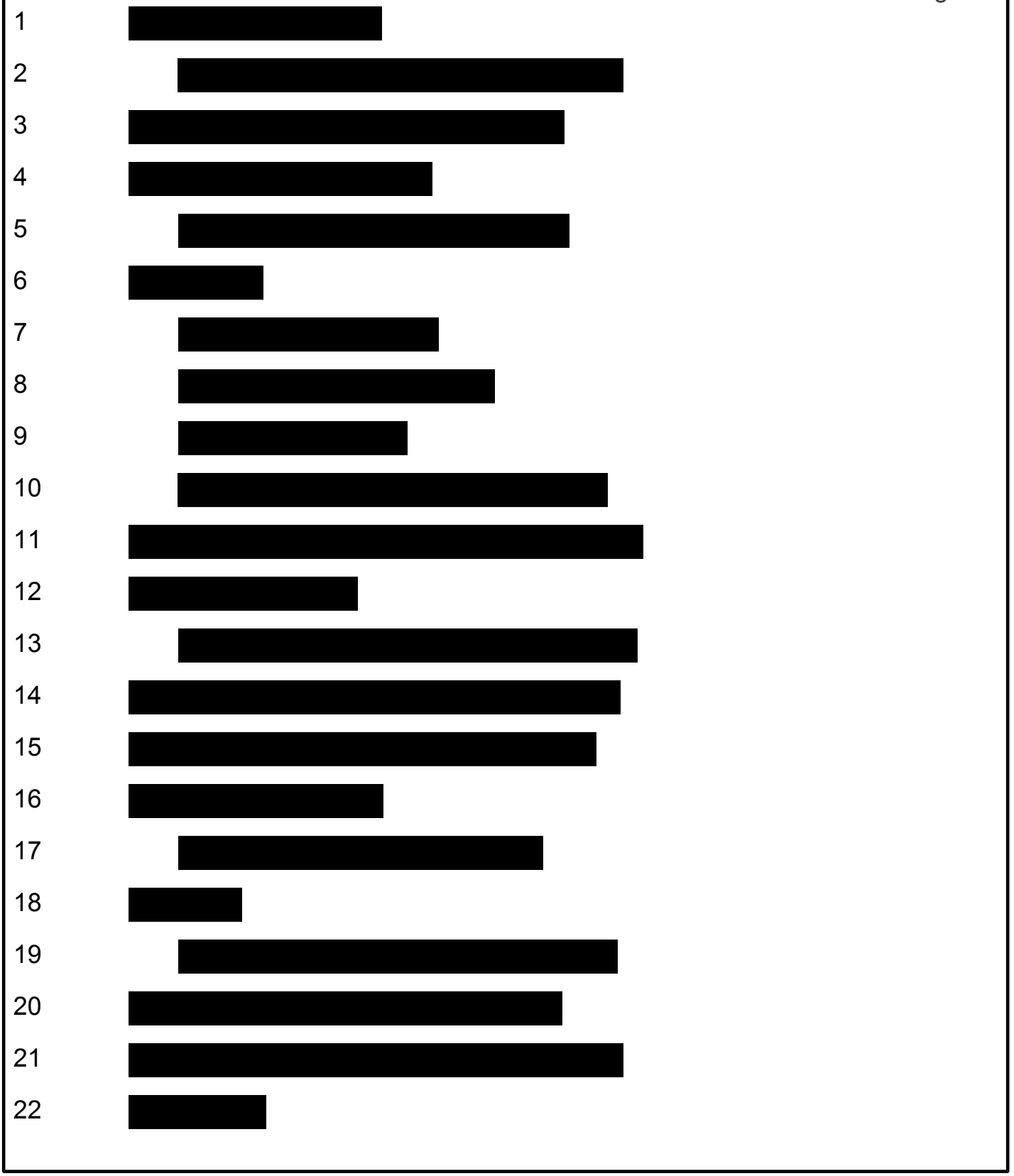
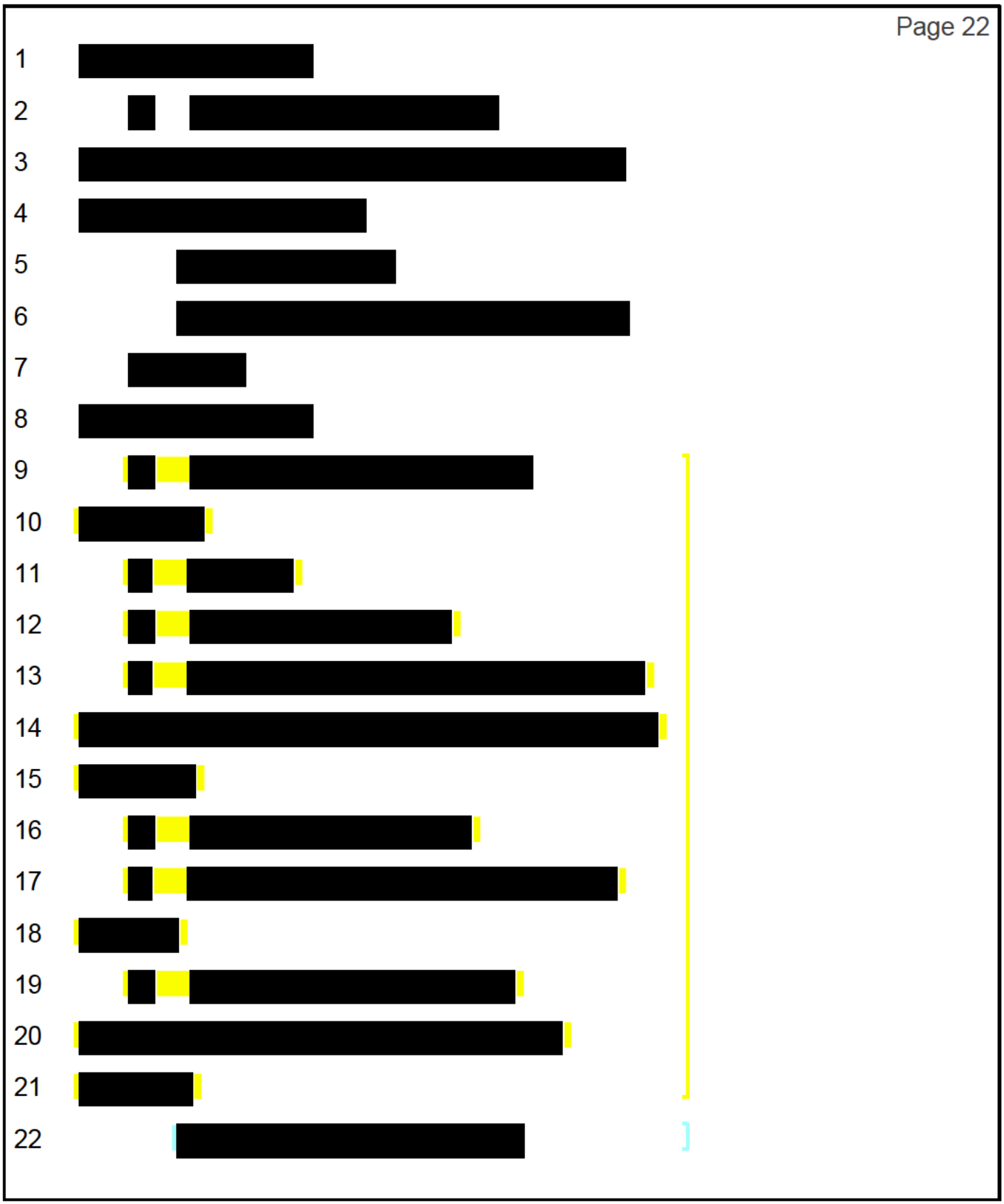



● Masimo Designations (Page 20:10 to Page 20:20)

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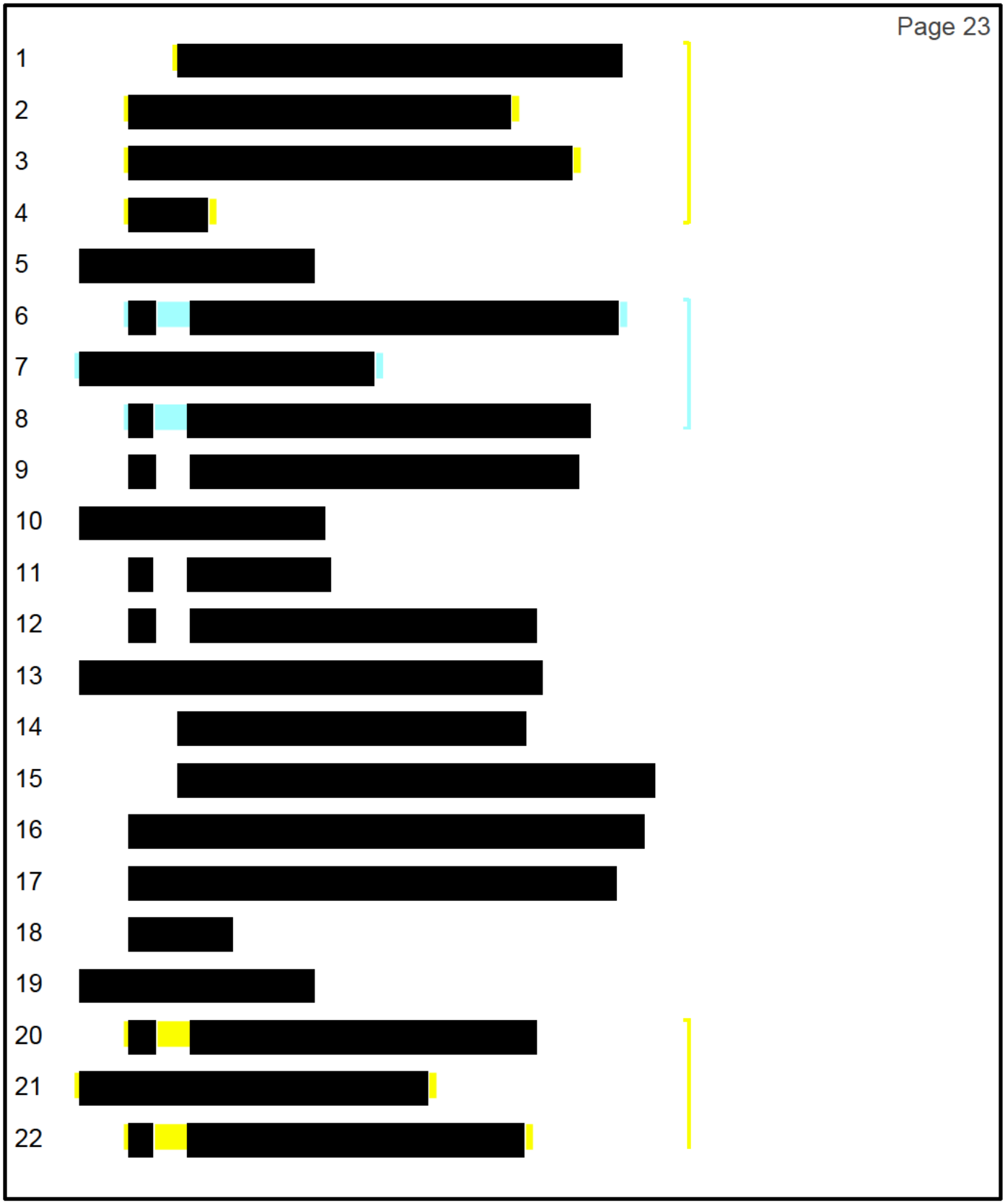
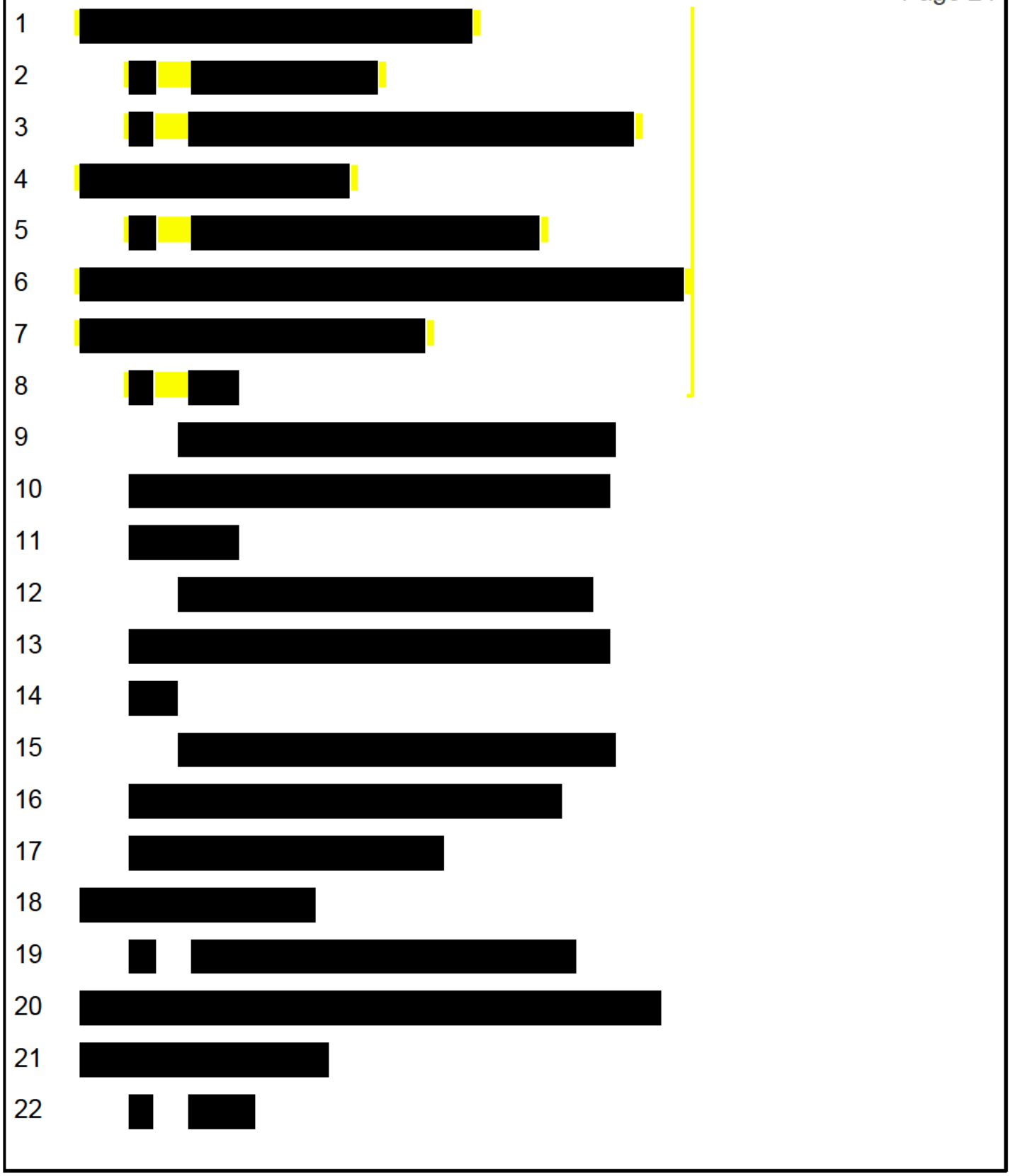
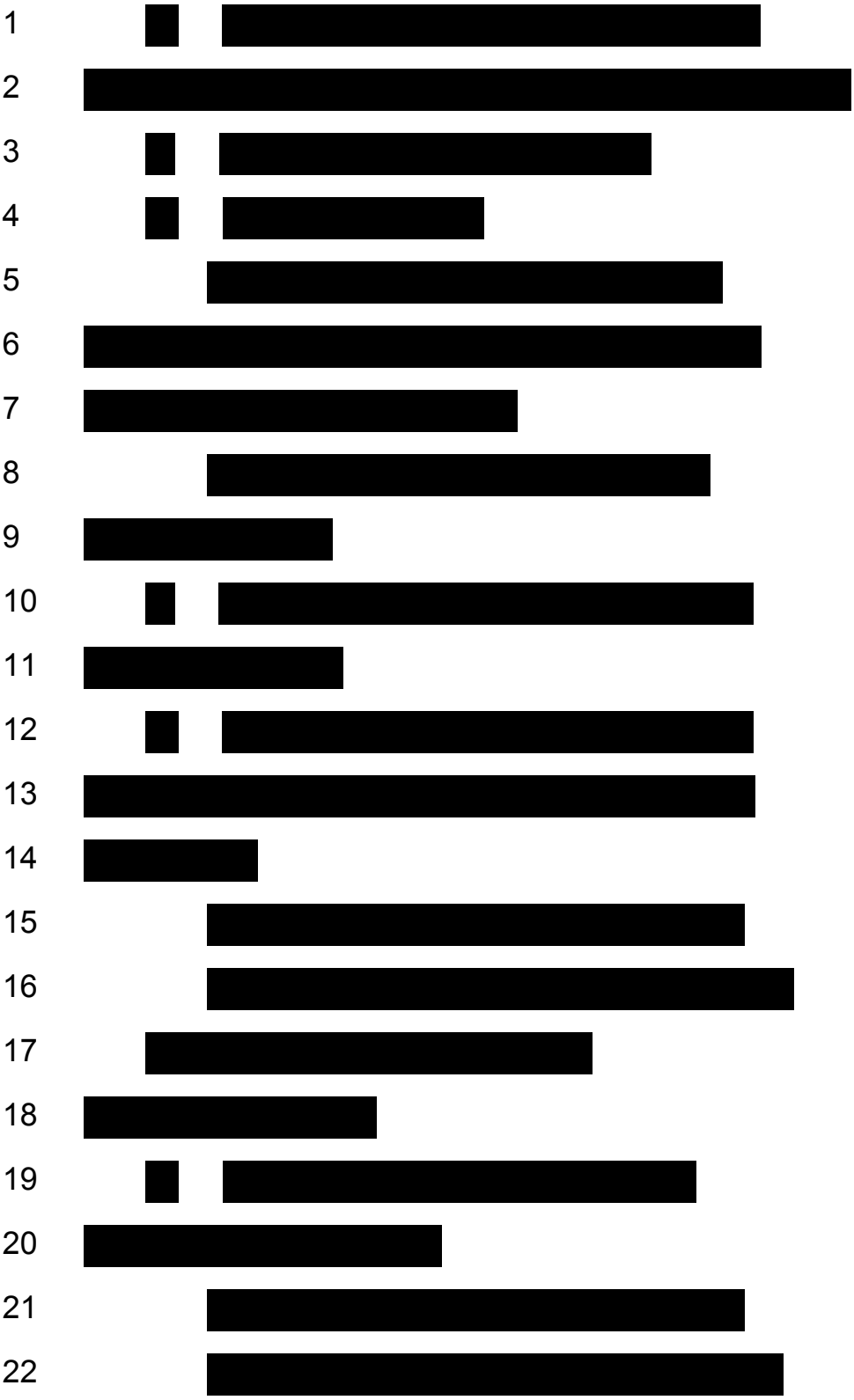



Masimo Designations (Page 23:1 to Page 23:4, Page 23:20 to Page 24:8) Apple Counter-Designations (Page 23:6 to Page 23:8)





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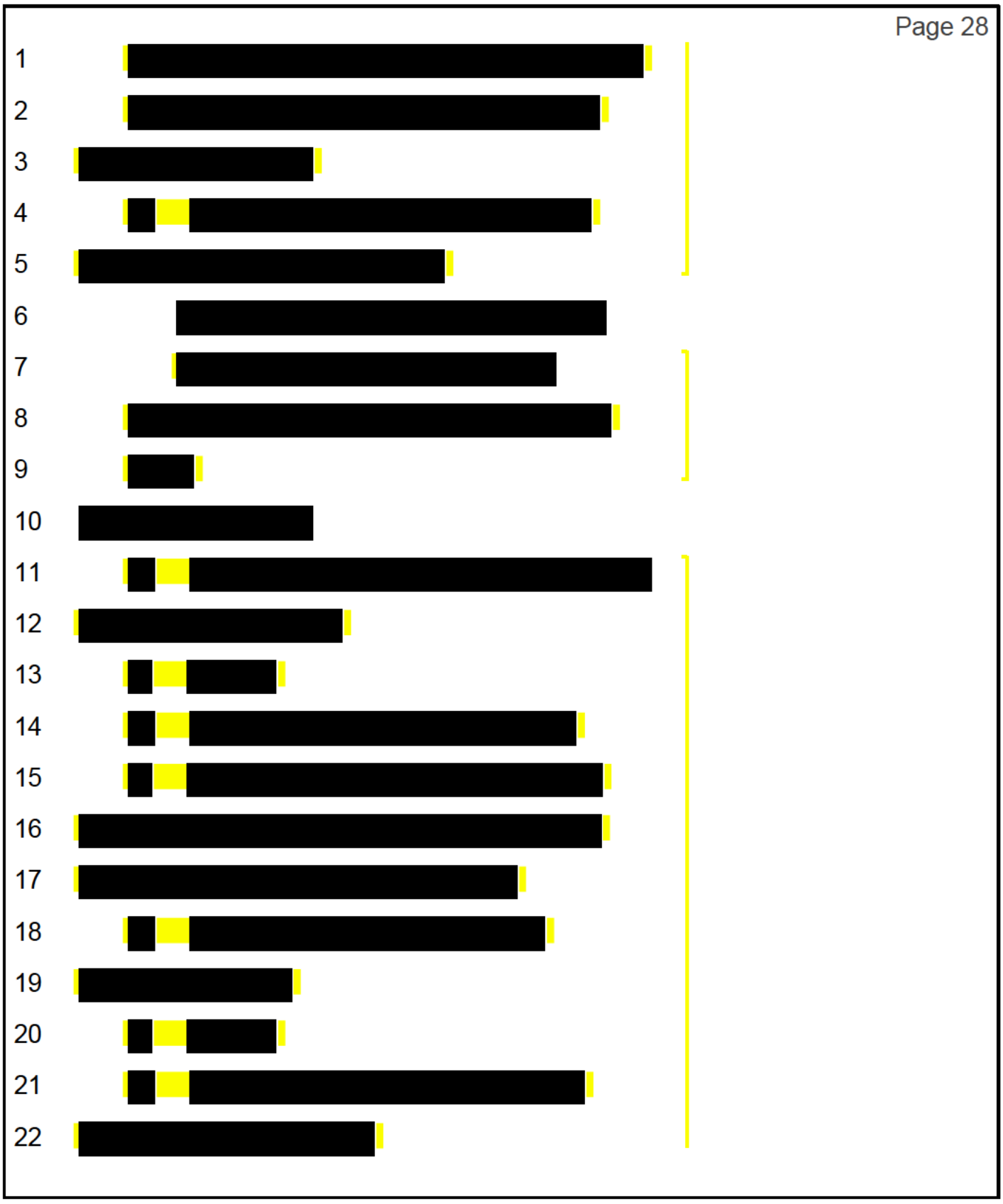
Masimo Designations (Page 27:22 to Page 28:5)




● Masimo Designations (Page 28:7 to Page 28:9, Page 28:11 to Page 29:15)

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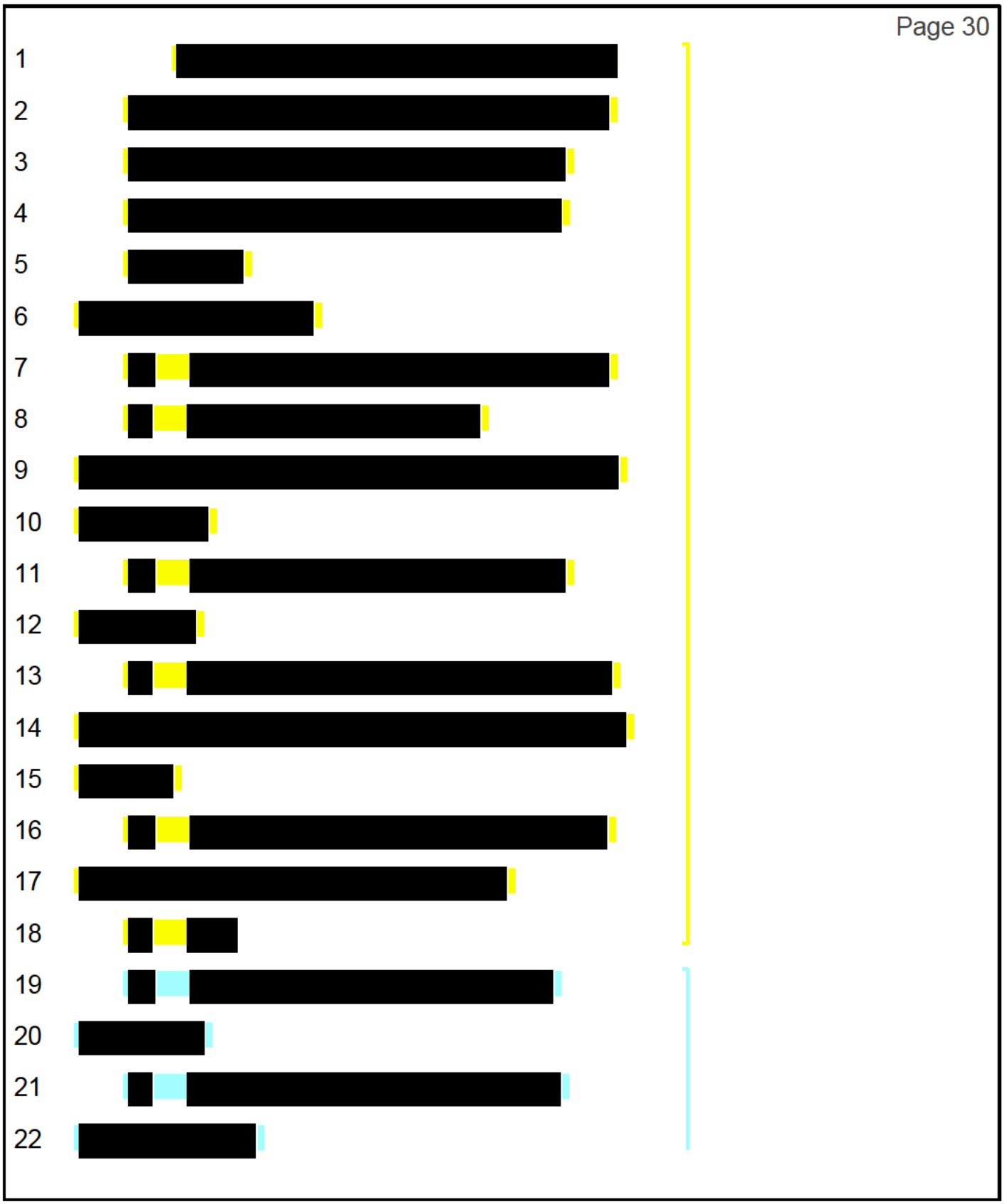
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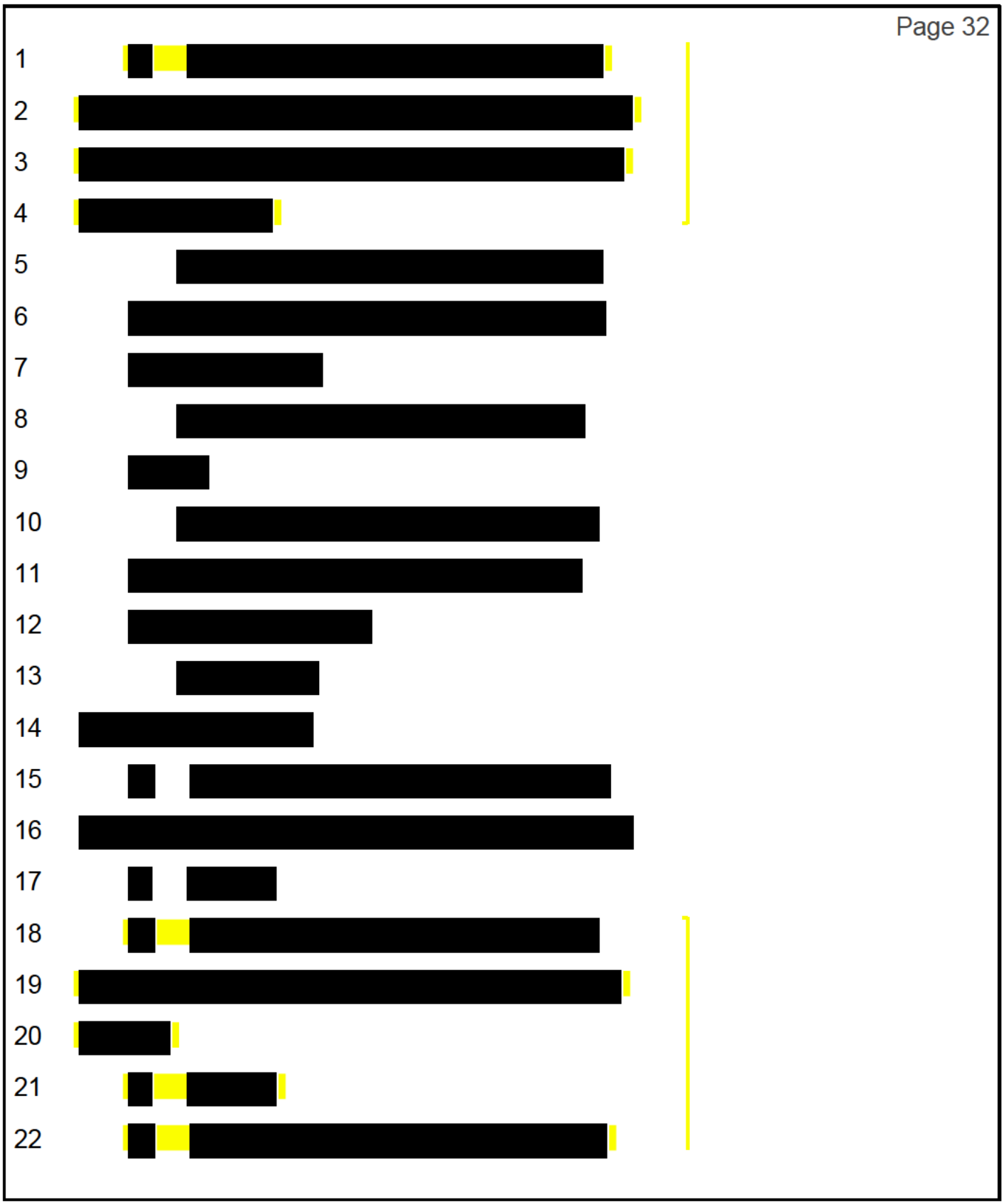
Masimo Designations (Page 30:1 to Page 30:18)
Apple Counter-Designations (Page 30:19 to Page 31:3)

● Masimo Designations (Page 31:13 to Page 32:4)




Masimo Designations (Page 32:18 to Page 33:4)

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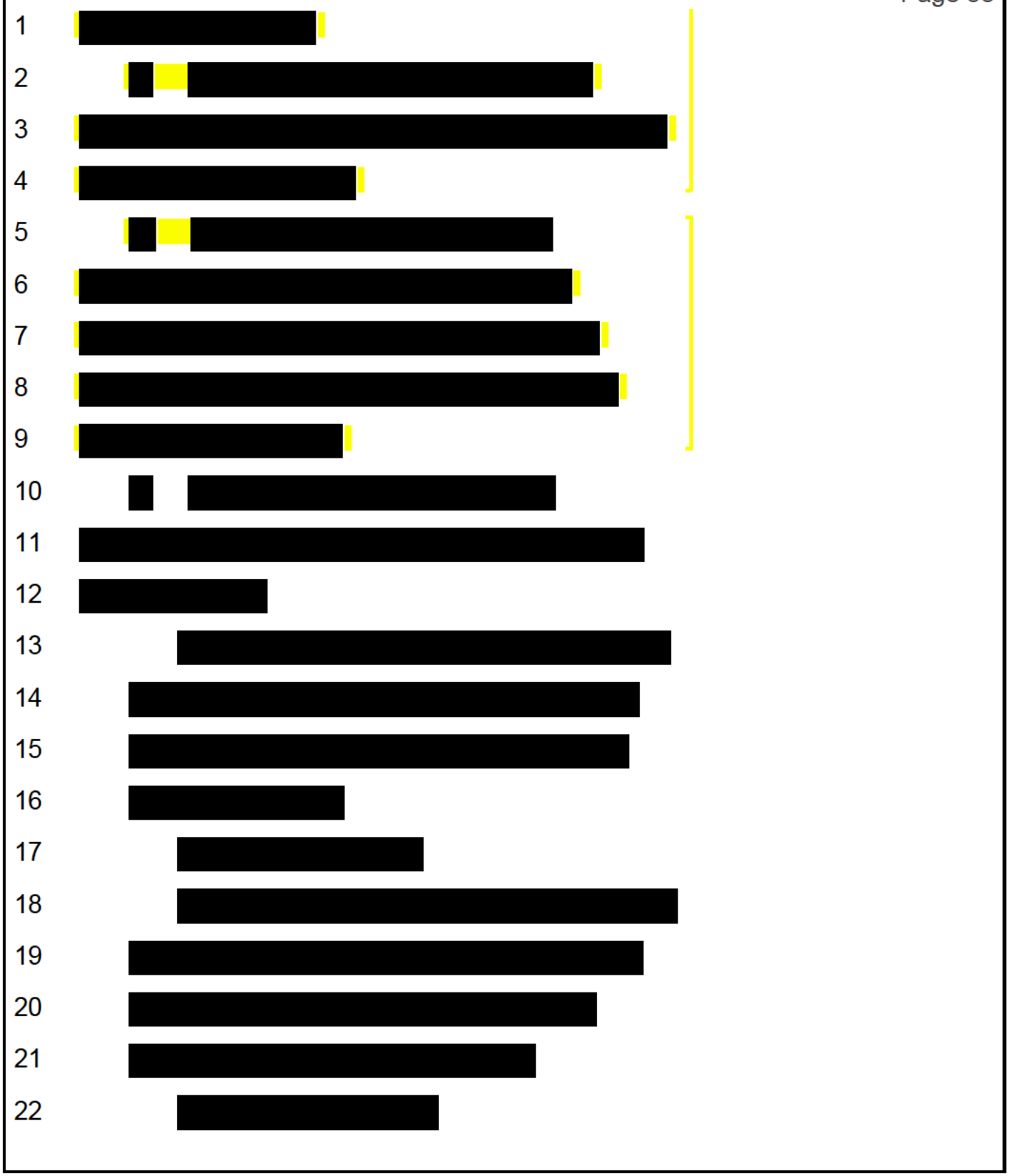
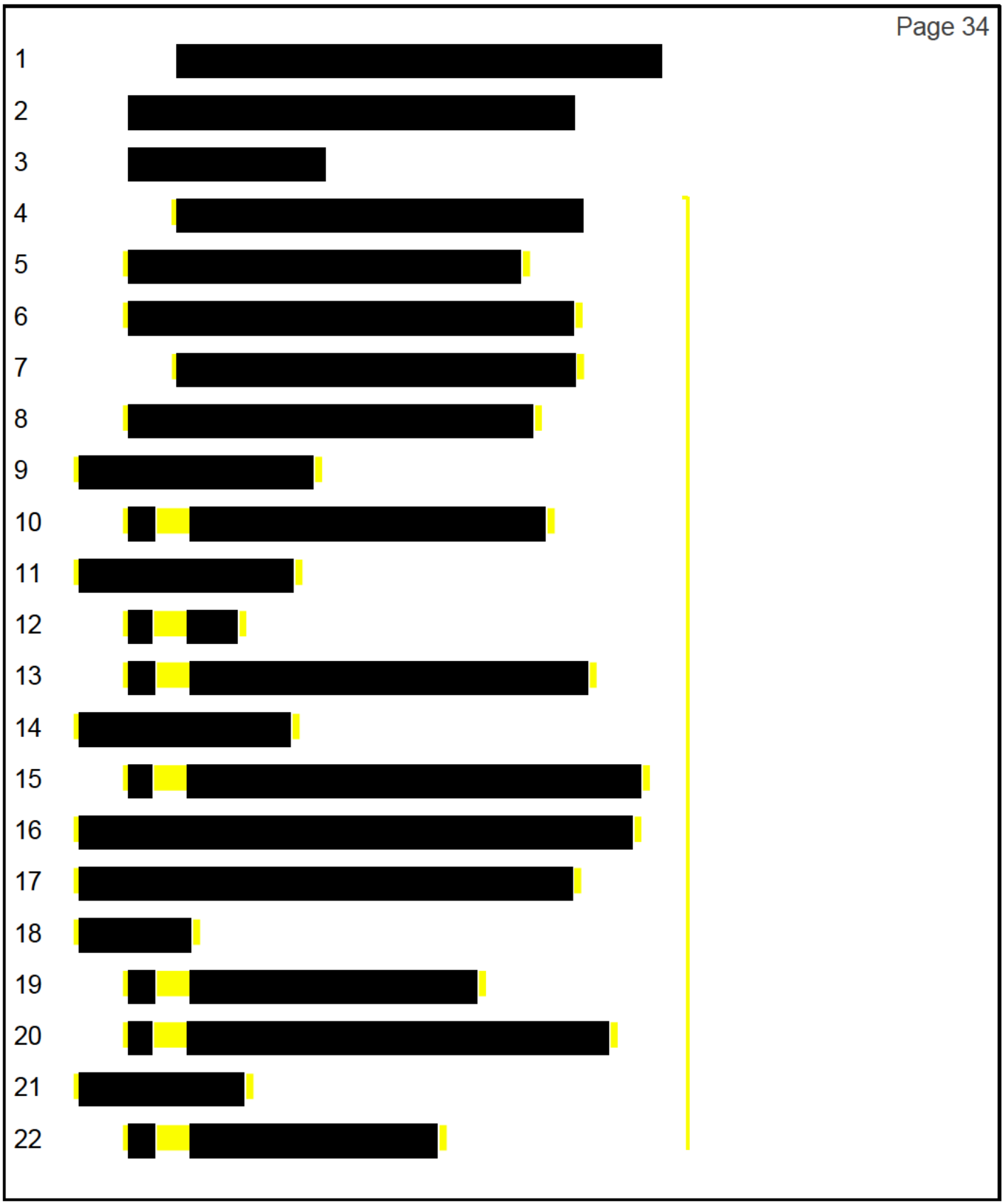


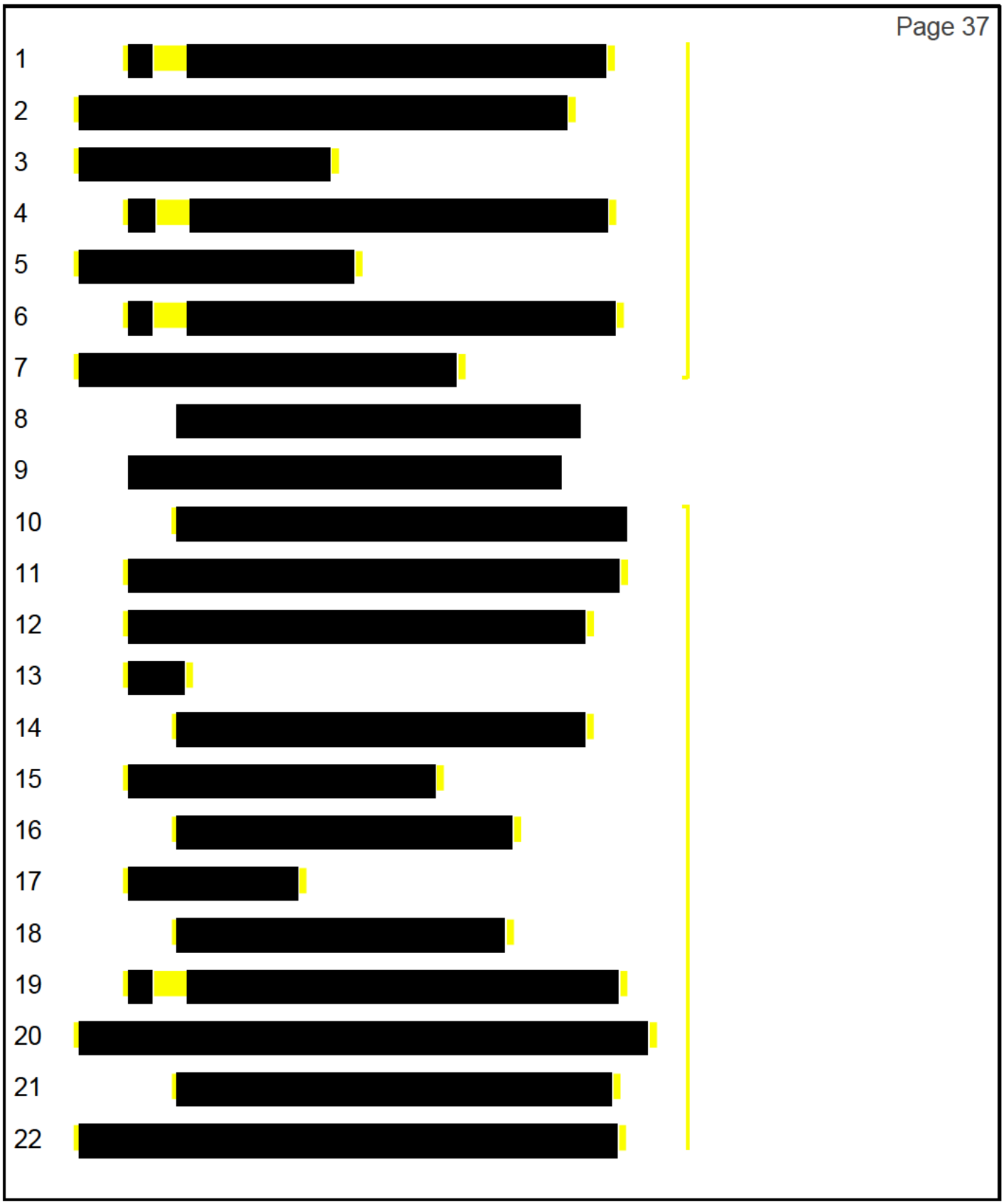
- Masimo Designations (Page 33:5 to Page 33:9)



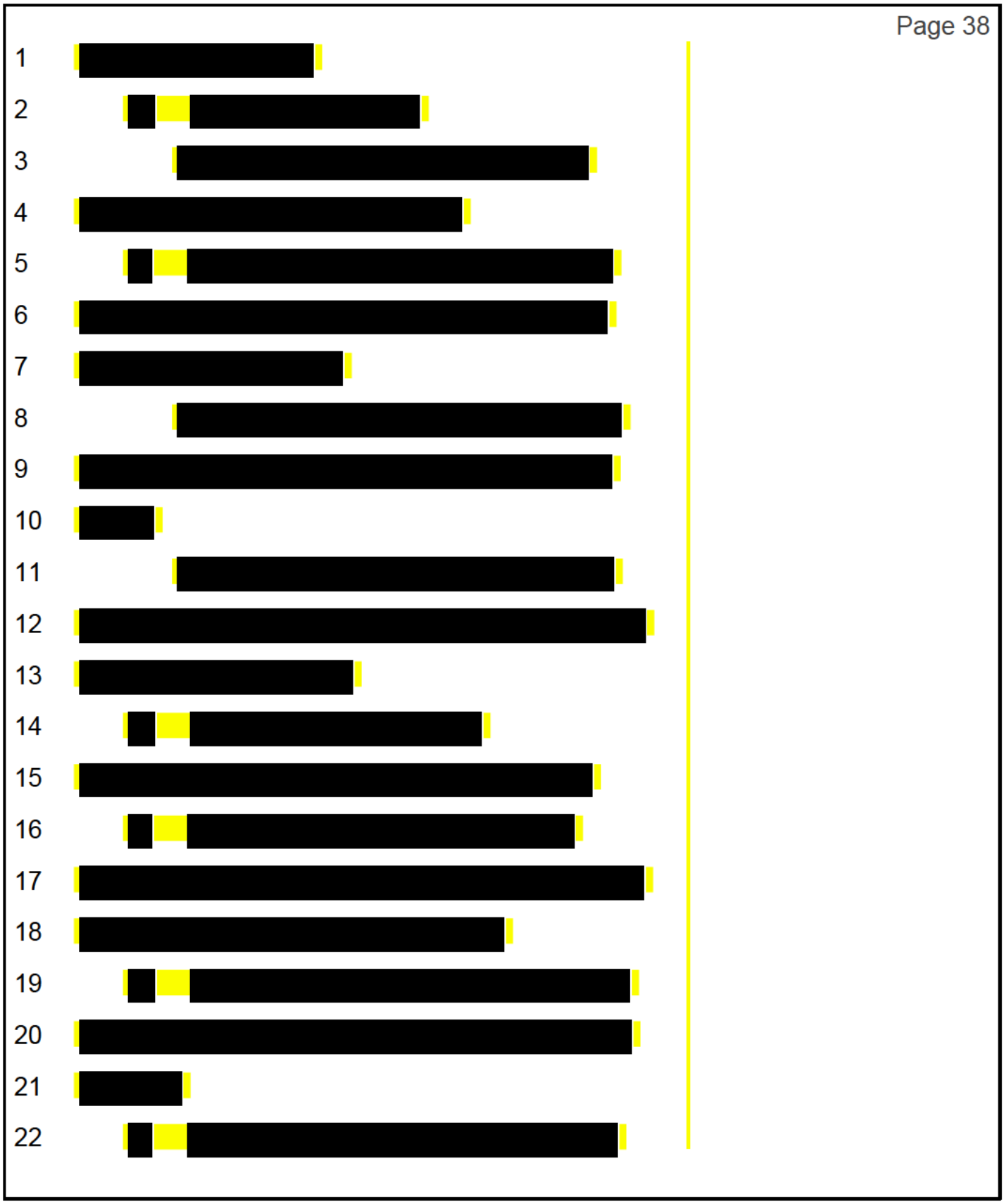

Masimo Designations (Page 34:4 to Page 35:14)

● Masimo Designations (Page 35:16 to Page 36:4)

Masimo Designations (Page 36:5 to Page 36:7, Page 36:21 to Page 37:7) Apple Counter-Designations (Page 36:10 to Page 36:12)




Masimo Designations (Page 37:10 to Page 39:11)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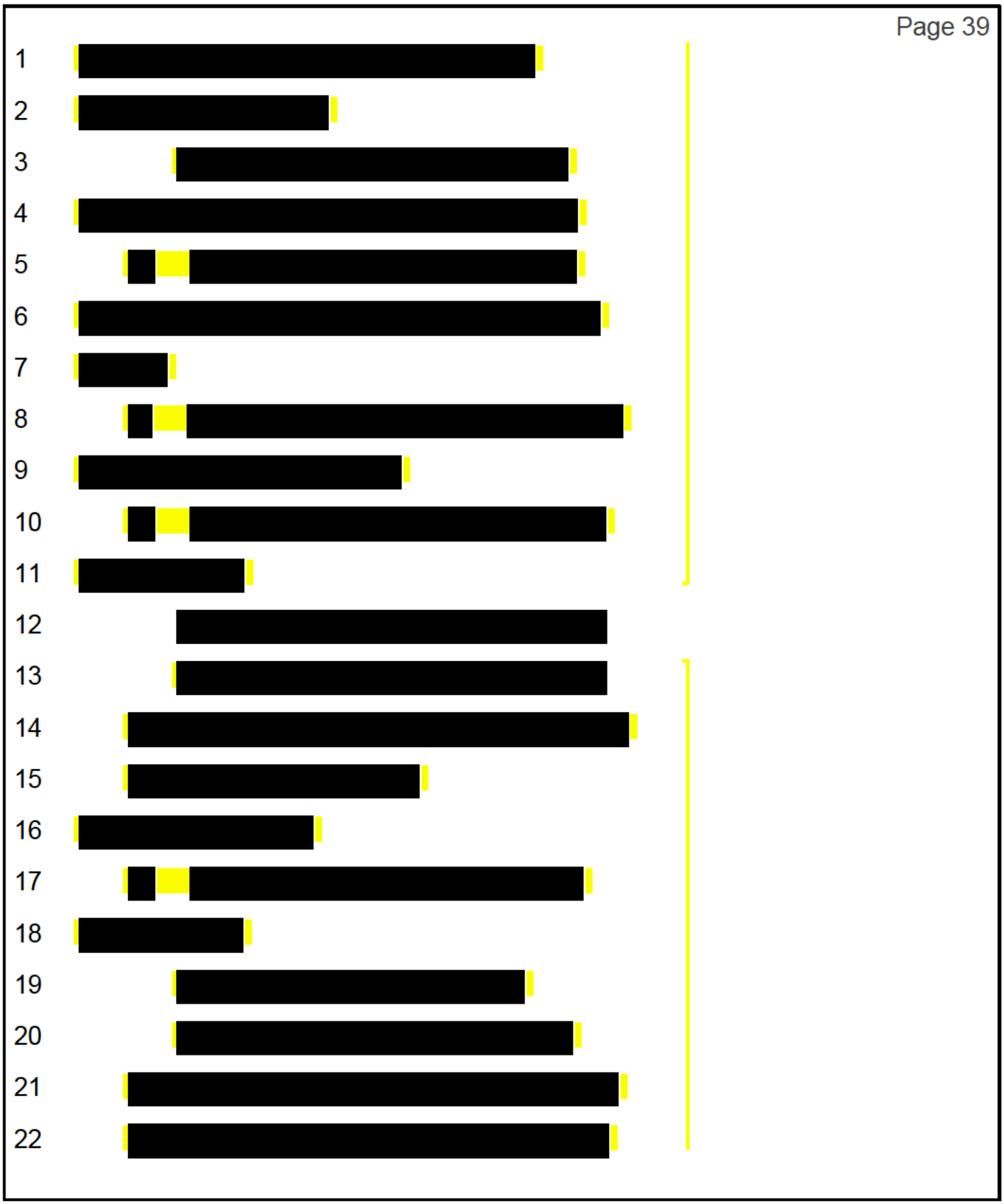
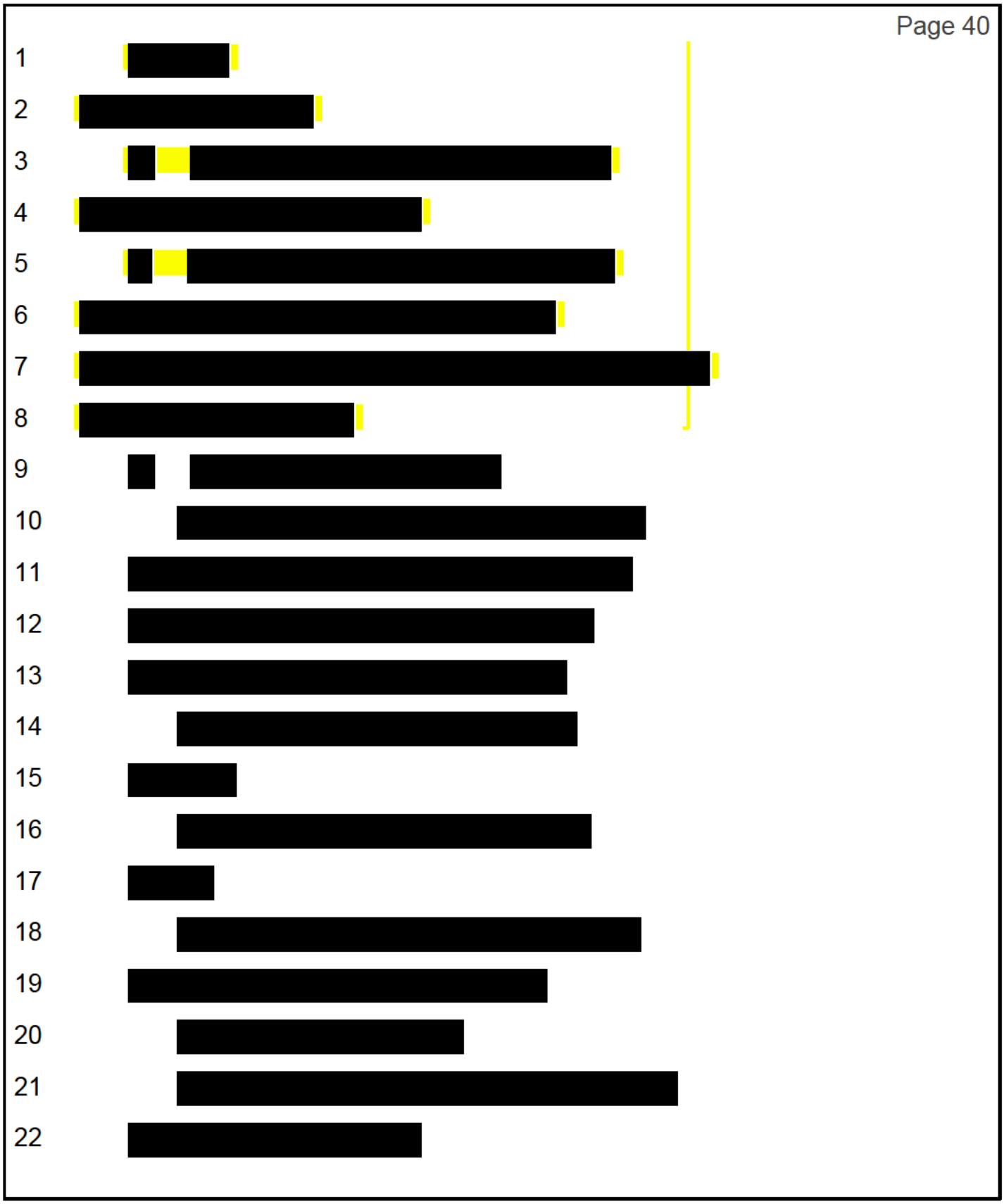



Masimo Designations (Page 39:13 to Page 40:8)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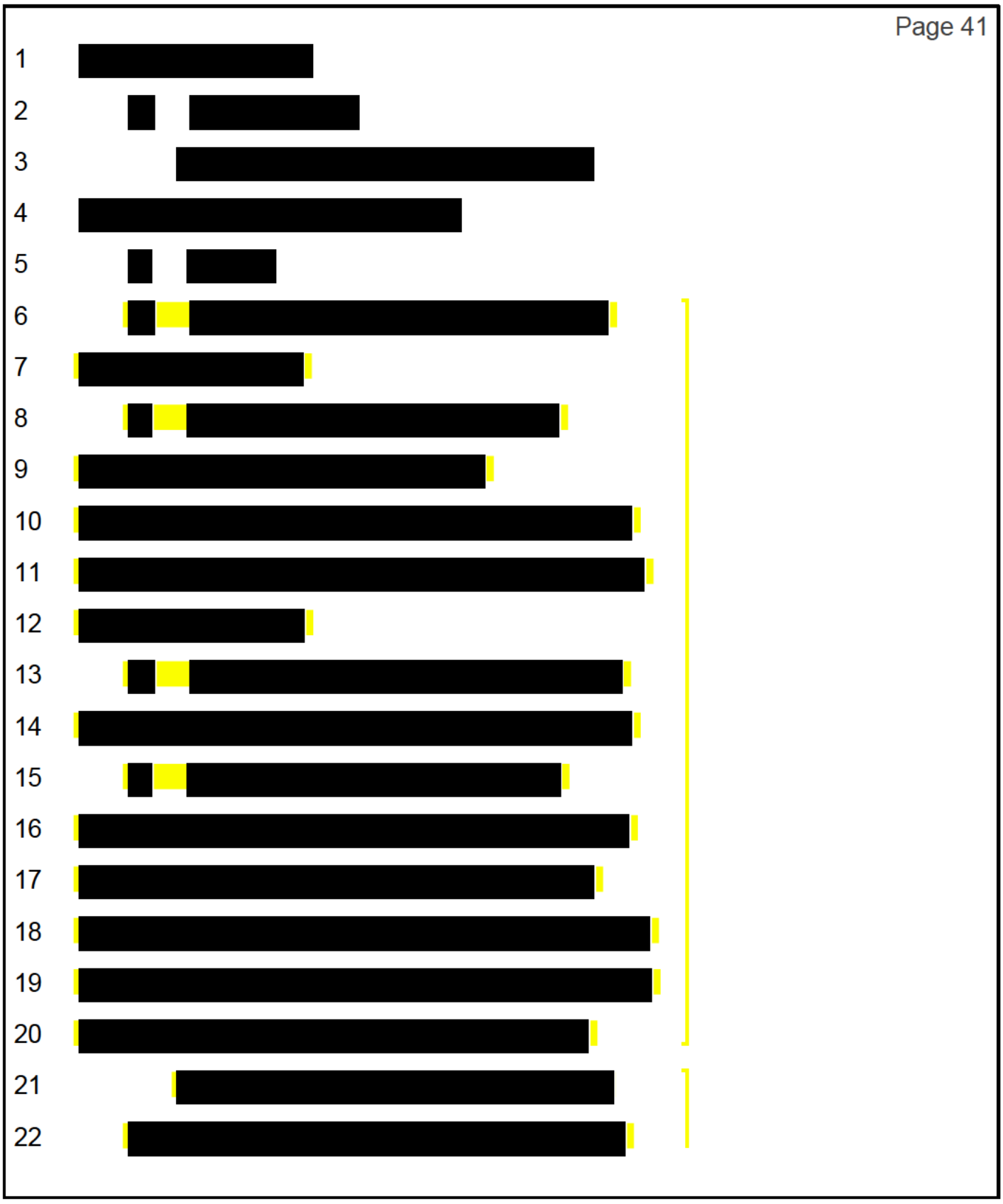


● Masimo Designations (Page 41:6 to Page 41:20, Page 41:21 to Page 43:9)

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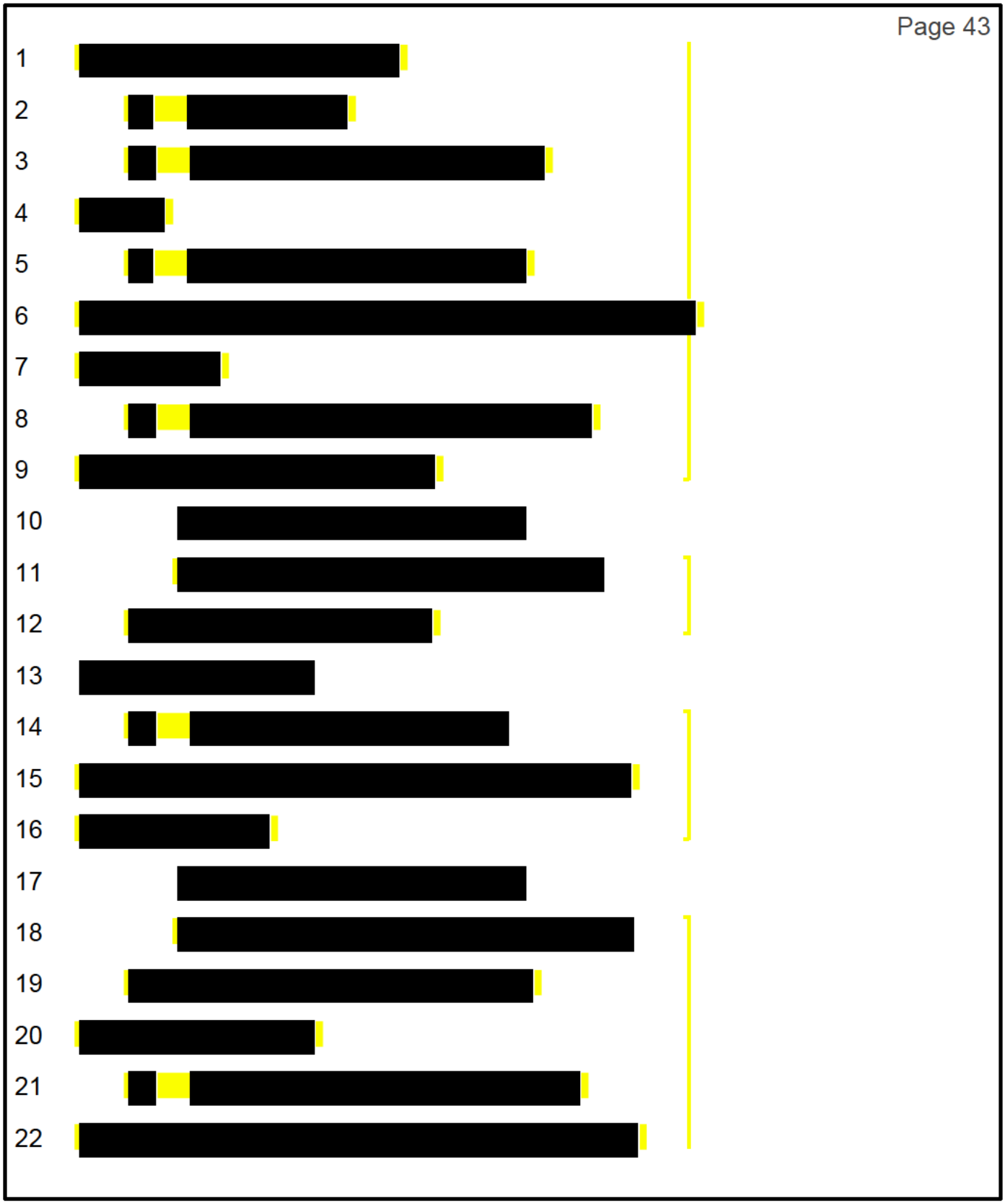
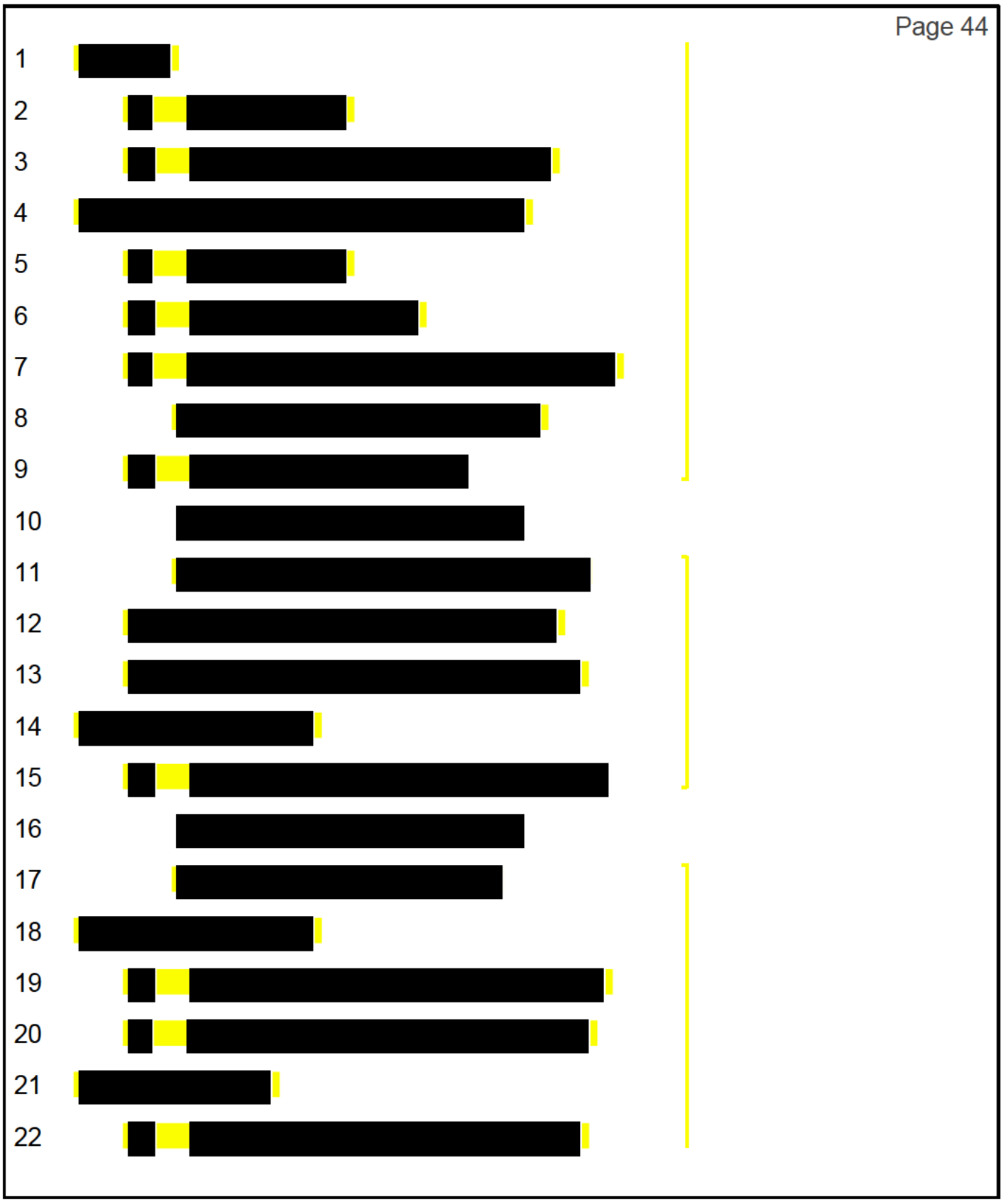
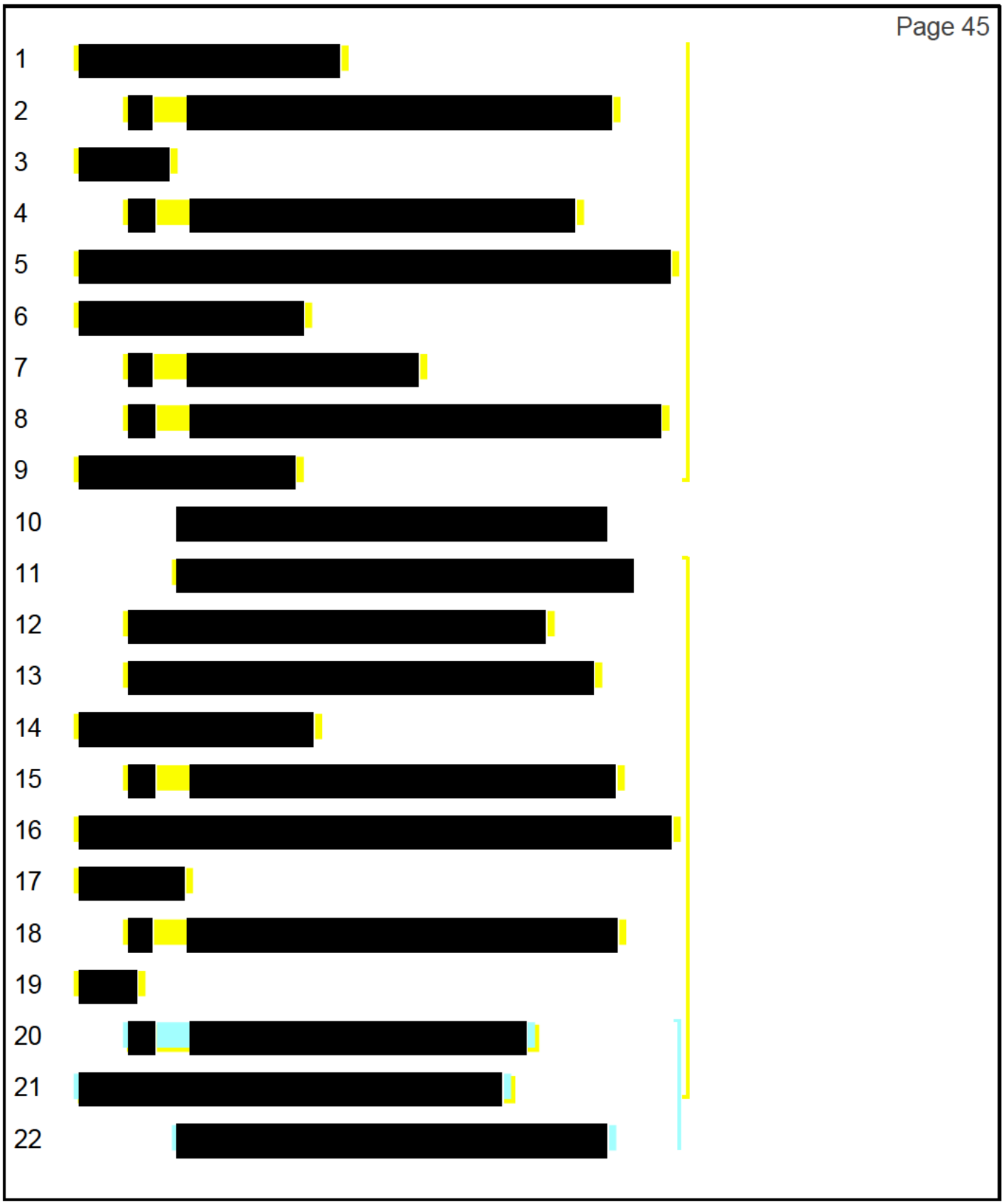



Masimo Designations (Page 43:11 to Page 43:12, Page 43:14 to Page 43:16) Masimo Designations (Page 43:18 to Page 44:9)




Masimo Designations (Page 44:11 to Page 44:15, Page 44:17 to Page 45:9)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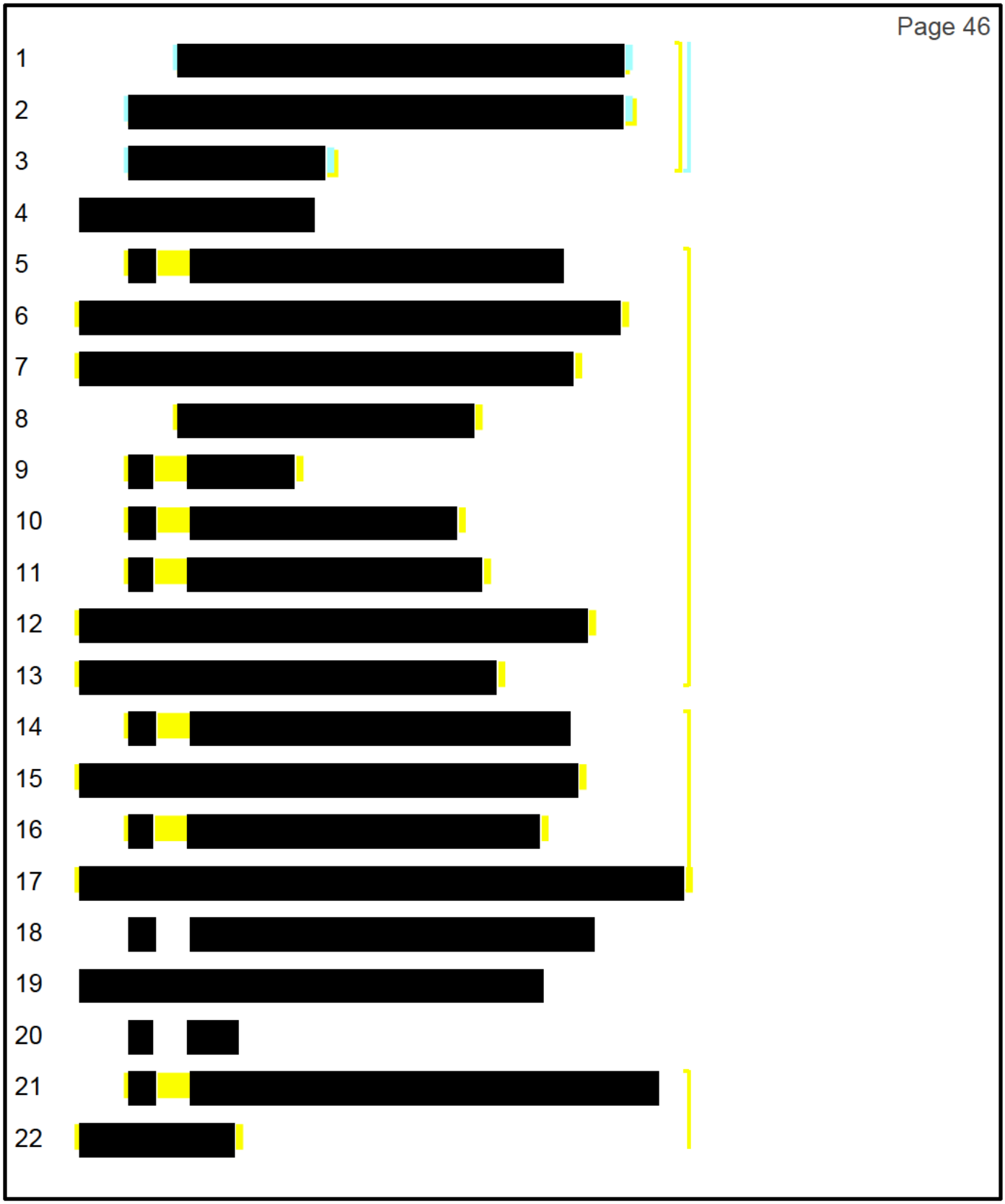
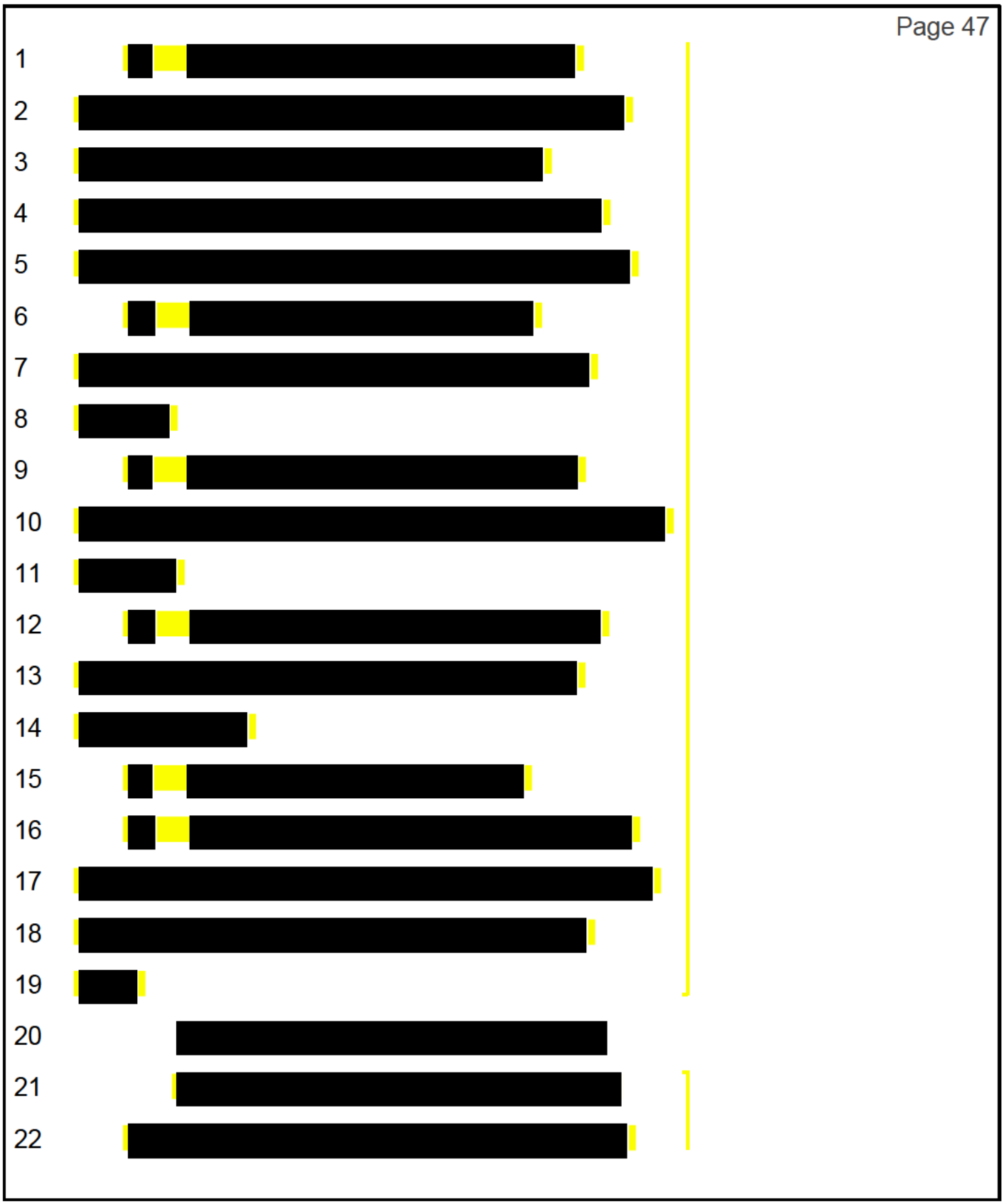
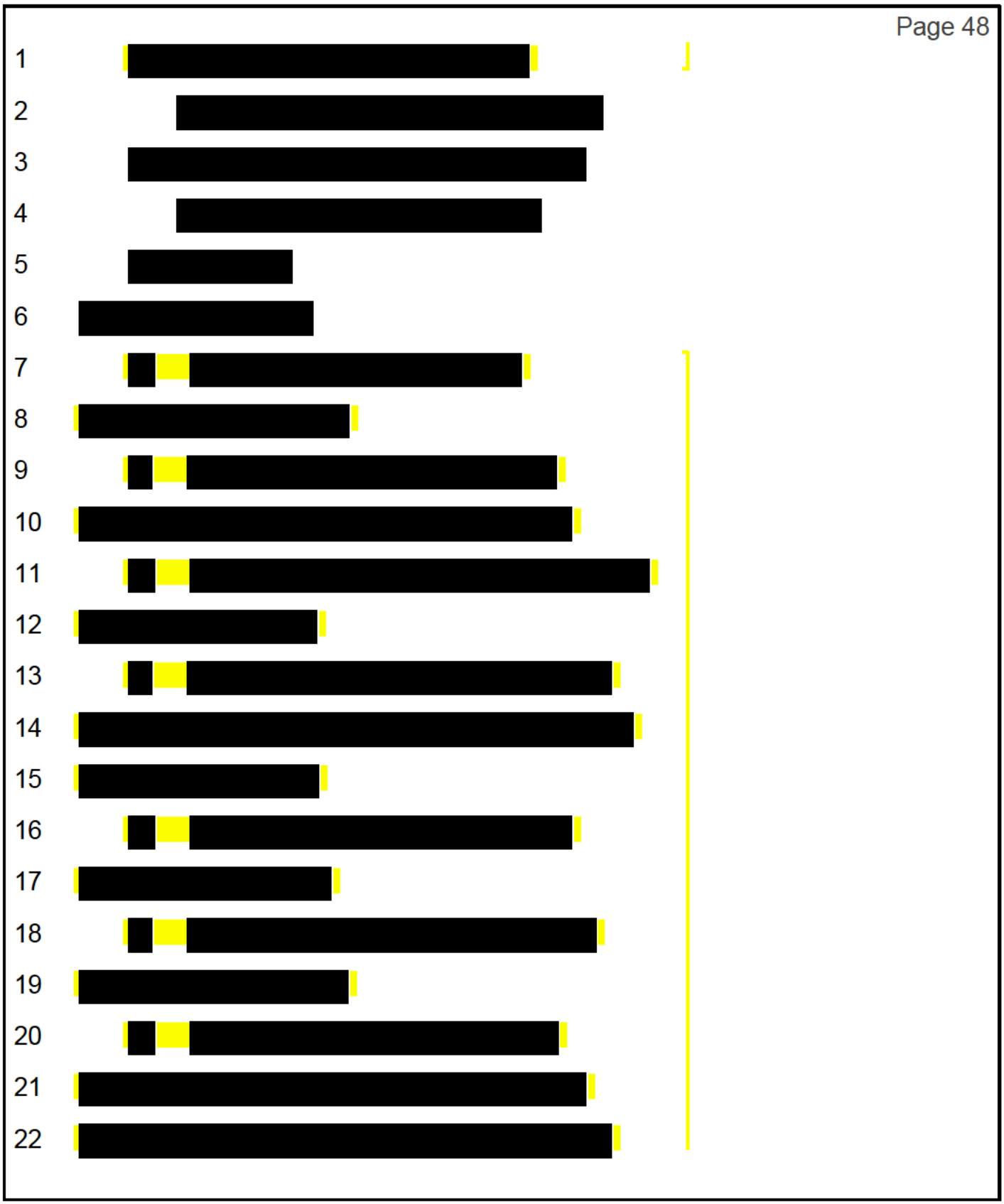
Masimo Designations (Page 45:11 to Page 45:21)
Apple Counter-Designations (Page 45:20 to Page 46:3)




Masimo Designations (Page 46:1 to Page 46:3, Page 46:21 to Page 47:19, Page 46:5 to Page 46:13) Masimo Designations (Page 46:14 to Page 46:17)




Masimo Designations (Page 47:21 to Page 48:1)

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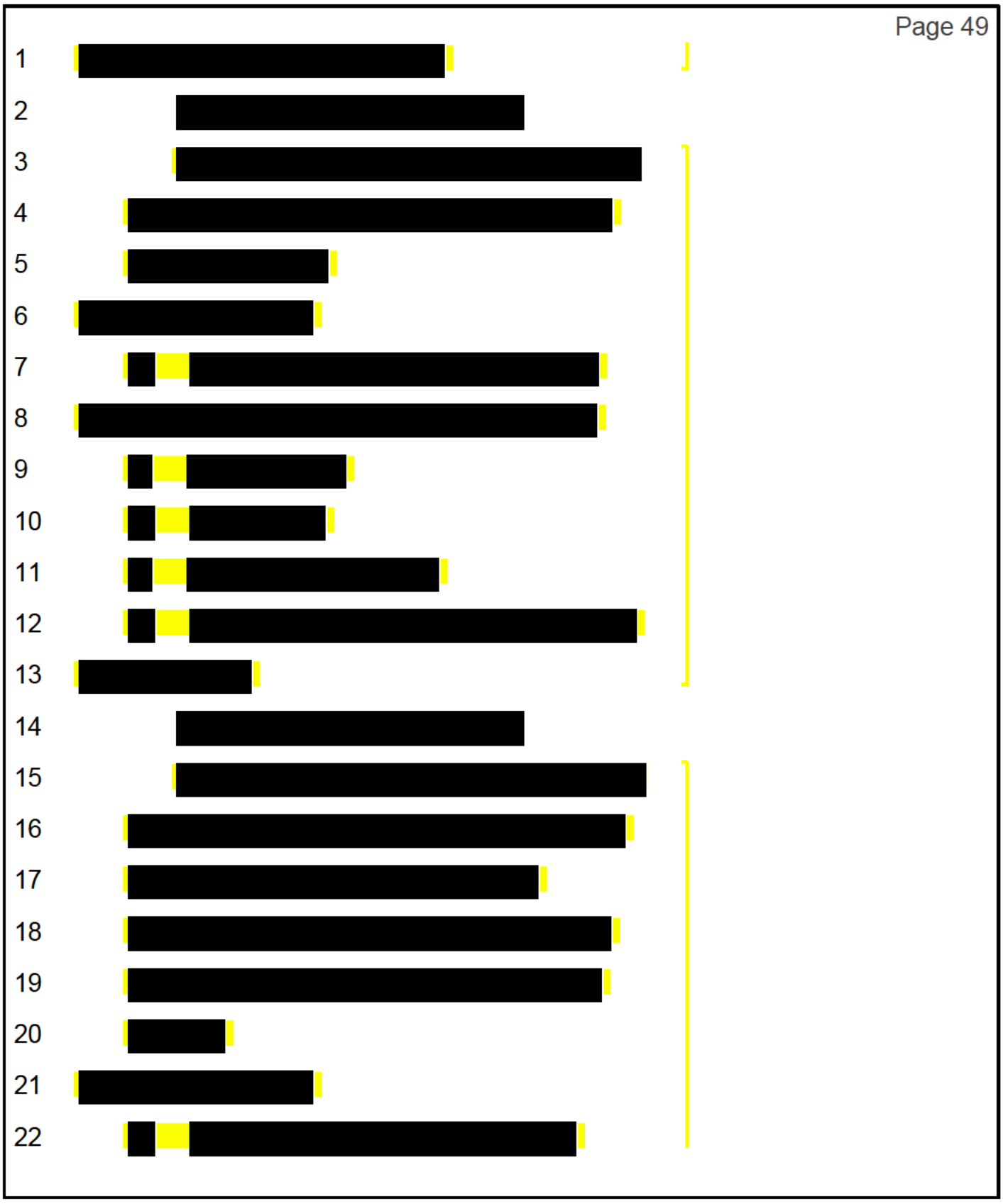


Masimo Designations (Page 49:3 to Page 49:13, Page 49:15 to Page 51:8)

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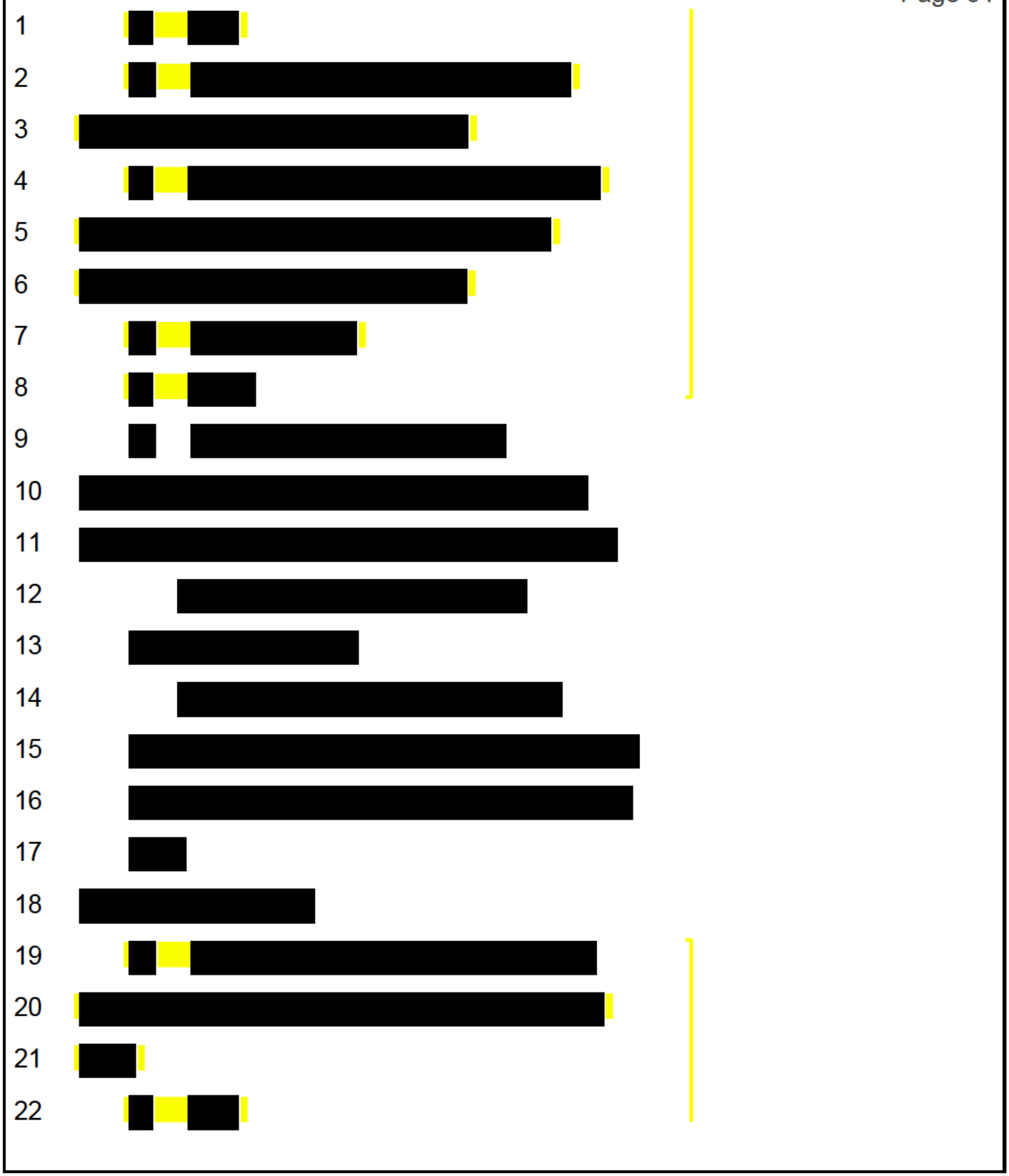
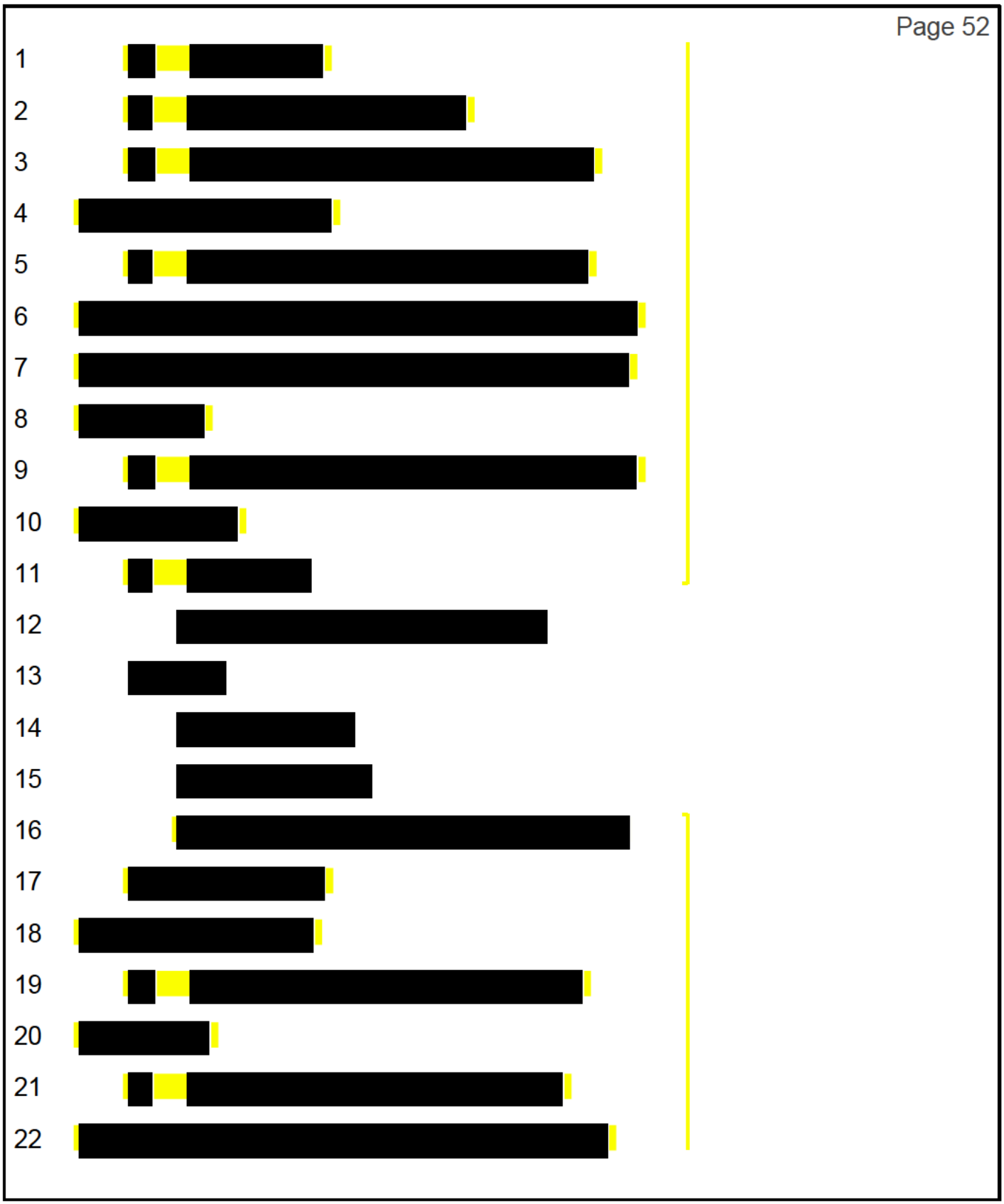


Masimo Designations (Page 51:19 to Page 52:11)




Masimo Designations (Page 52:16 to Page 53:17)

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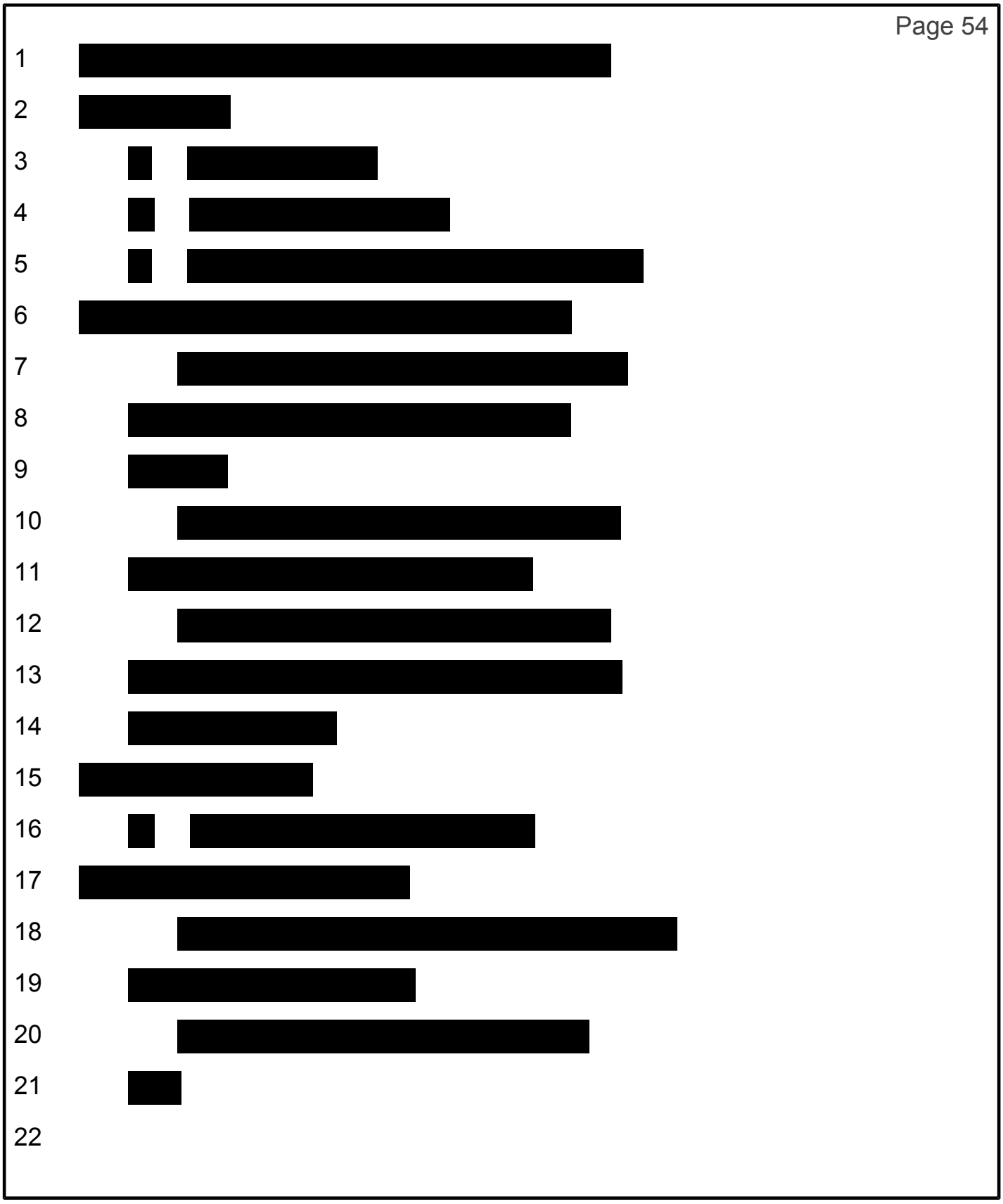

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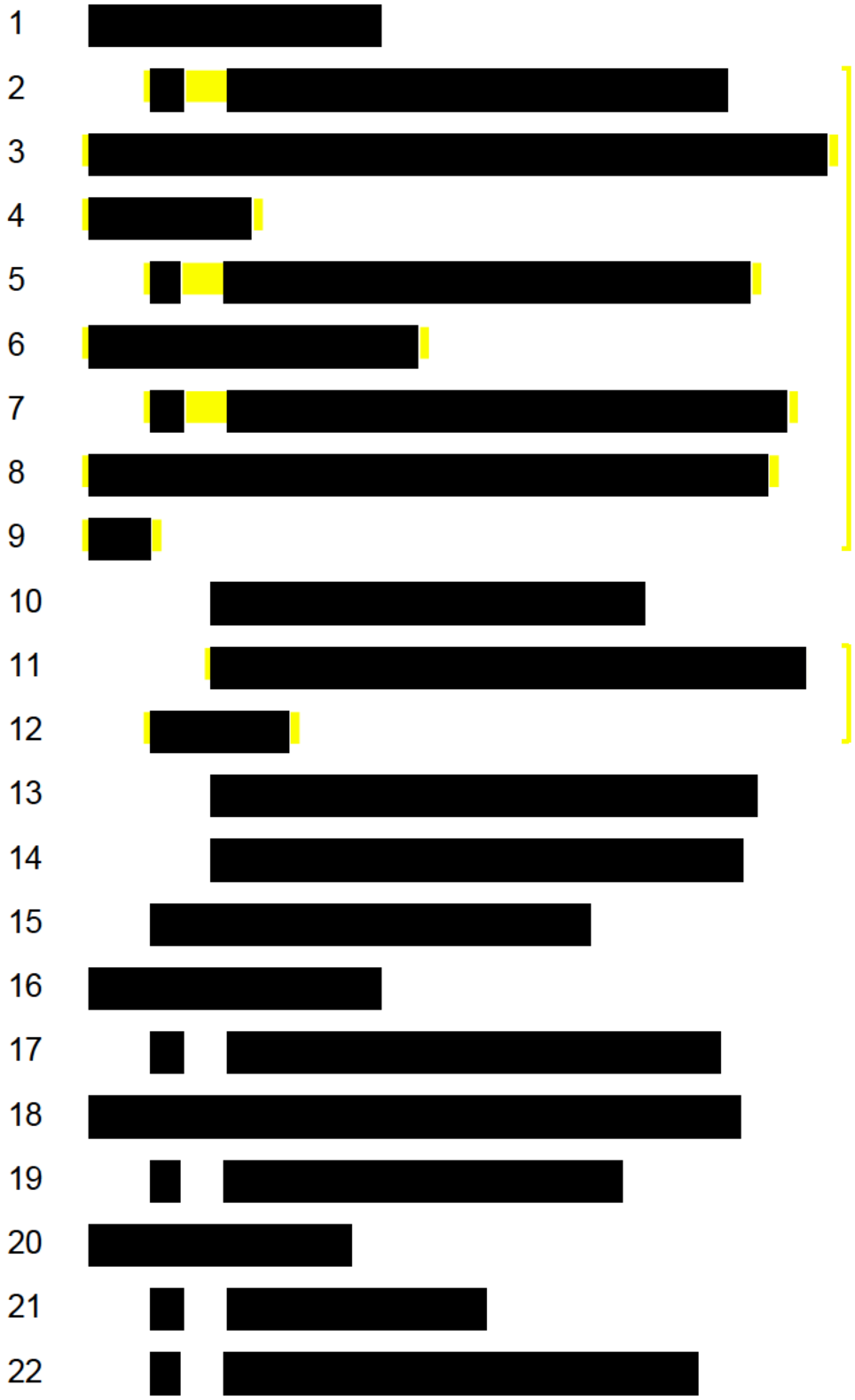
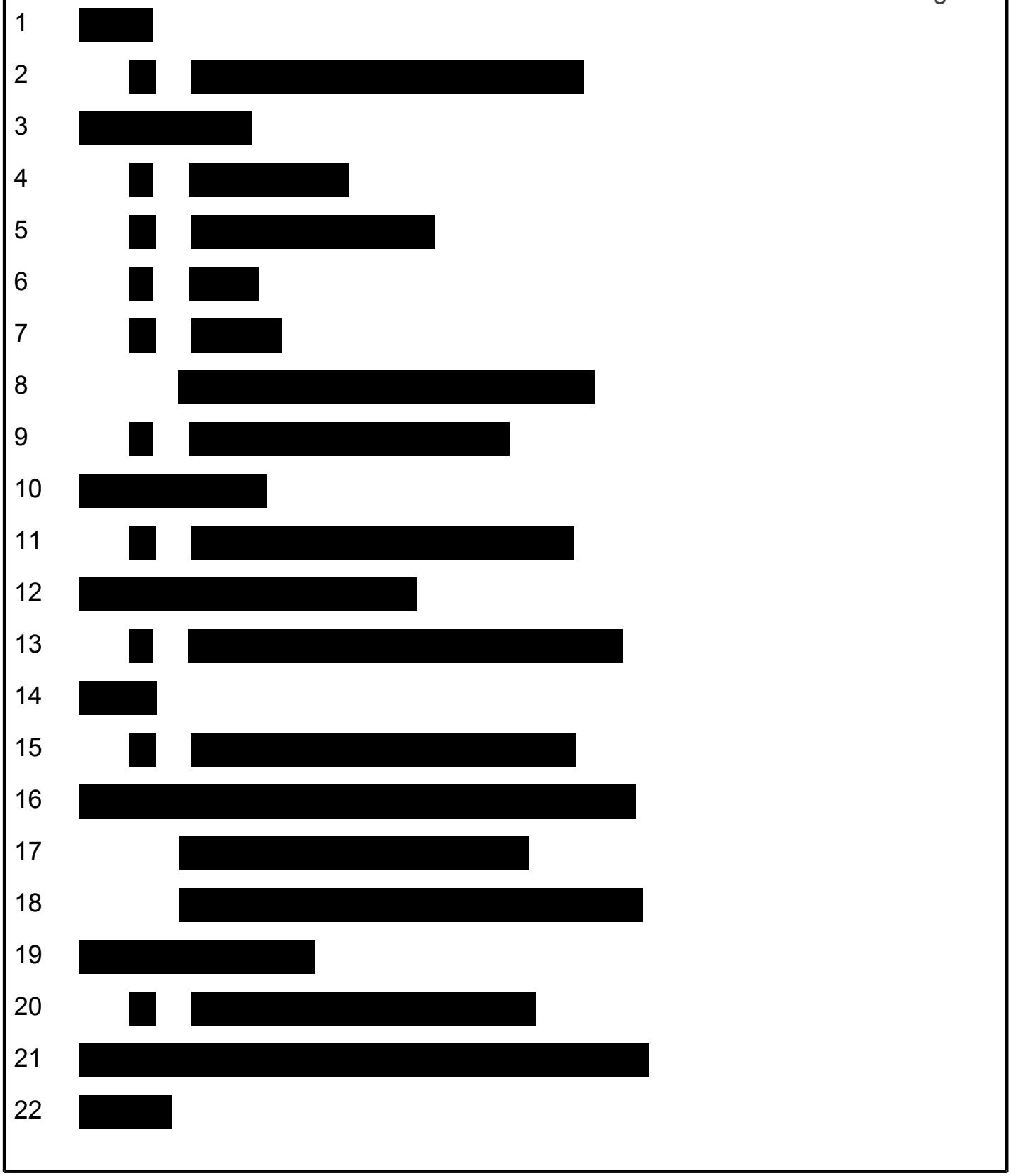
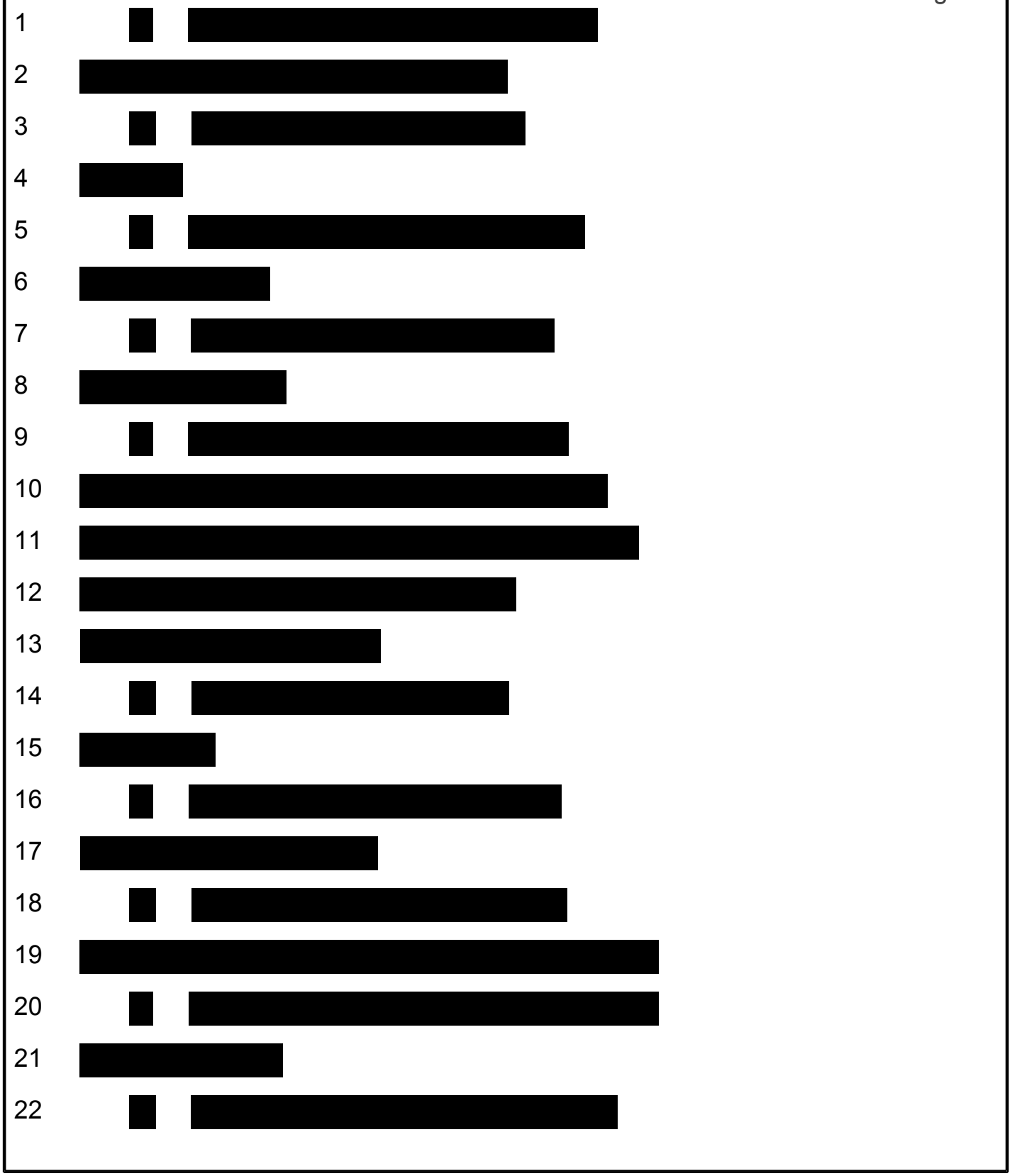


Masimo Designations (Page 55:2 to Page 55:9, Page 55:11 to Page 55:12)





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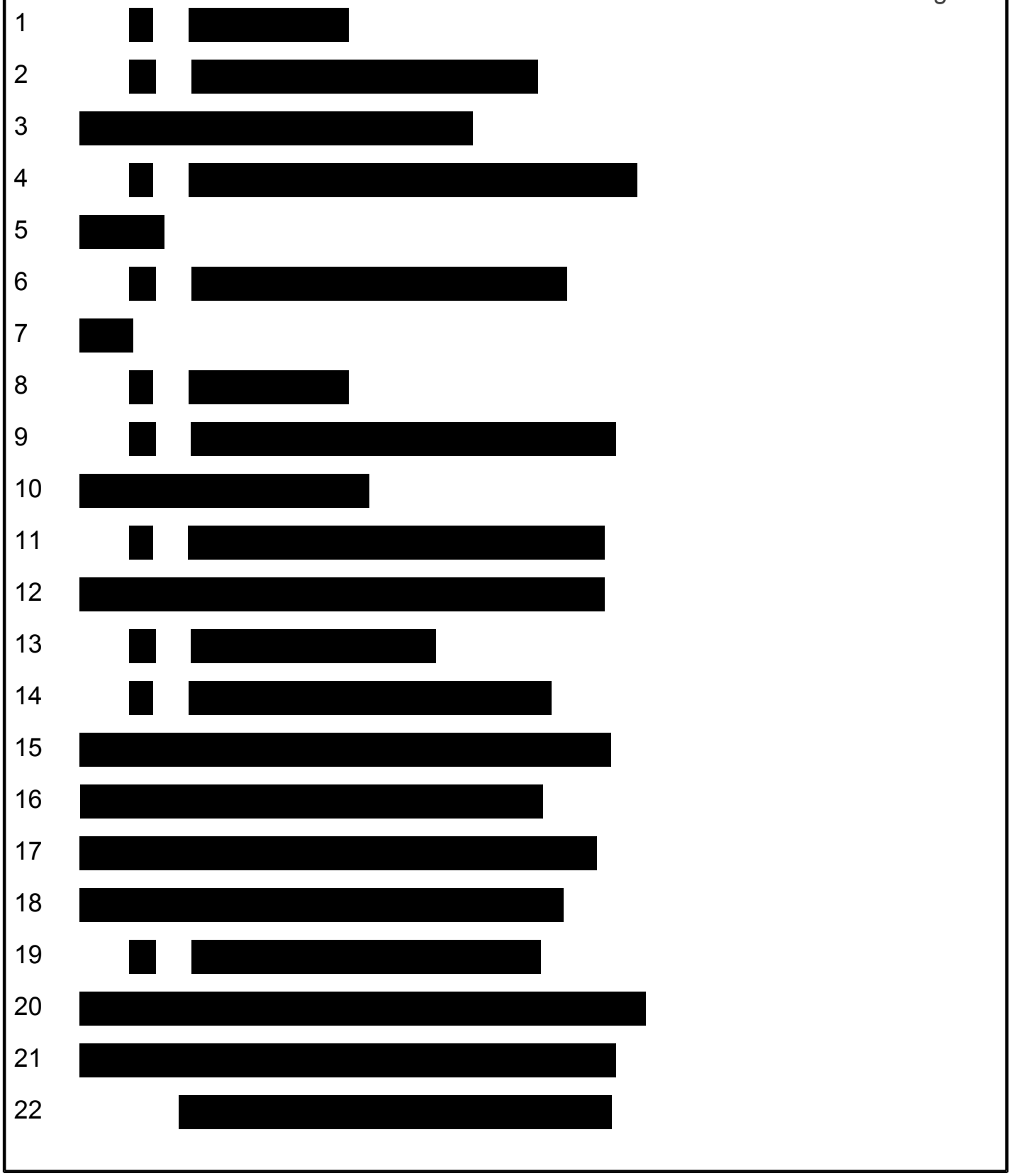
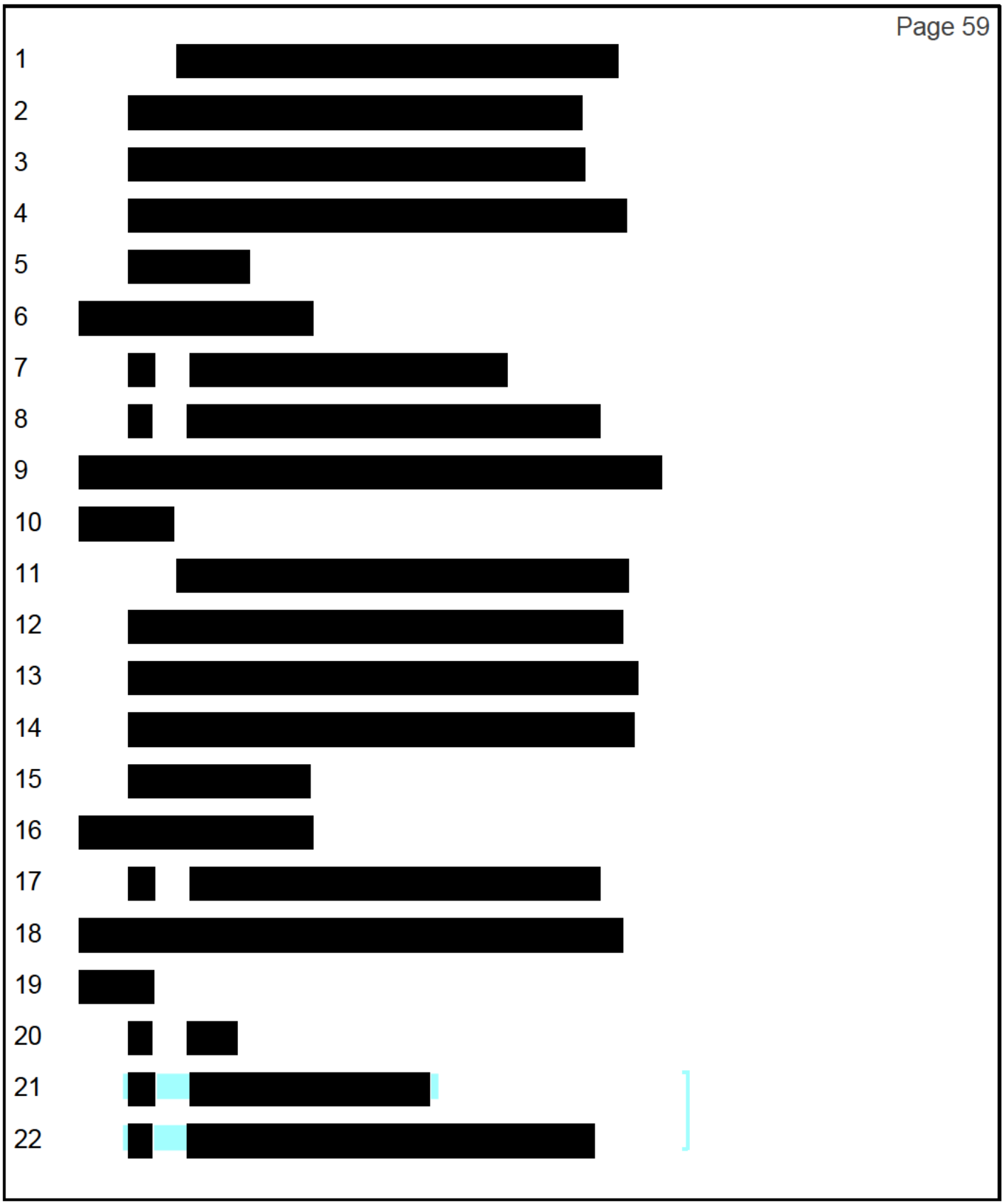
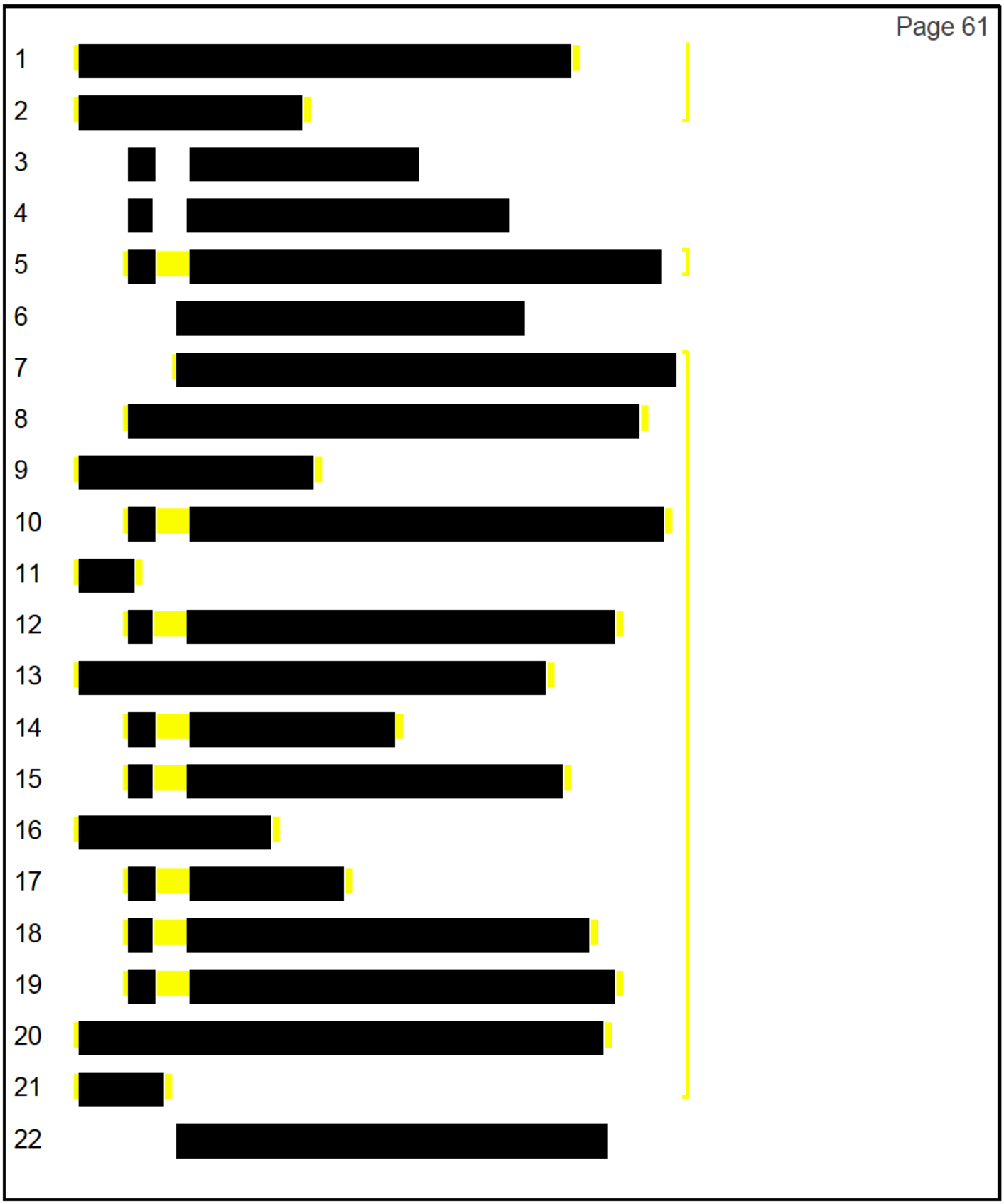


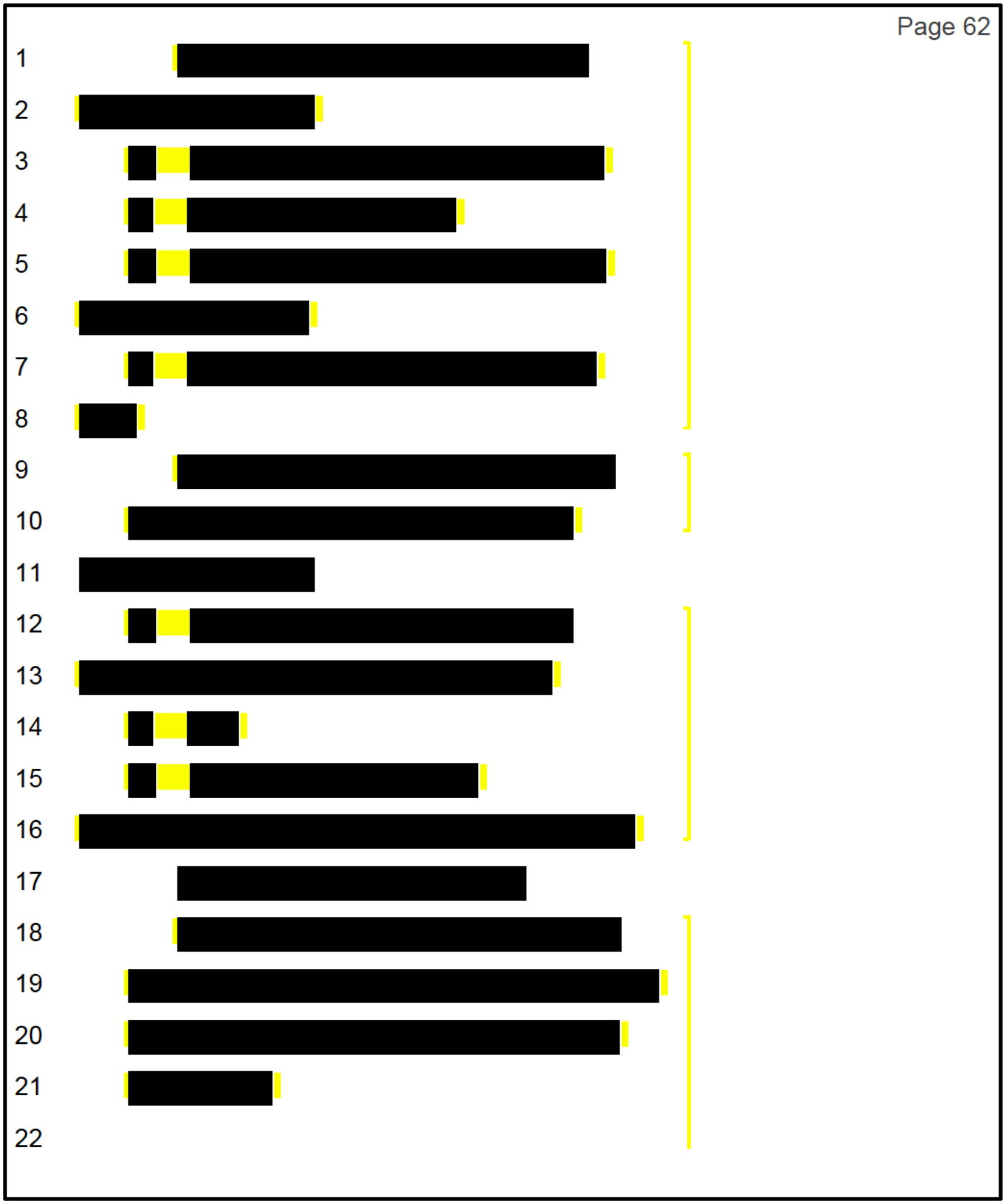



Apple Counter-Designations (Page 59:21 to Page 59:22)

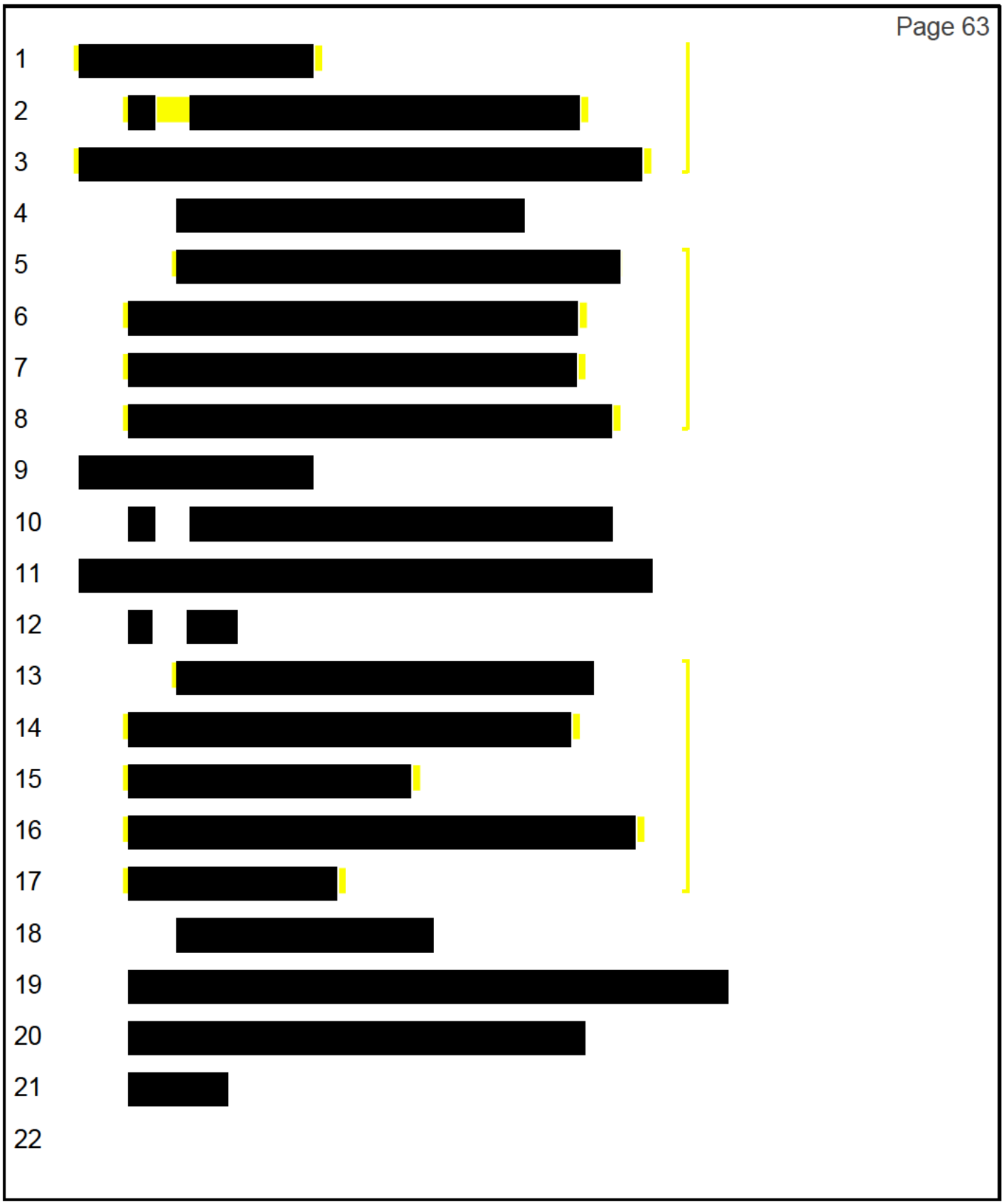
● Masimo Designations (Page 60:1 to Page 60:2, Page 60:4 to Page 60:5, Page 60:11 to Page 60:14) ● Masimo Designations (Page 60:7 to Page 60:10, Page 60:15 to Page 61:2)



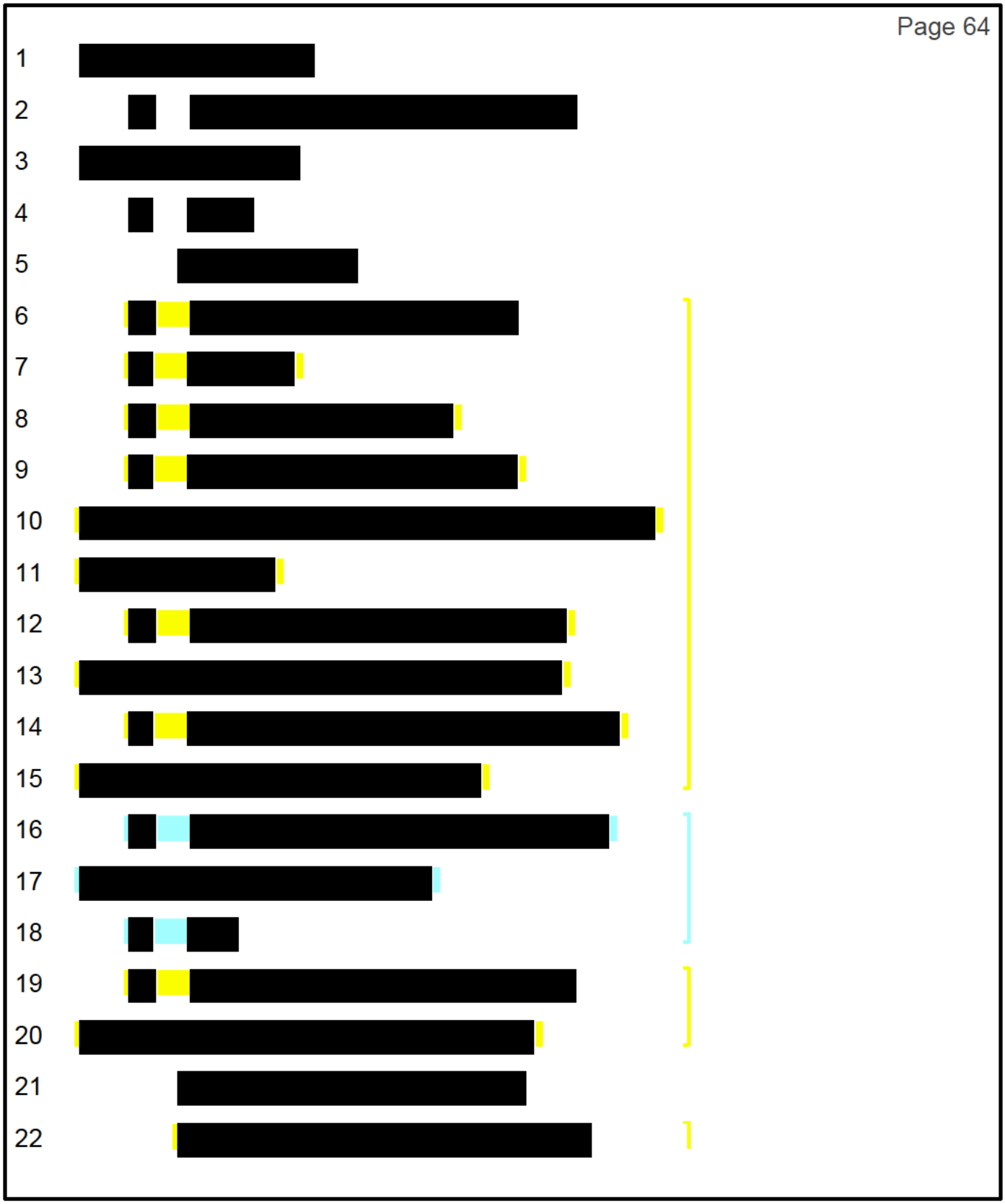

Masimo Designations (Page 61:5 to Page 61:5, Page 61:7 to Page 61:21)



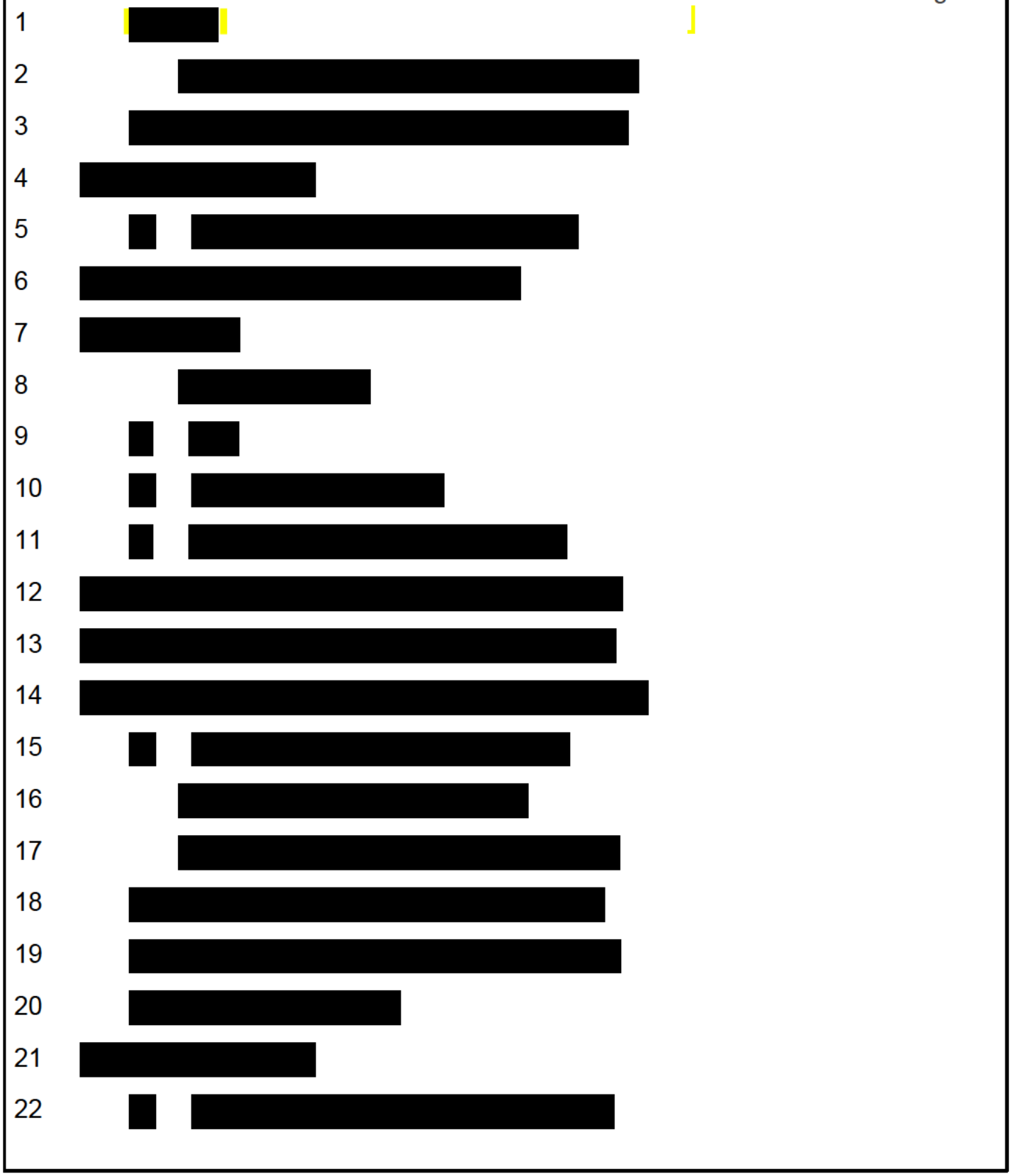

● Masimo Designations (Page 62:1 to Page 62:8, Page 62:9 to Page 62:10, Page 62:18 to Page 63:3) ● Masimo Designations (Page 62:12 to Page 62:16)

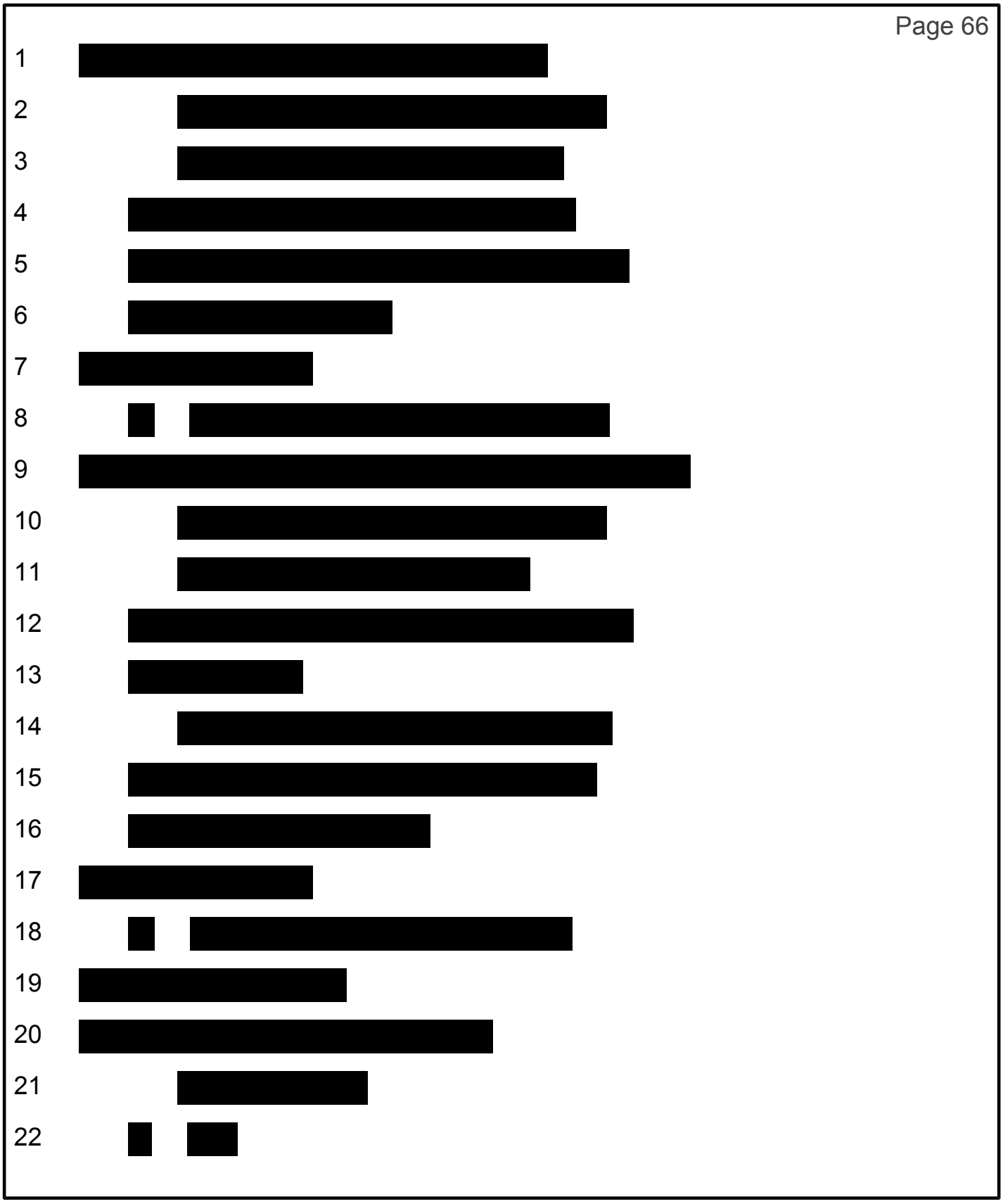


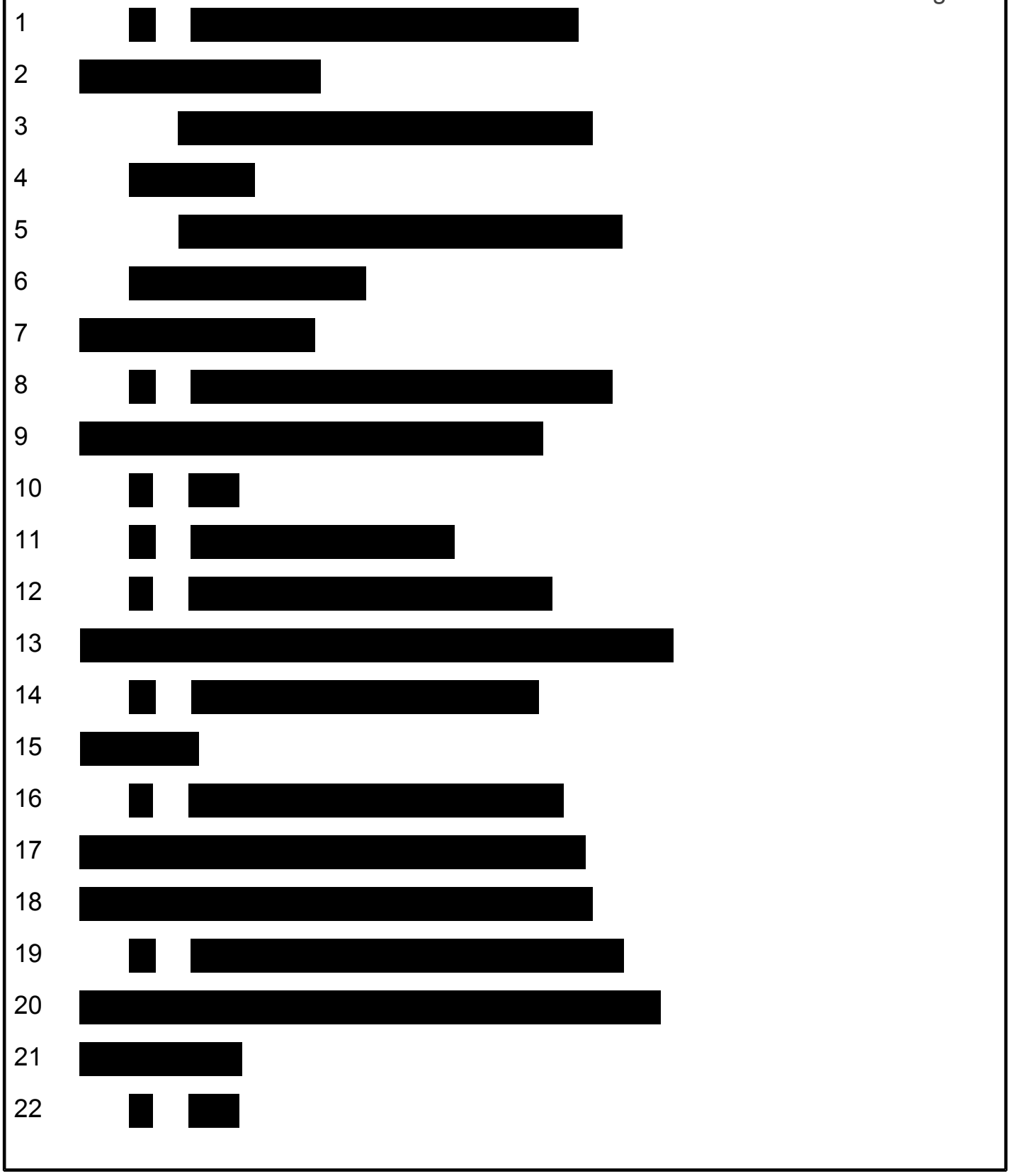

Masimo Designations (Page 63:5 to Page 63:8, Page 63:13 to Page 63:17)




Masimo Designations (Page 64:6 to Page 64:15, Page 64:19 to Page 64:20) Apple Counter-Designations (Page 64:16 to Page 64:18) Masimo Designations (Page 64:22 to Page 65:1)







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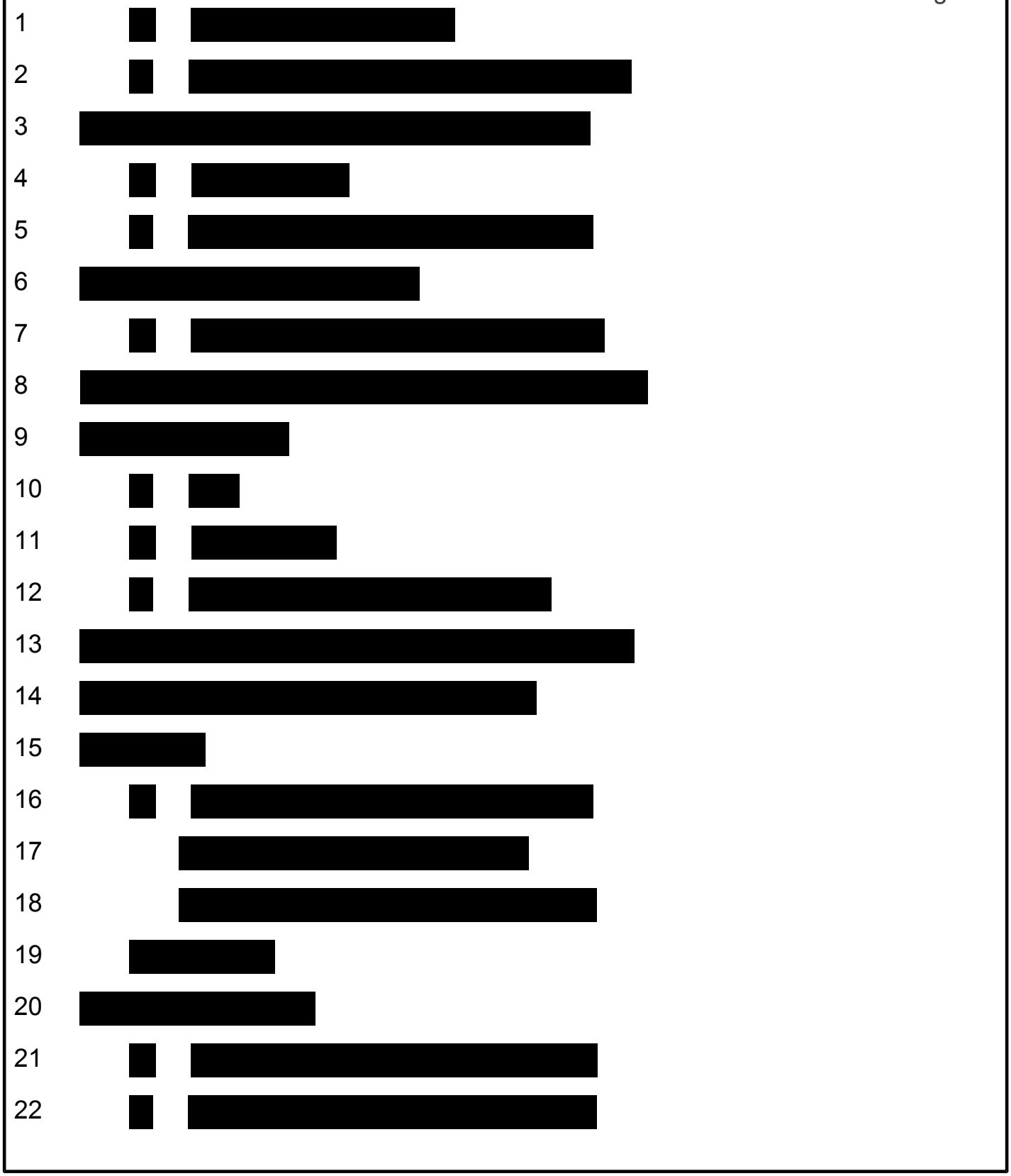
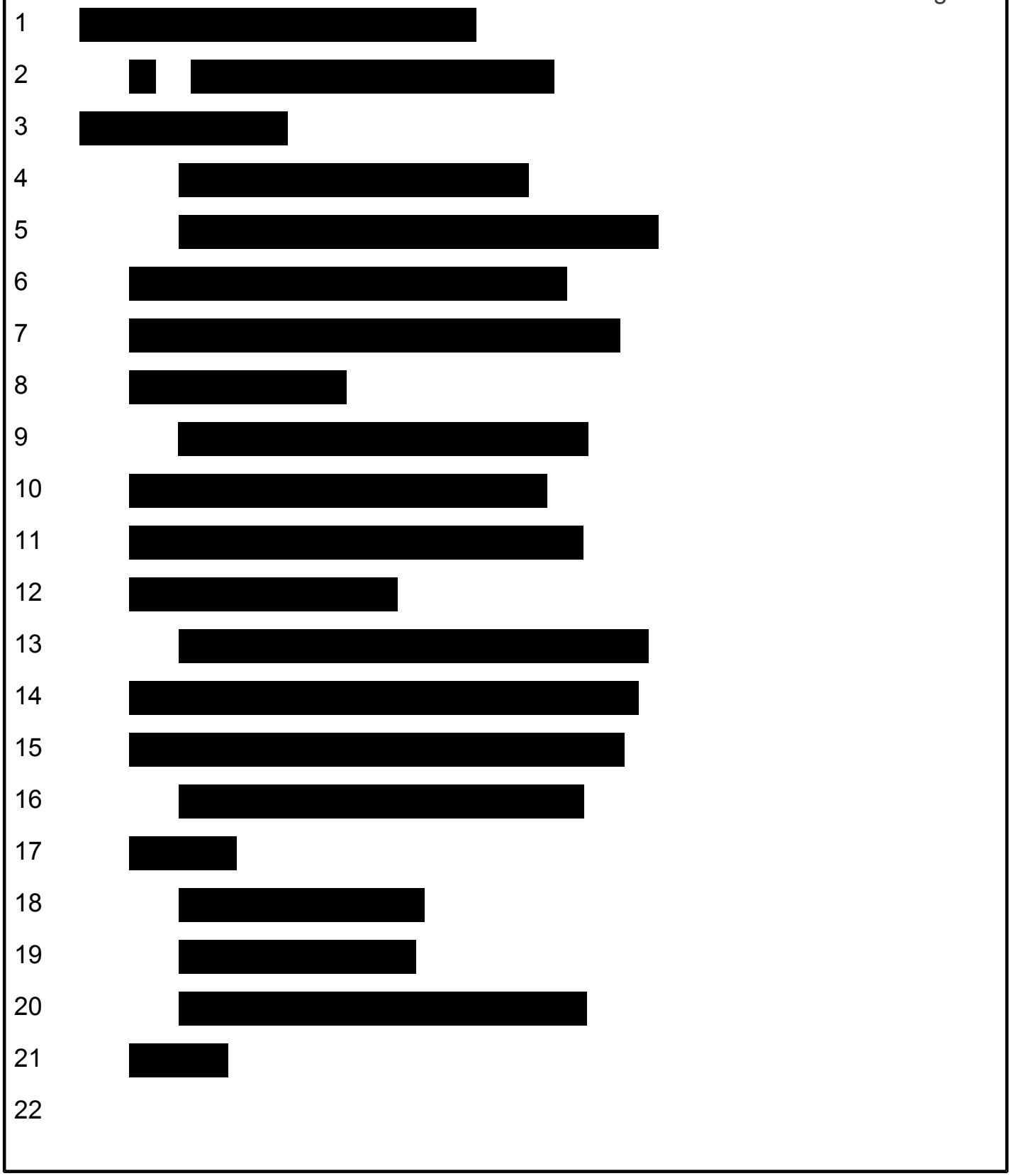
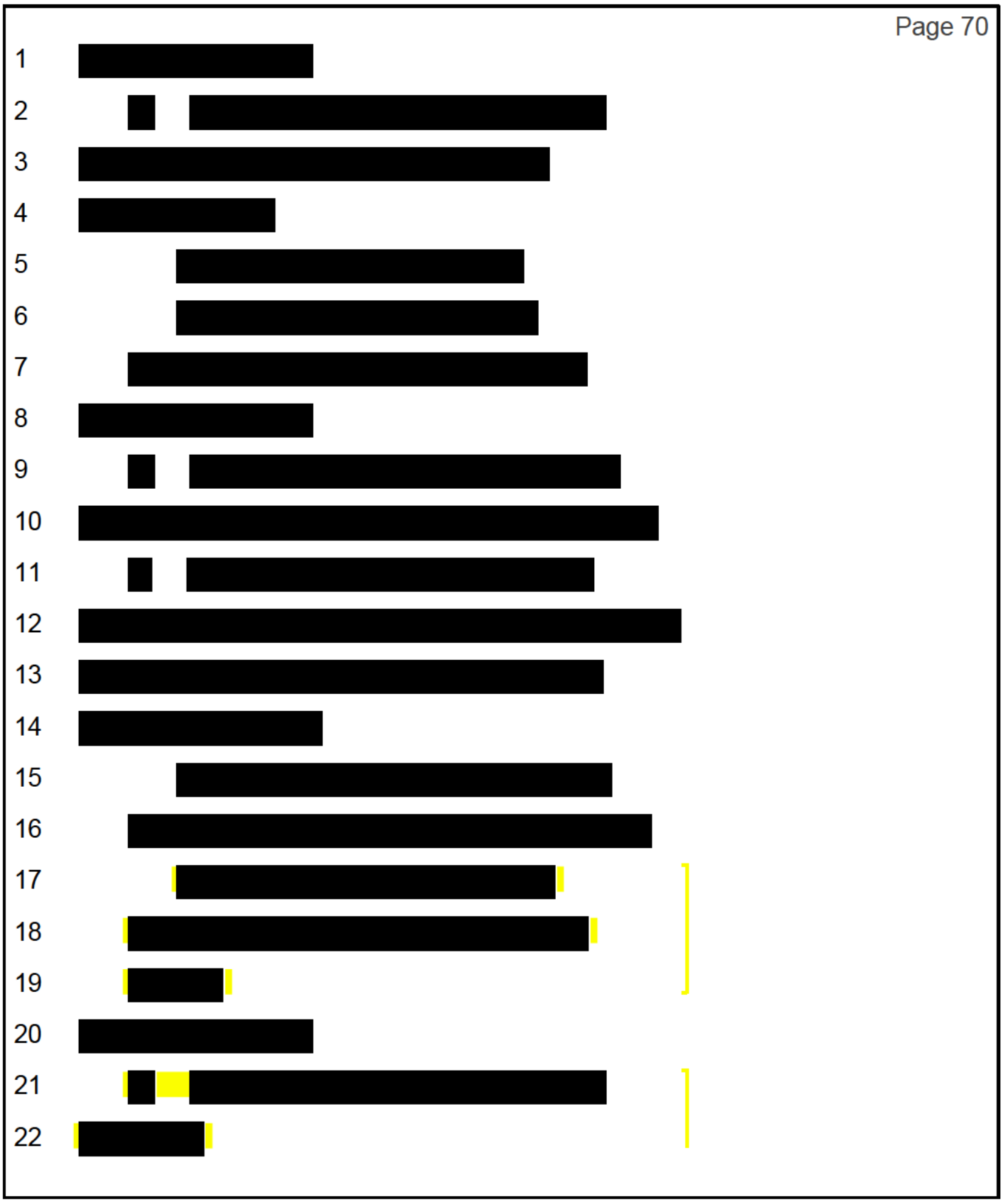
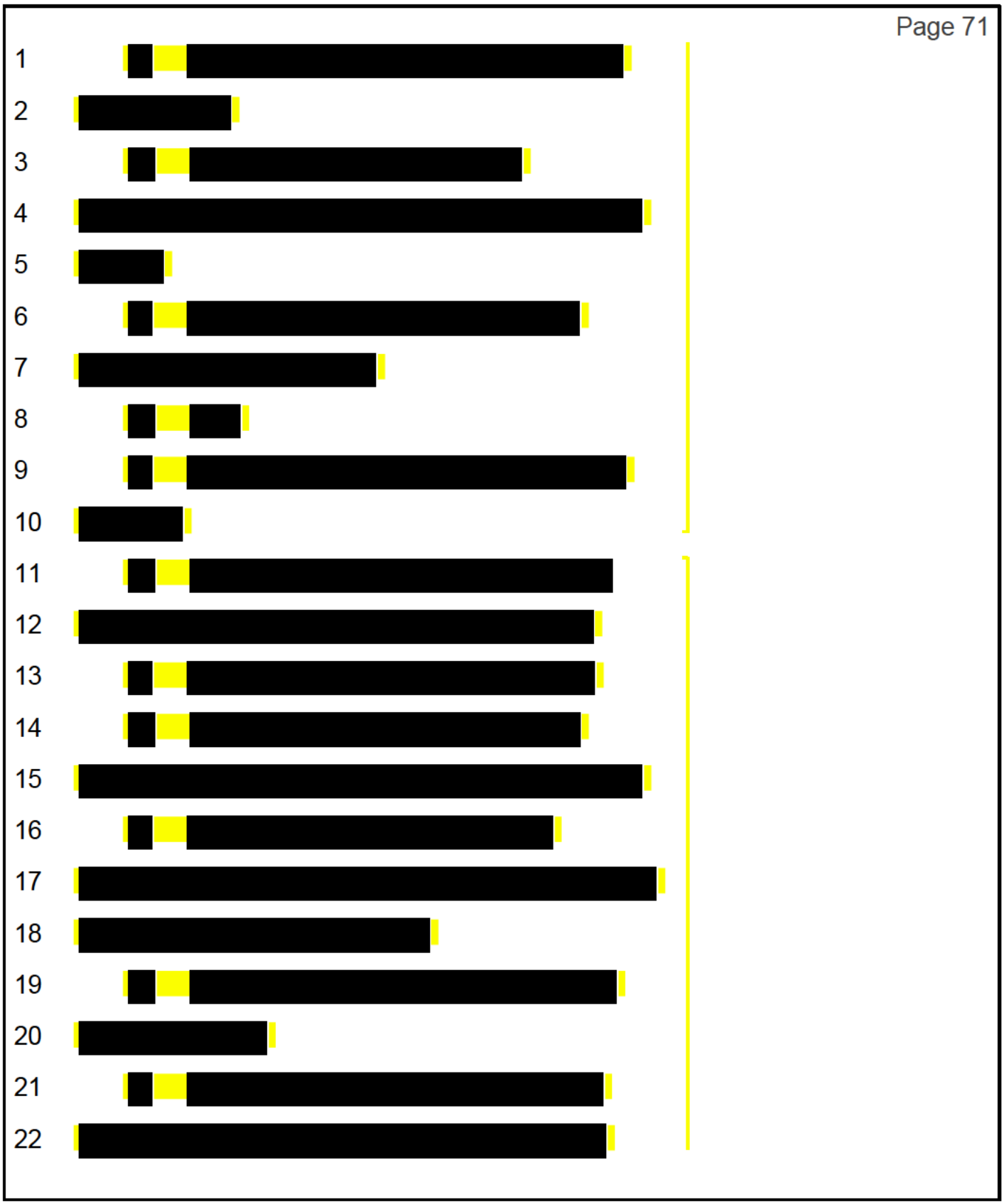


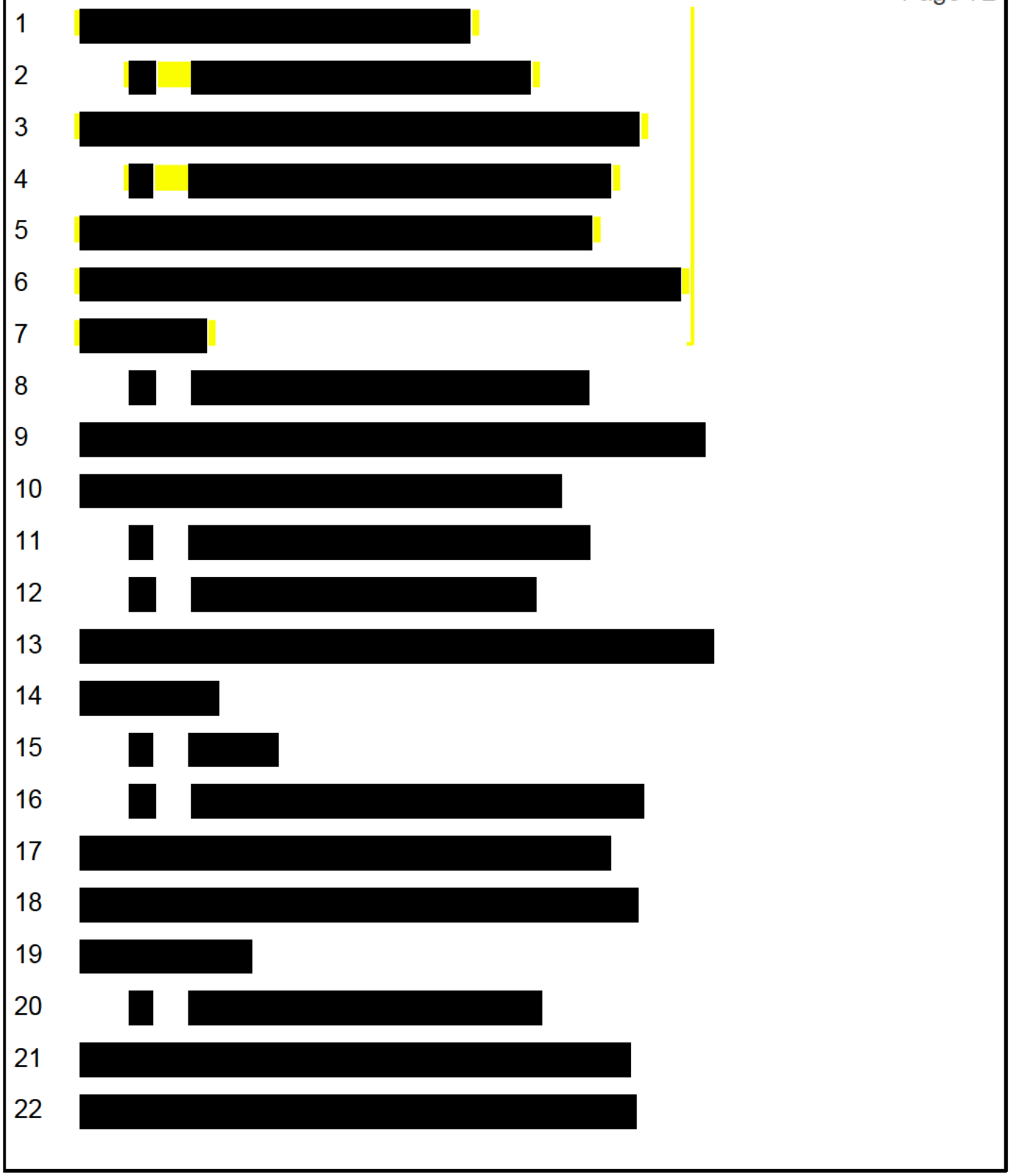


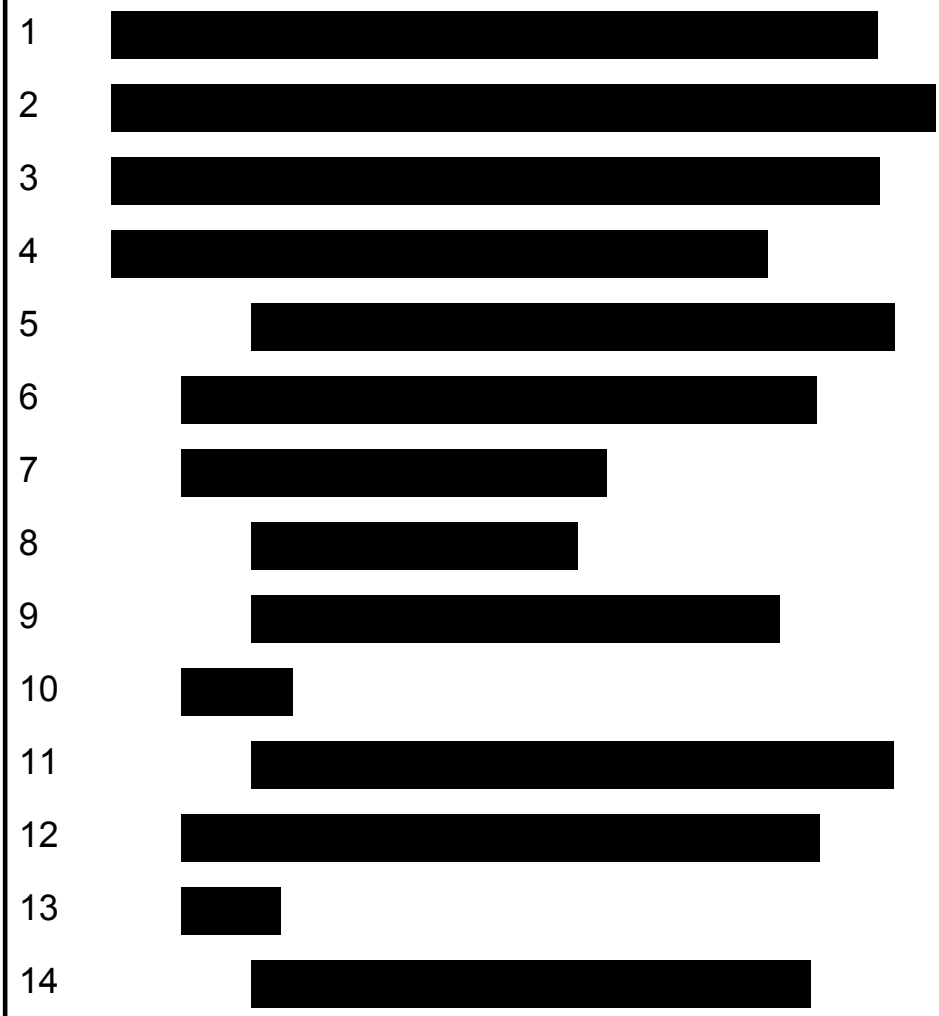


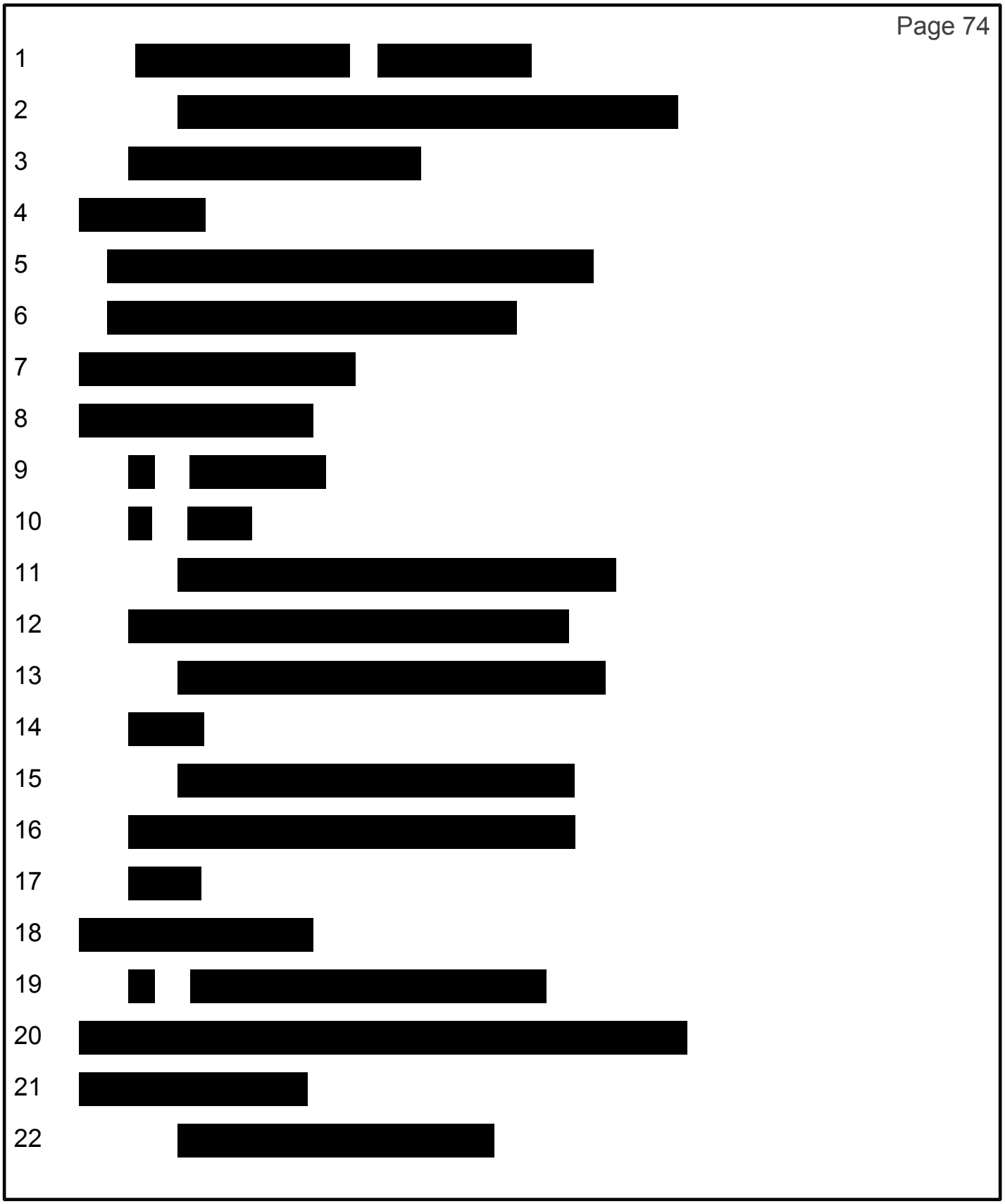

Masimo Designations (Page 70:17 to Page 70:19, Page 70:21 to Page 71:10)

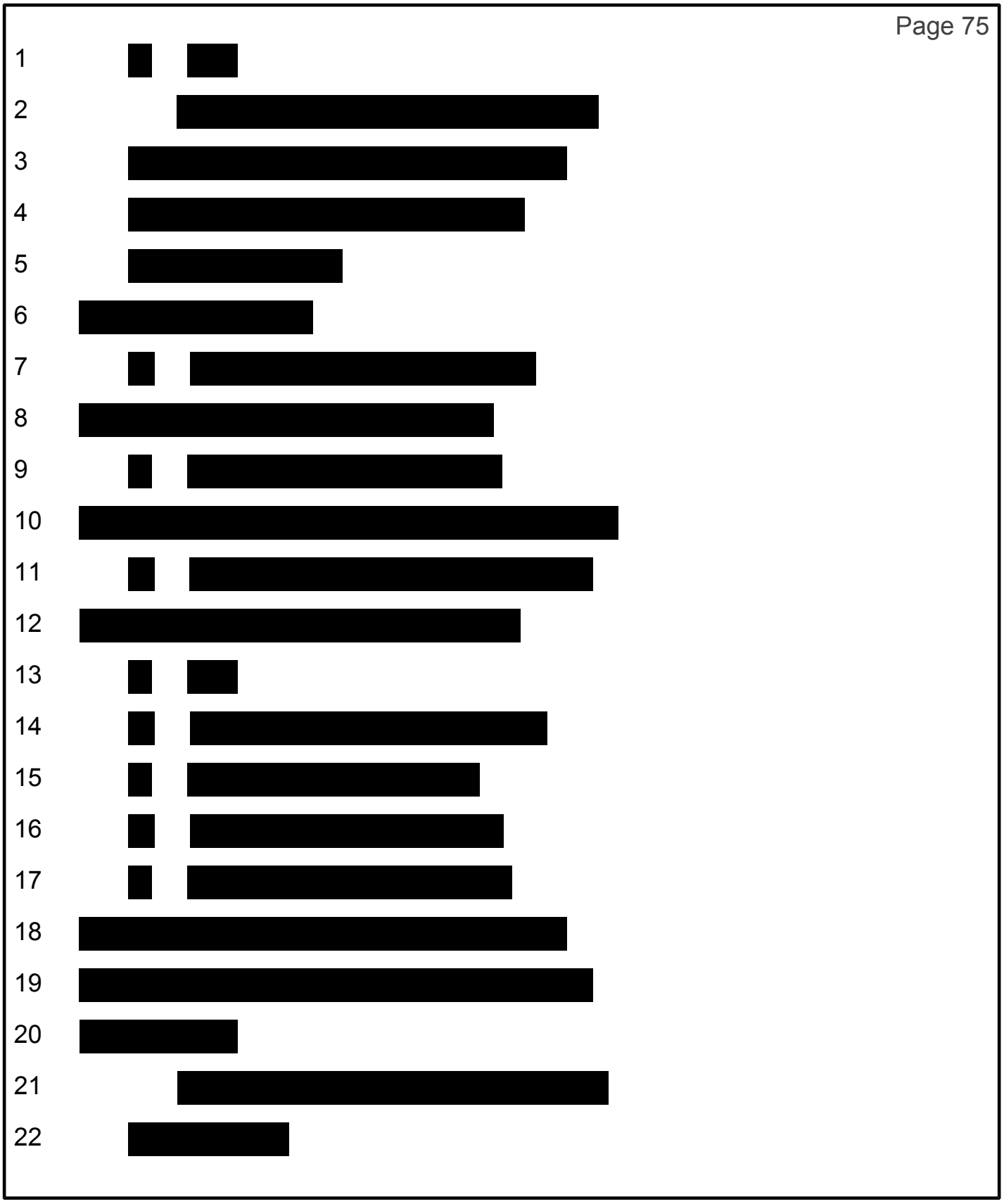



Masimo Designations (Page 71:11 to Page 72:7)









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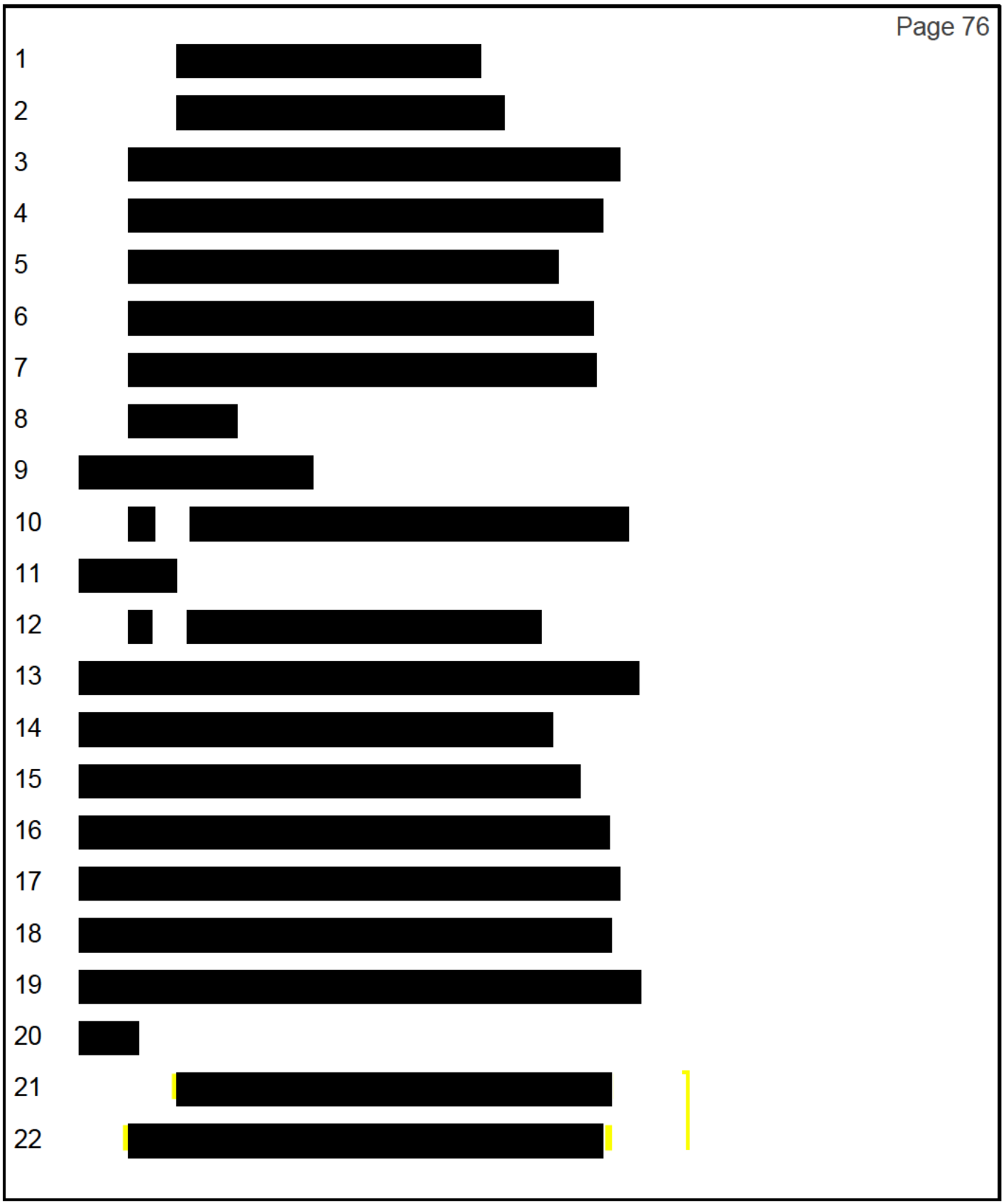
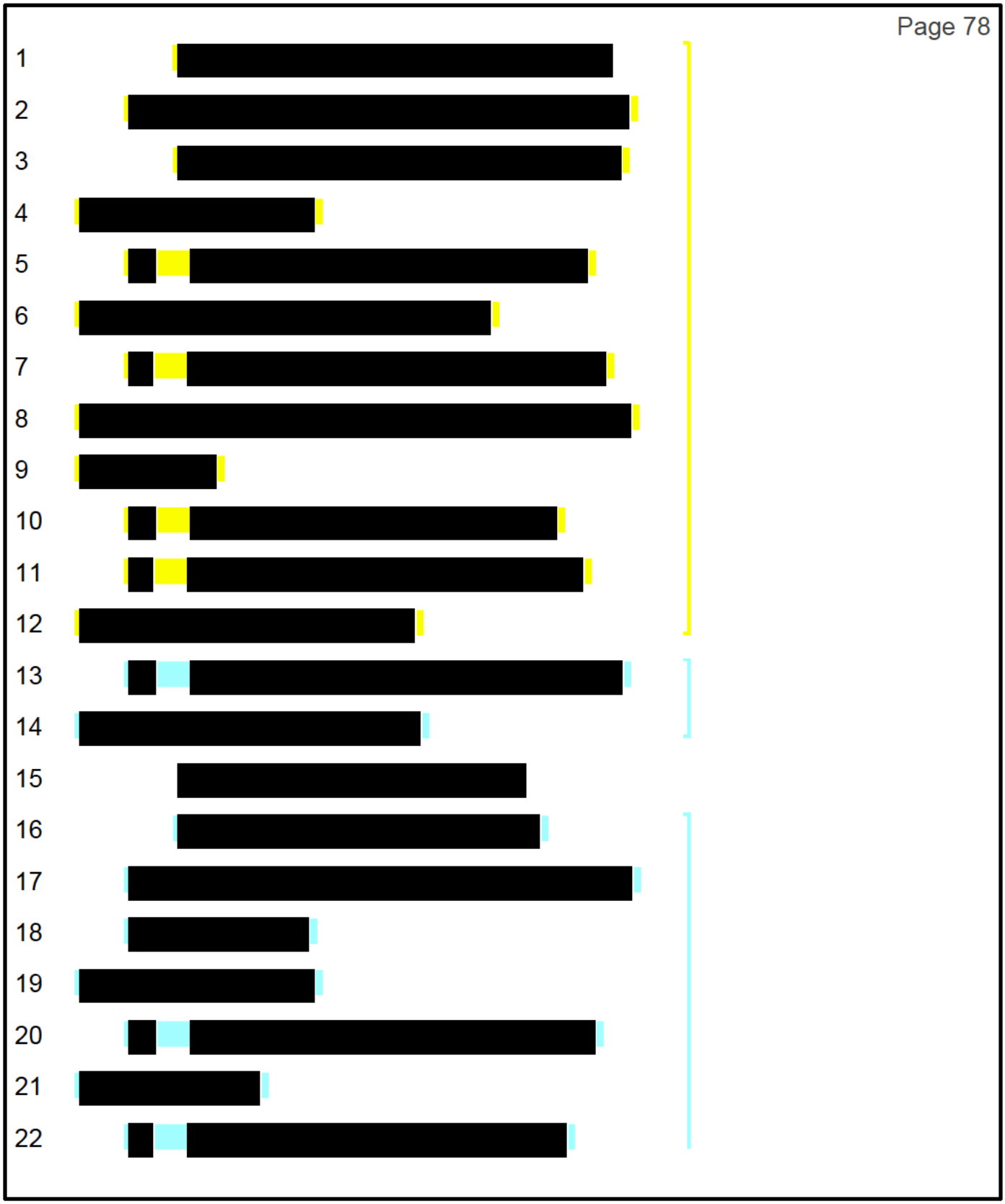
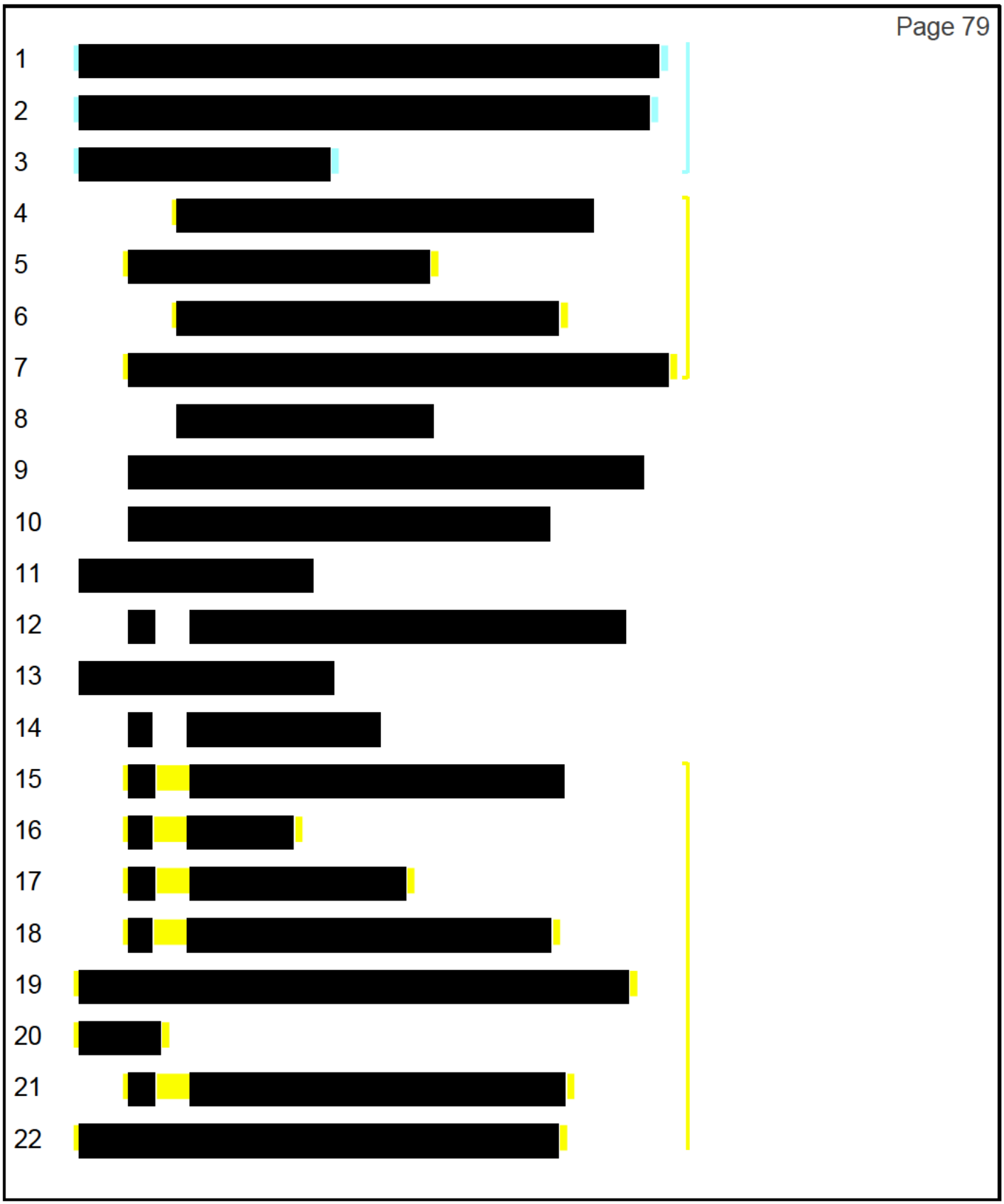


- Masimo Designations (Page 76:21 to Page 77:19)

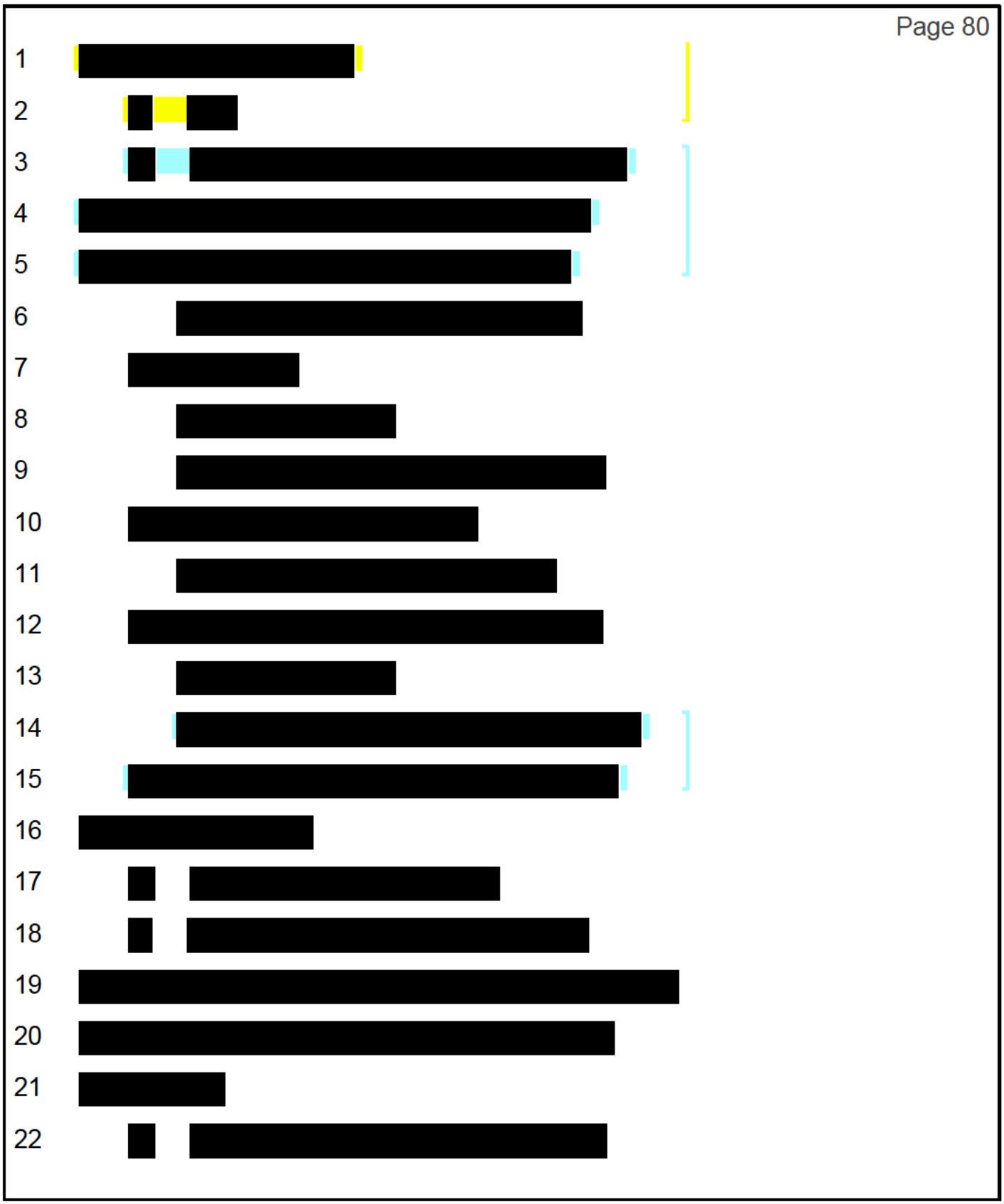
Masimo Designations (Page 77:21 to Page 77:22)



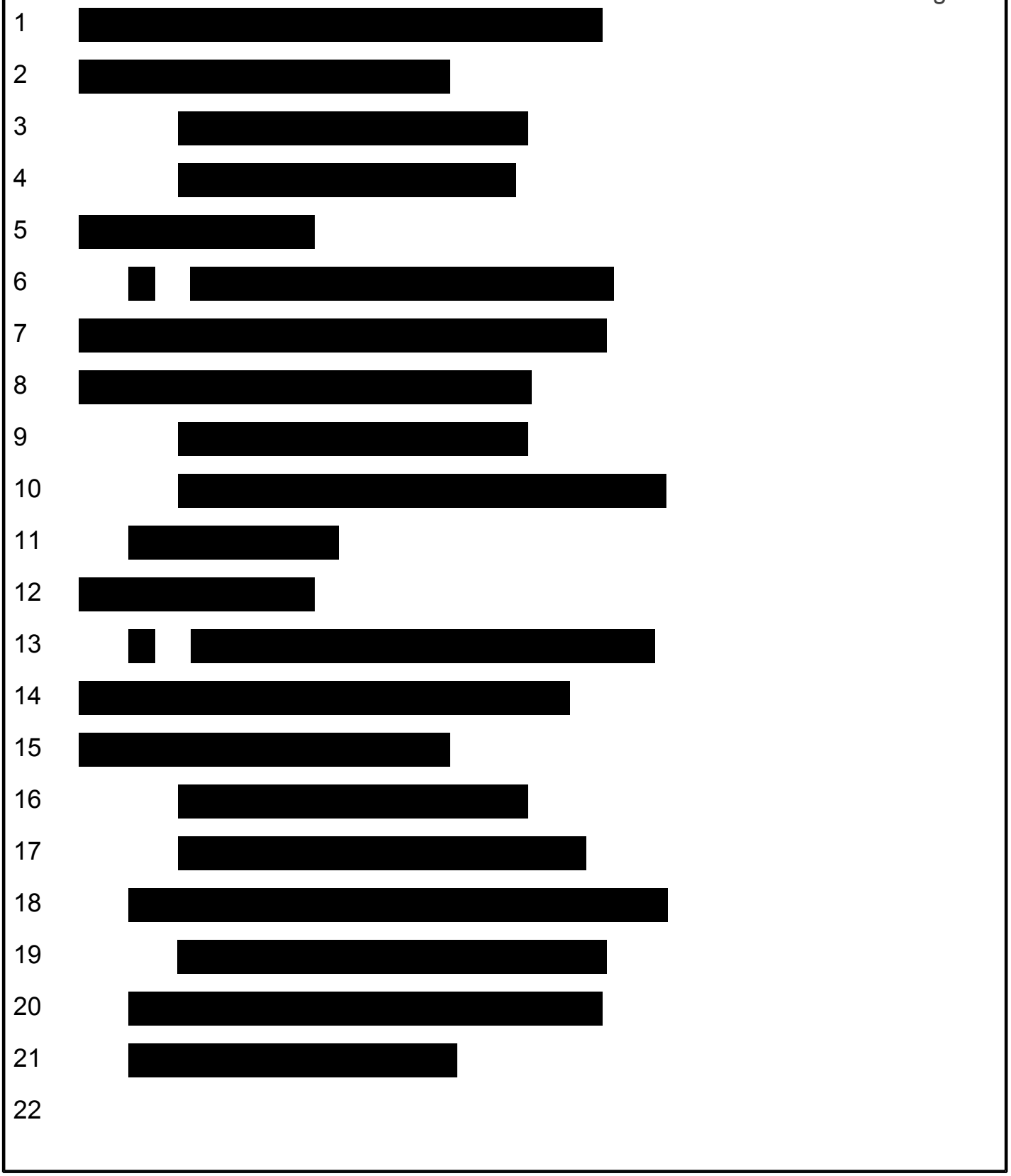

● Masimo Designations (Page 78:1 to Page 78:12) ● Apple Counter-Designations (Page 78:13 to Page 78:14, Page 78:16 to Page 79:3)




● Masimo Designations (Page 79:4 to Page 79:7, Page 79:15 to Page 80:2)




Apple Counter-Designations (Page 80:3 to Page 80:5, Page 80:14 to Page 80:15)



Apple Counter-Designations (Page 82:2 to Page 82:5) Masimo Designations (Page 82:6 to Page 82:8, Page 82:15 to Page 82:17) Masimo Designations (Page 82:20 to Page 83:5)

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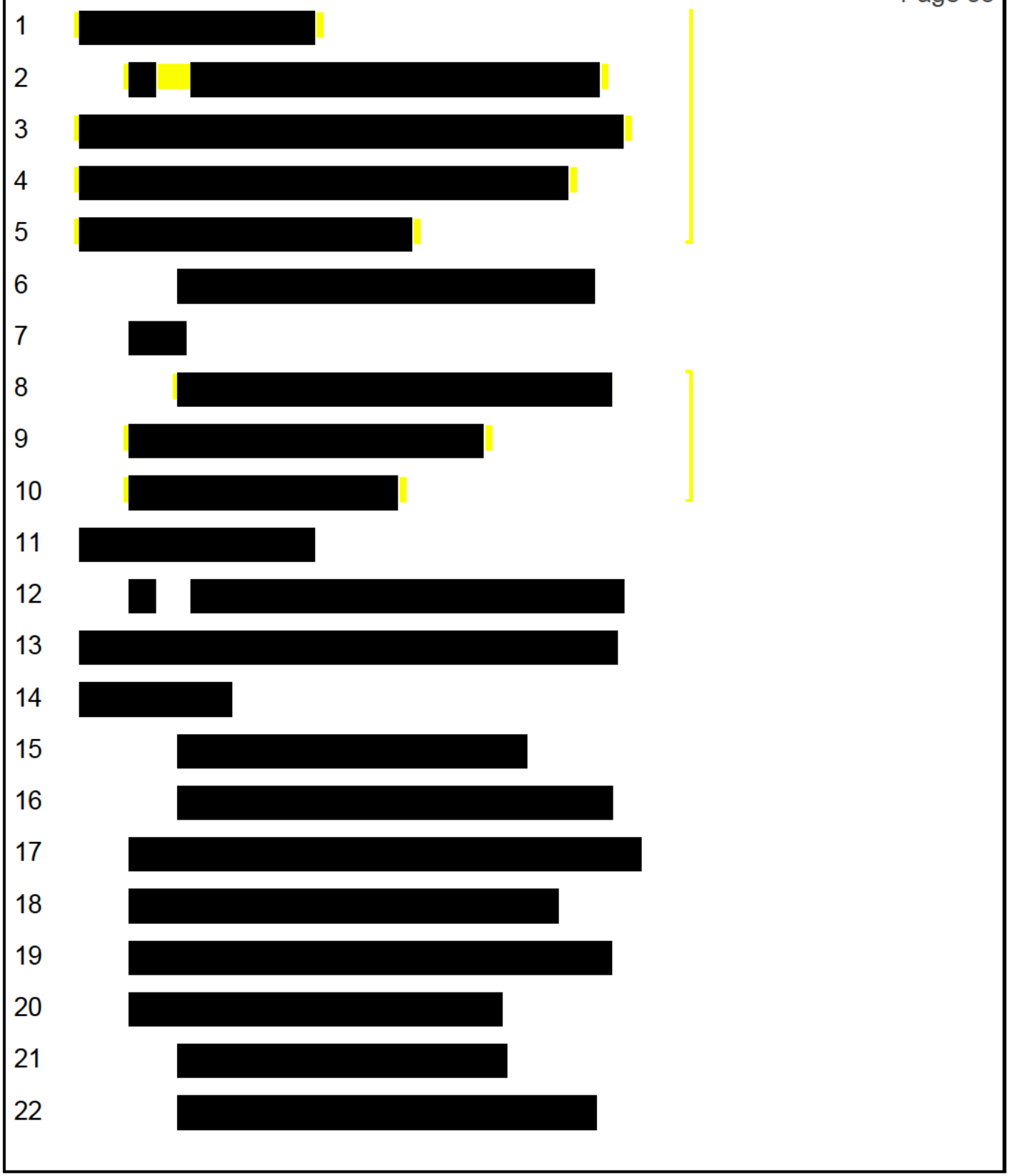

Masimo Designations (Page 83:8 to Page 83:10)

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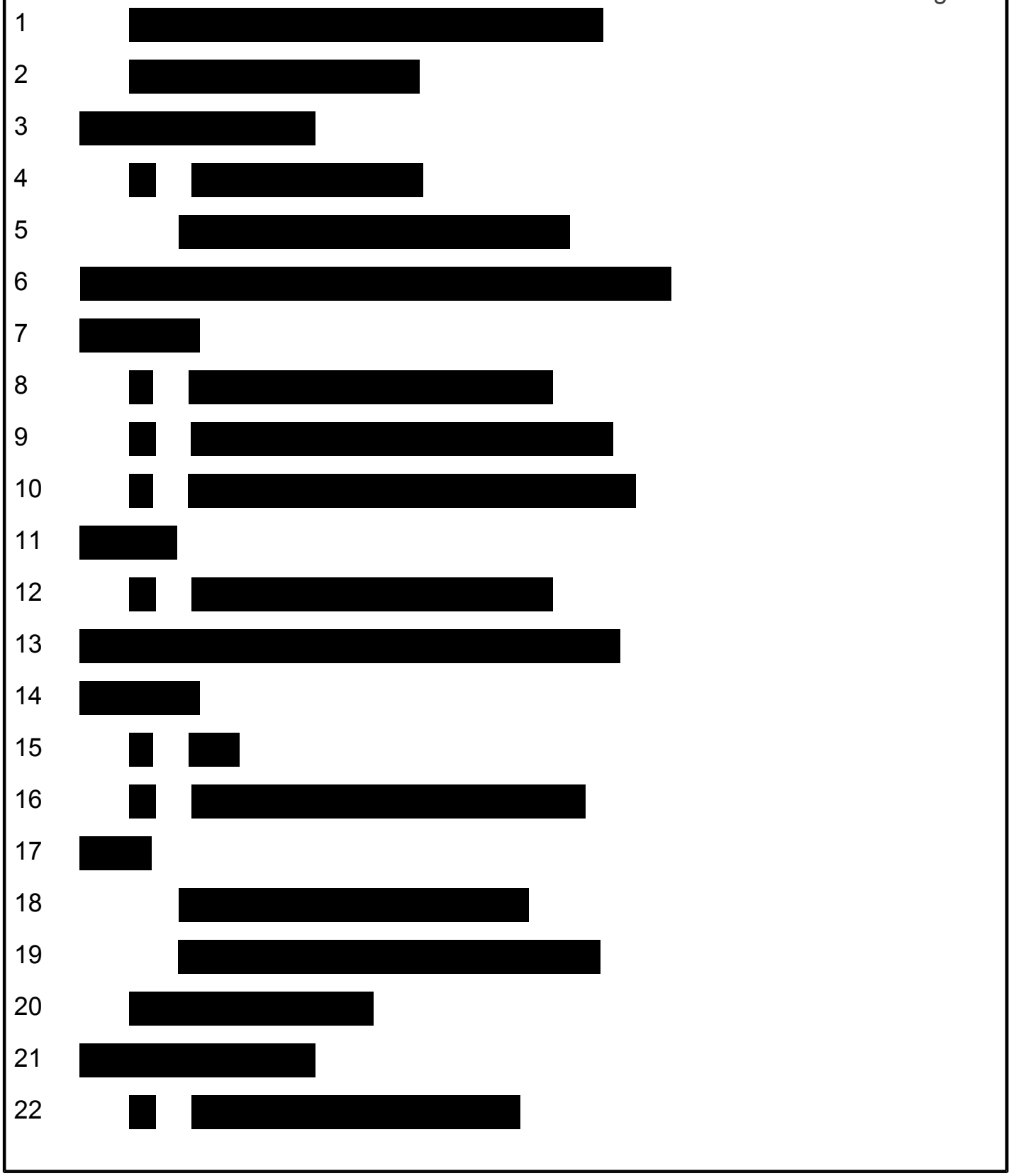
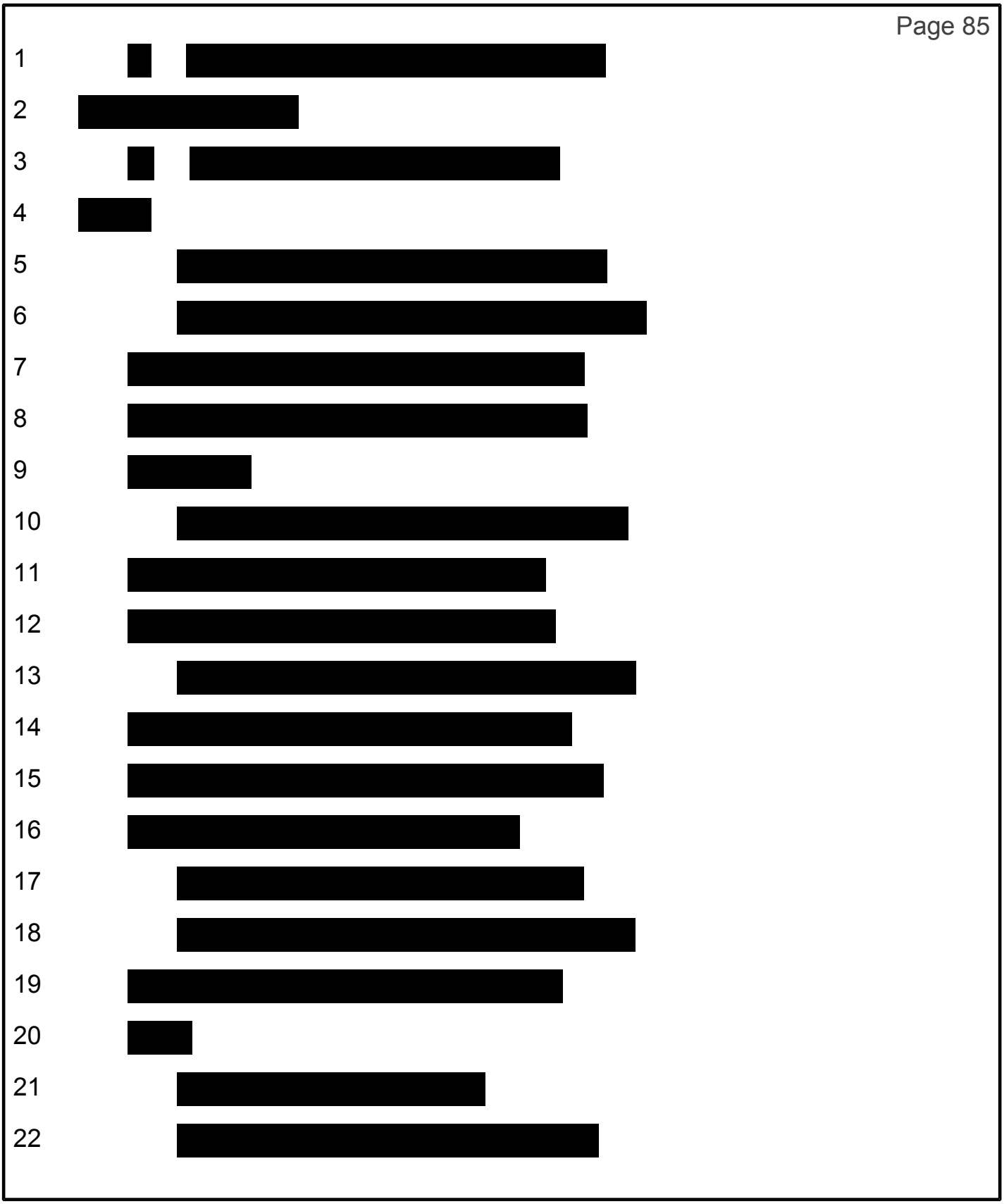
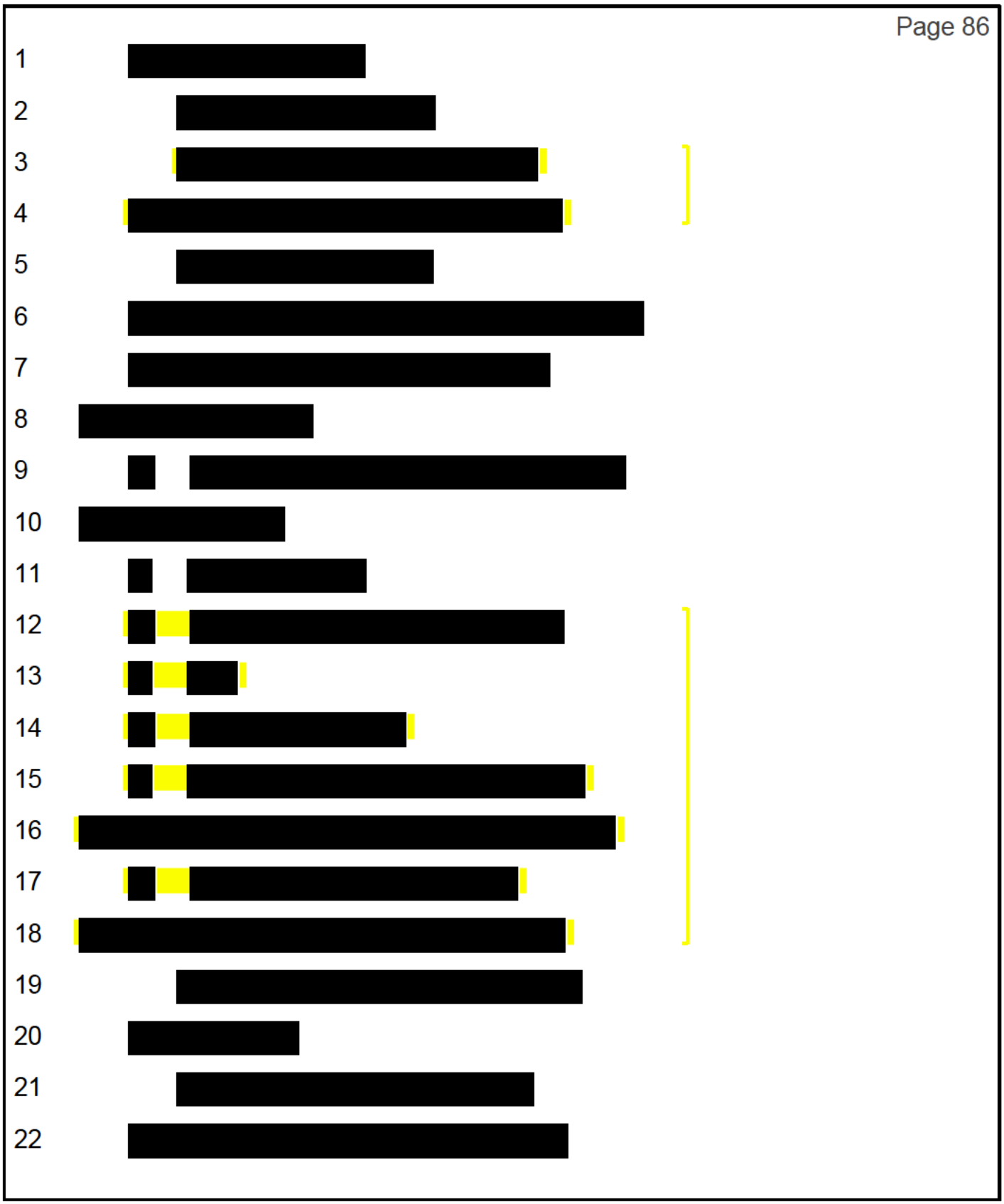
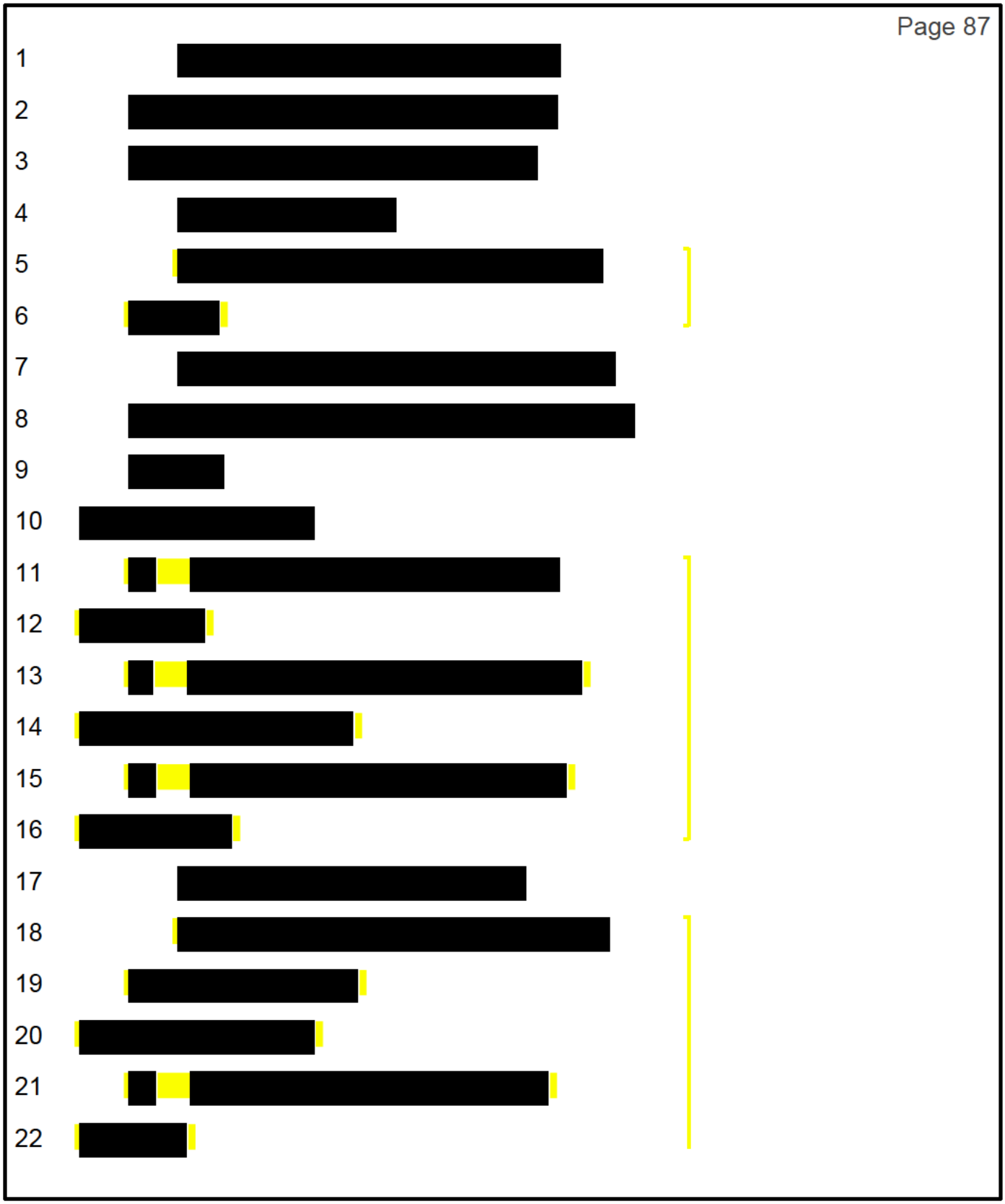




Page 86

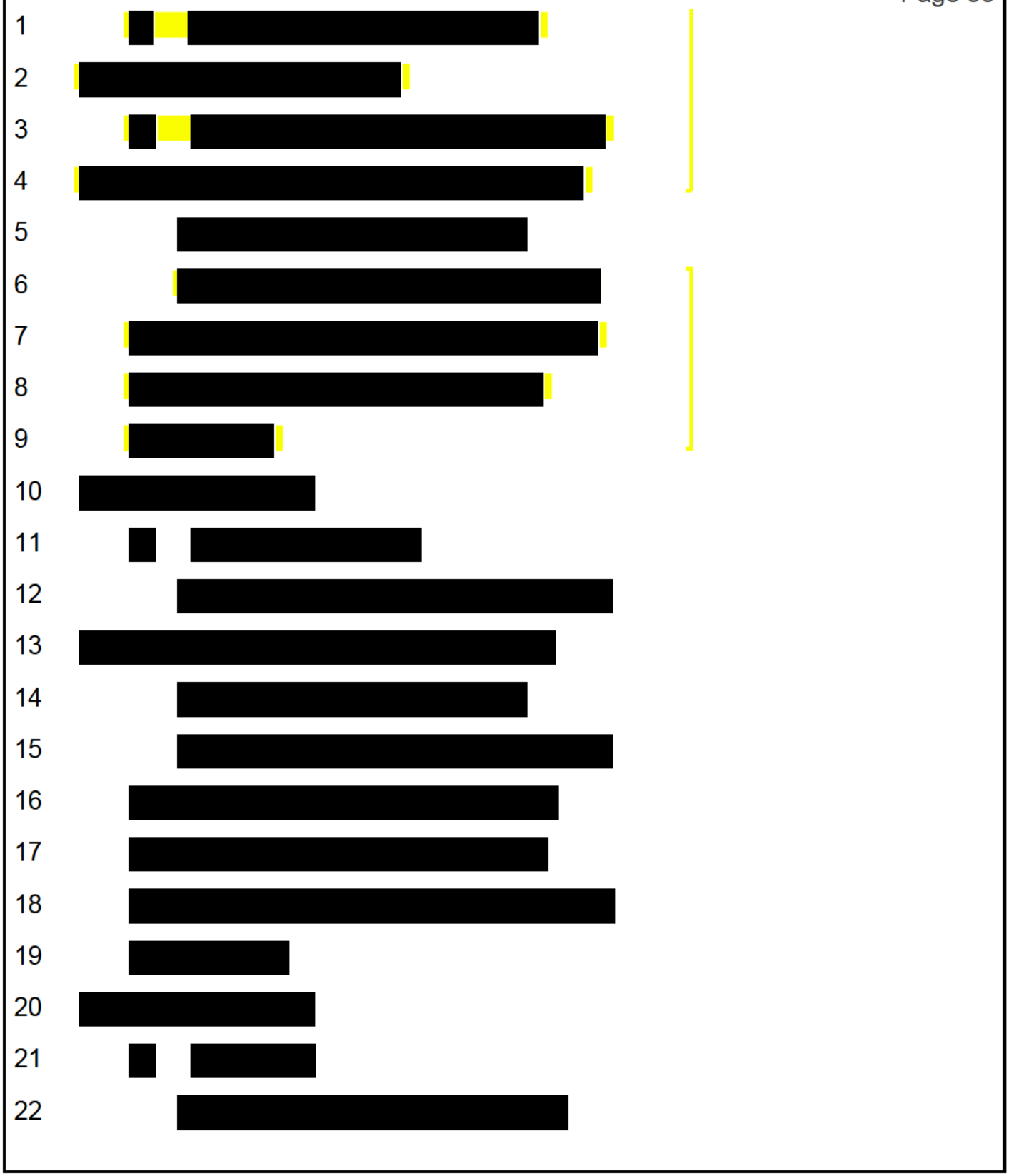


Masimo Designations (Page 86:3 to Page 86:4, Page 86:12 to Page 86:18)




● Masimo Designations (Page 87:5 to Page 87:6, Page 87:11 to Page 87:16) ● Masimo Designations (Page 87:18 to Page 88:4)

Page 88

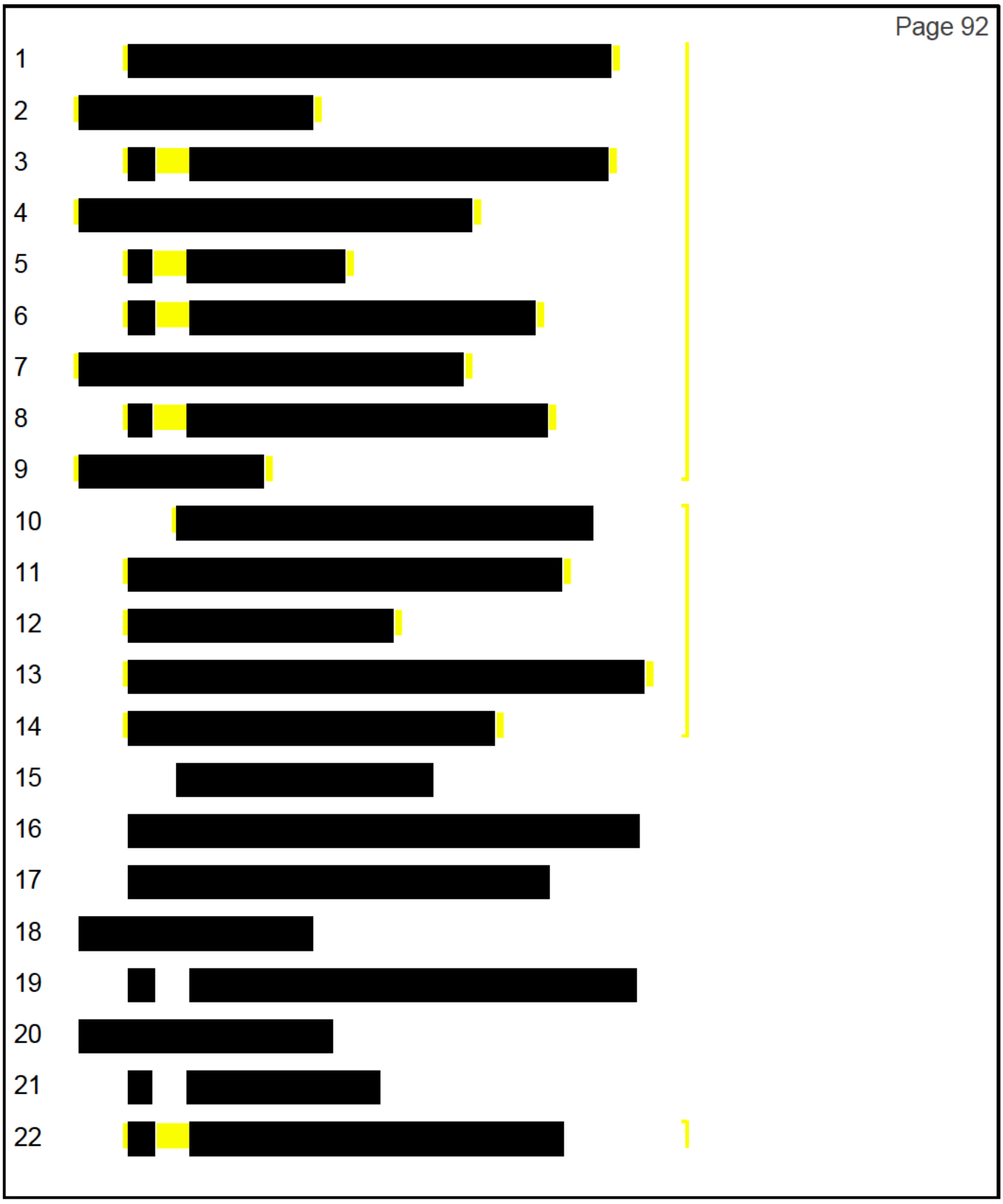


- Masimo Designations (Page 88:6 to Page 88:9)

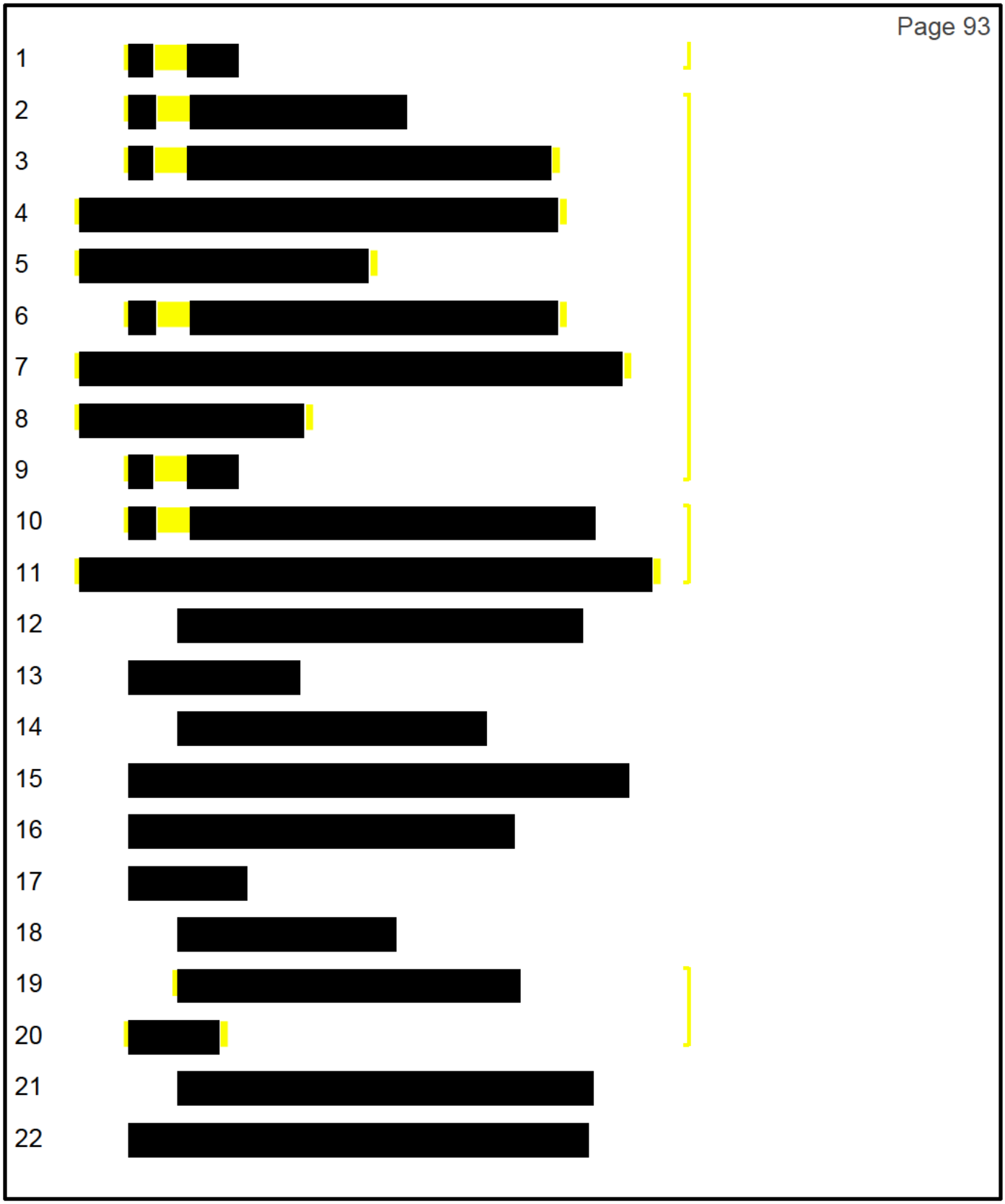
Masimo Counter-Counter Designations (Page 89:9 to Page 89:11, Page 89:14 to Page 89:18) Masimo Counter-Counter Designations (Page 89:20 to Page 90:2)

Apple Counter-Designations (Page 90:4 to Page 90:7) Masimo Counter-Counter Designations (Page 90:8 to Page 90:13, Page 90:18 to Page 90:19) Masimo Designations (Page 90:20 to Page 90:22)

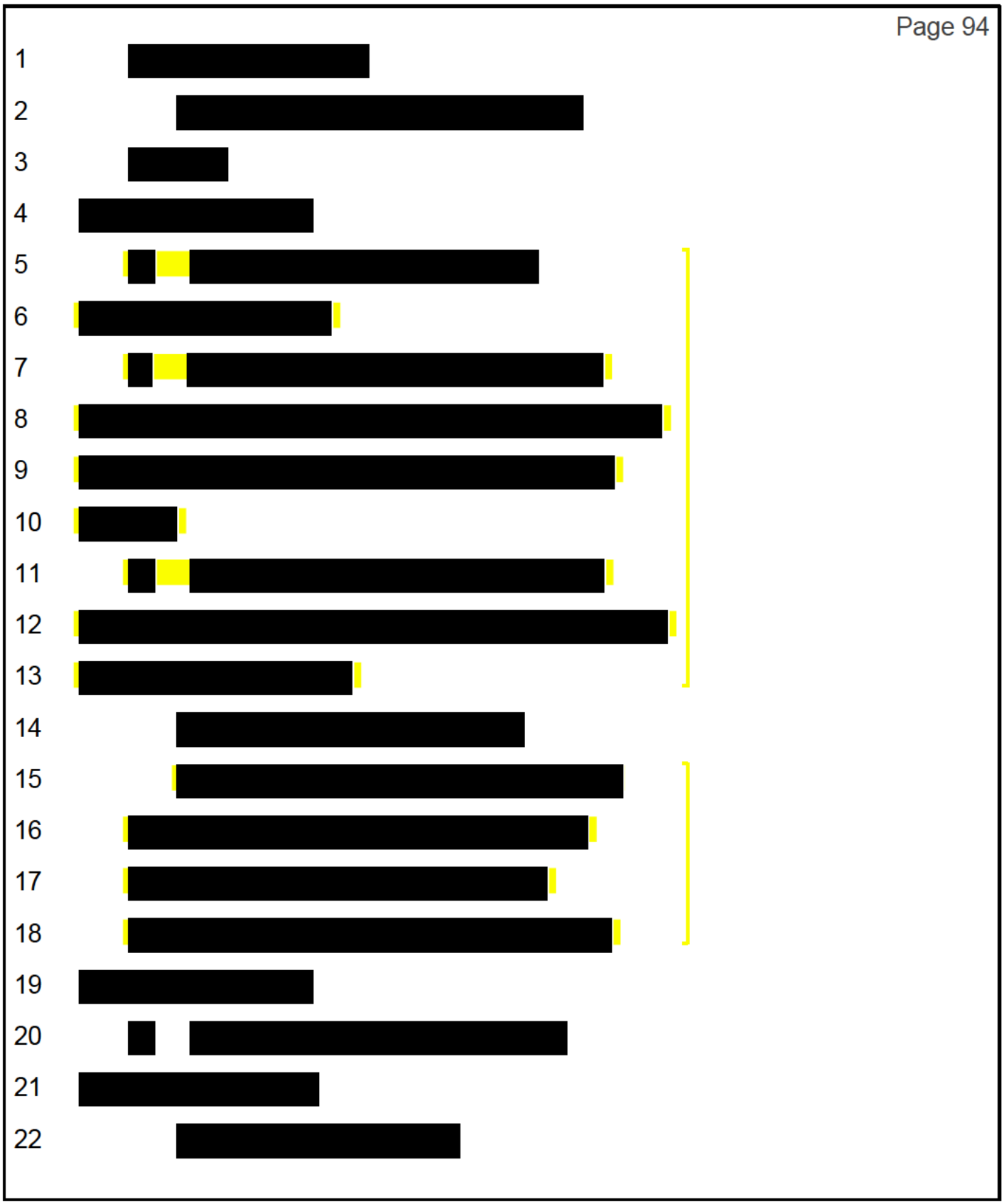
Masimo Designations (Page 91:9 to Page 91:15, Page 91:17 to Page 92:9)



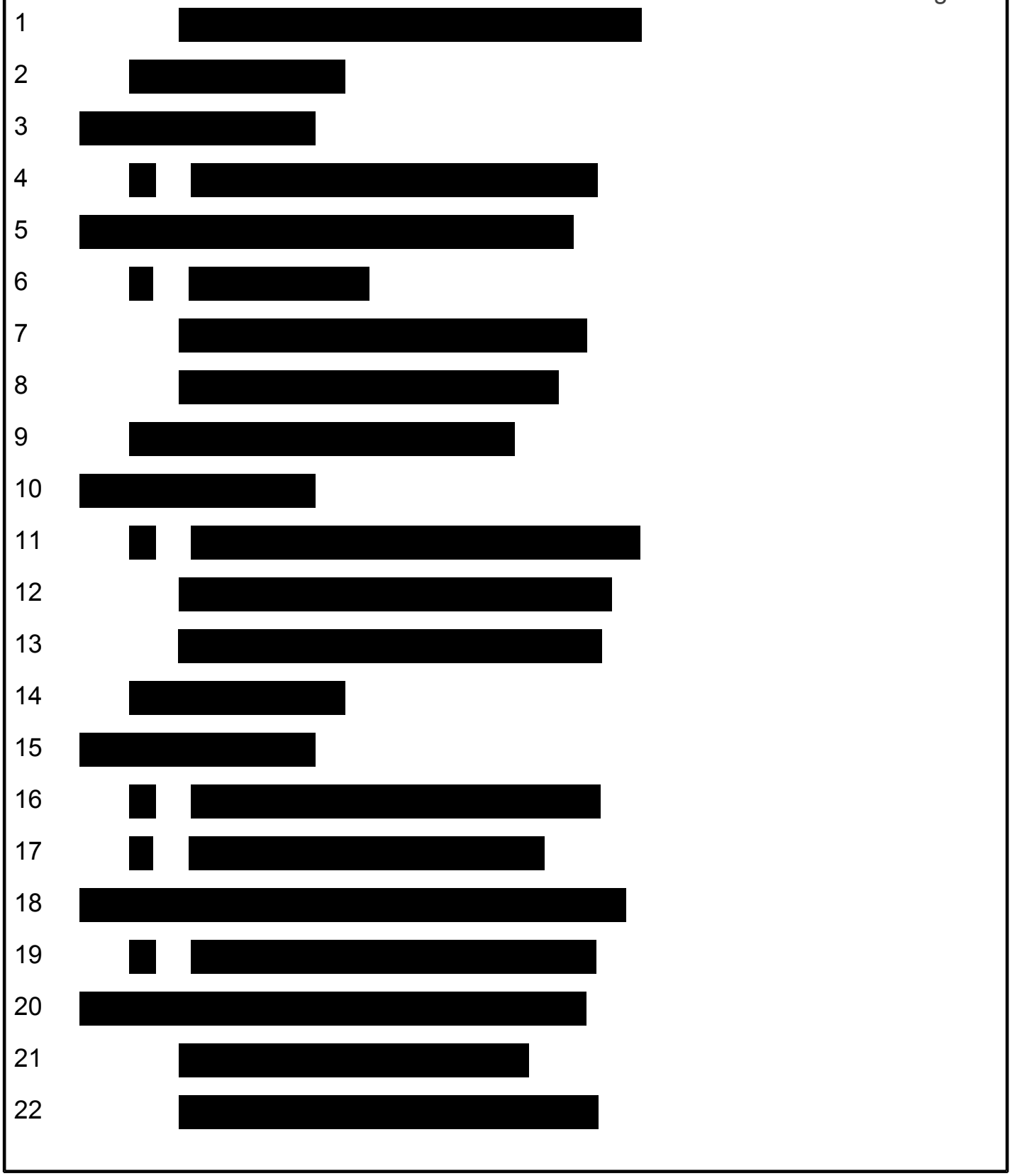

Masimo Designations (Page 92:10 to Page 92:14, Page 92:22 to Page 93:1)




● Masimo Designations (Page 93:2 to Page 93:9, Page 93:10 to Page 93:11) ● Masimo Designations (Page 93:19 to Page 93:20)




● Masimo Designations (Page 94:5 to Page 94:13, Page 94:15 to Page 94:18)



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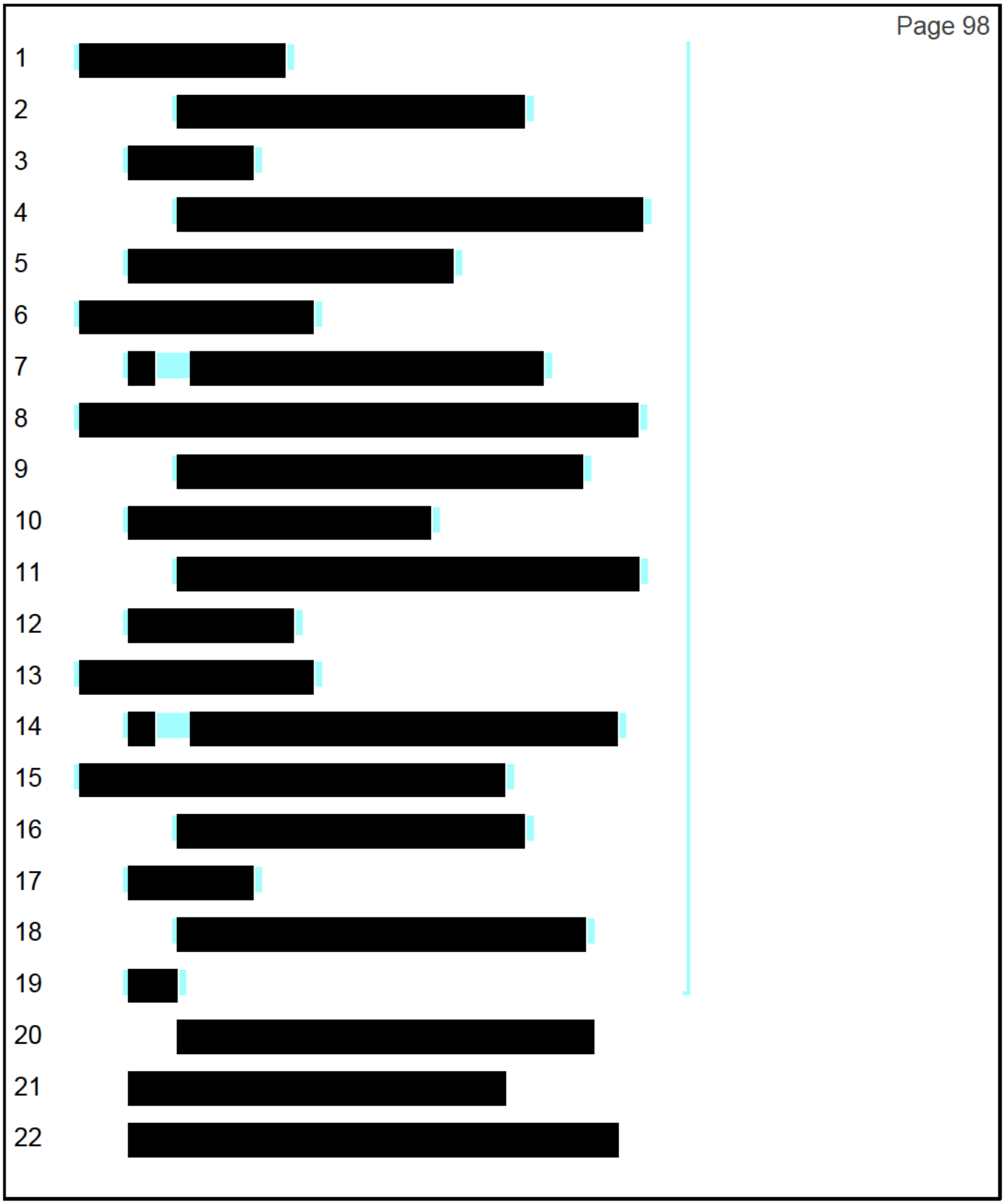
Apple Counter-Designations (Page 97:22 to Page 98:19)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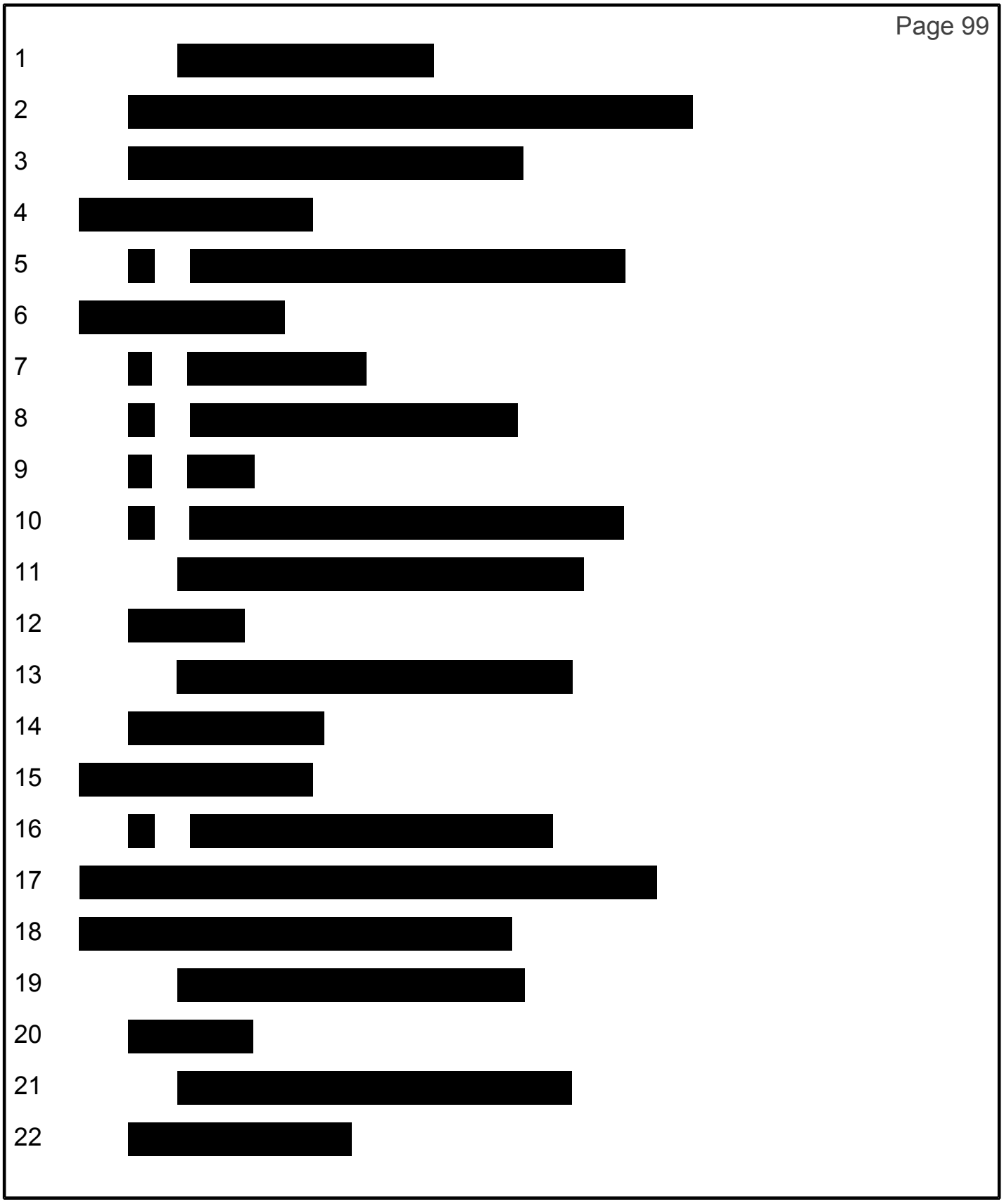

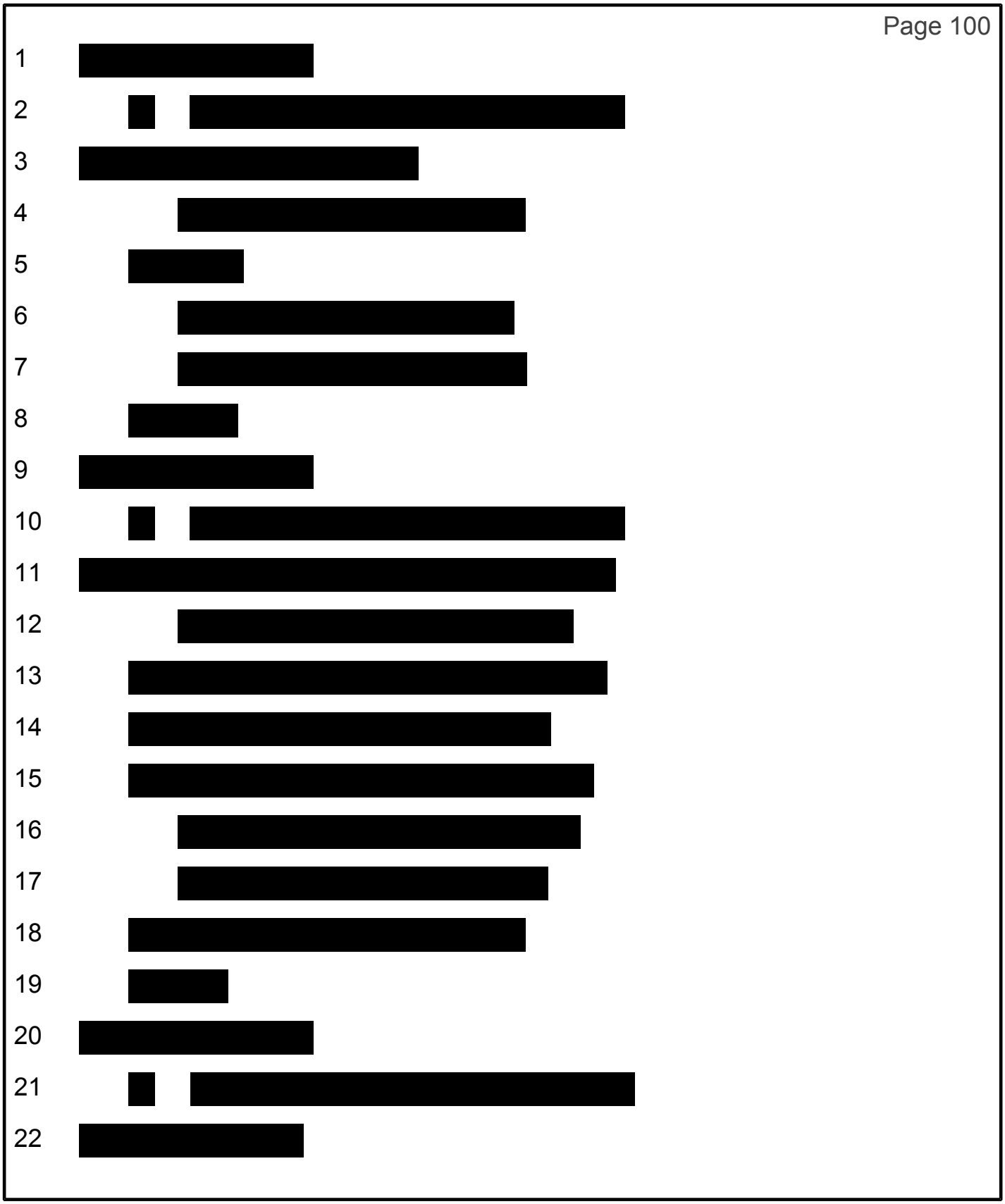

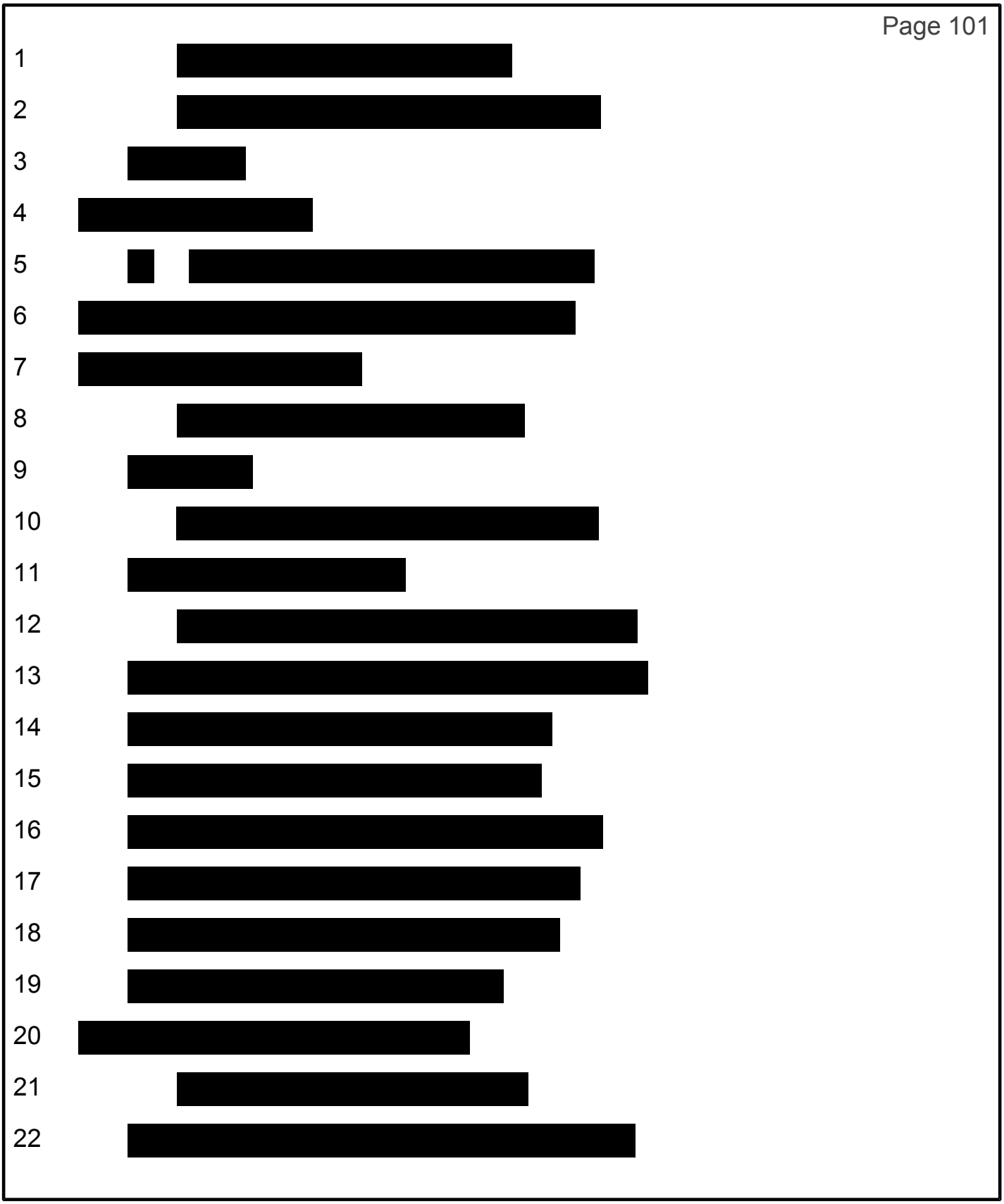

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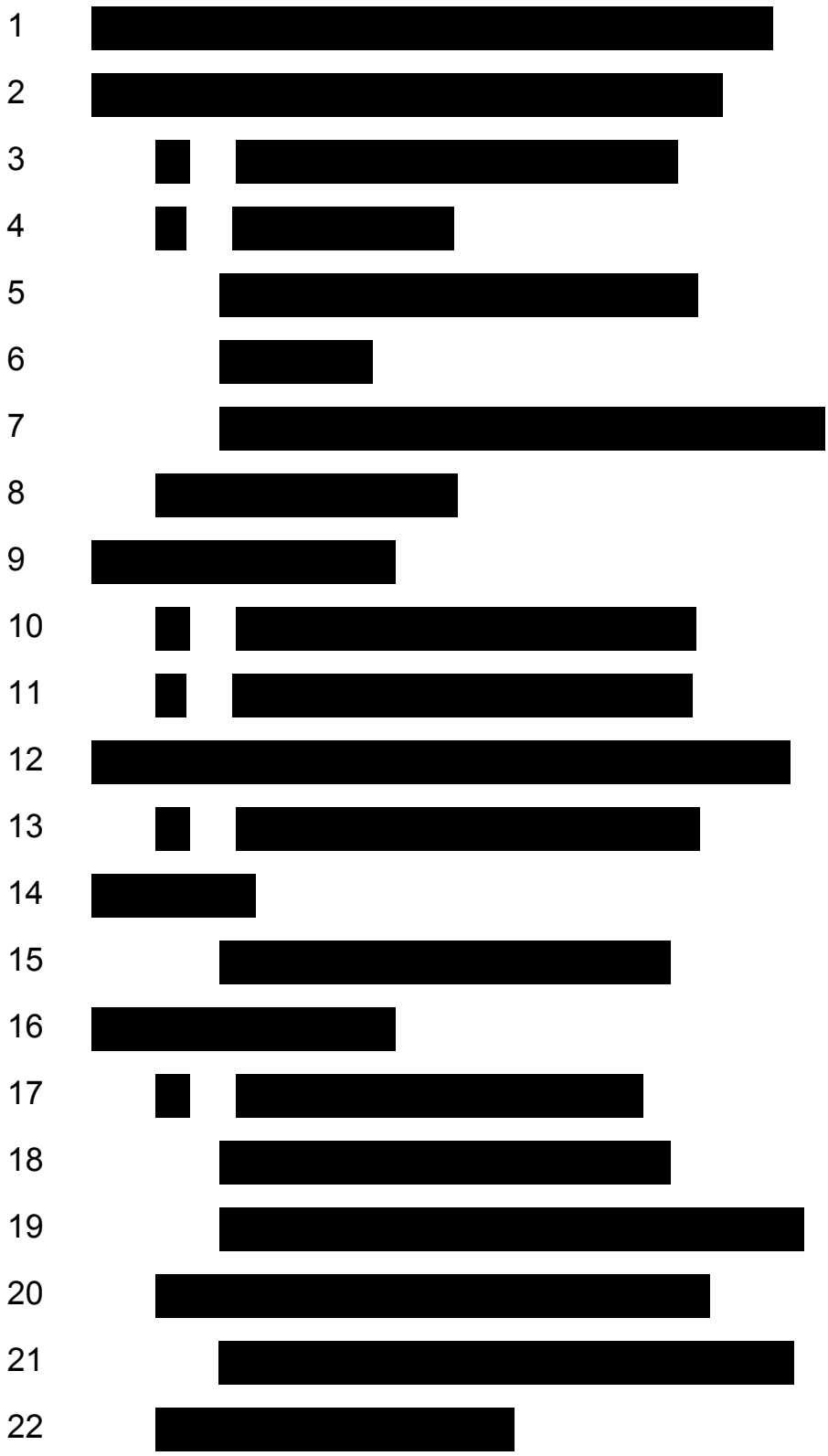
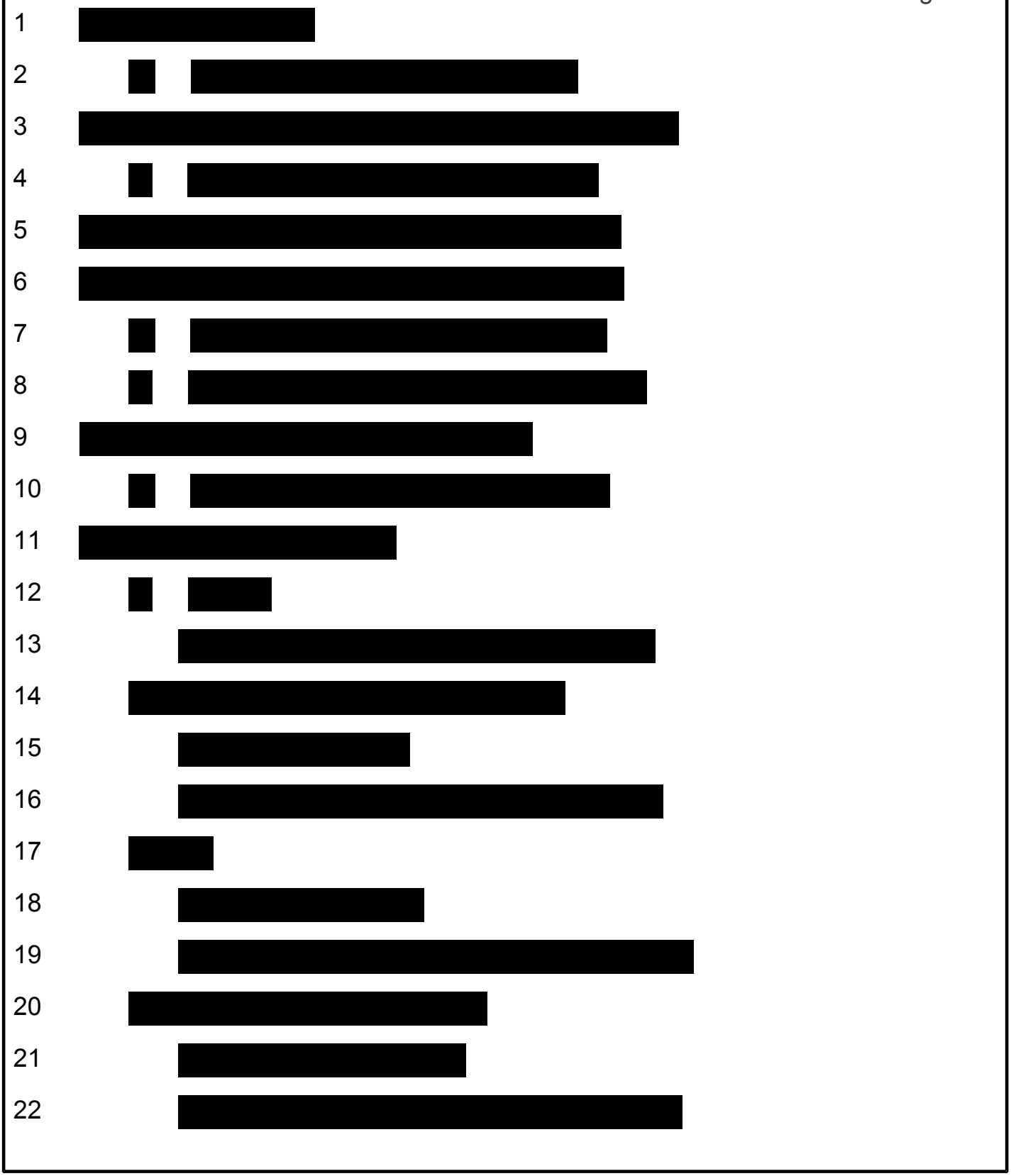
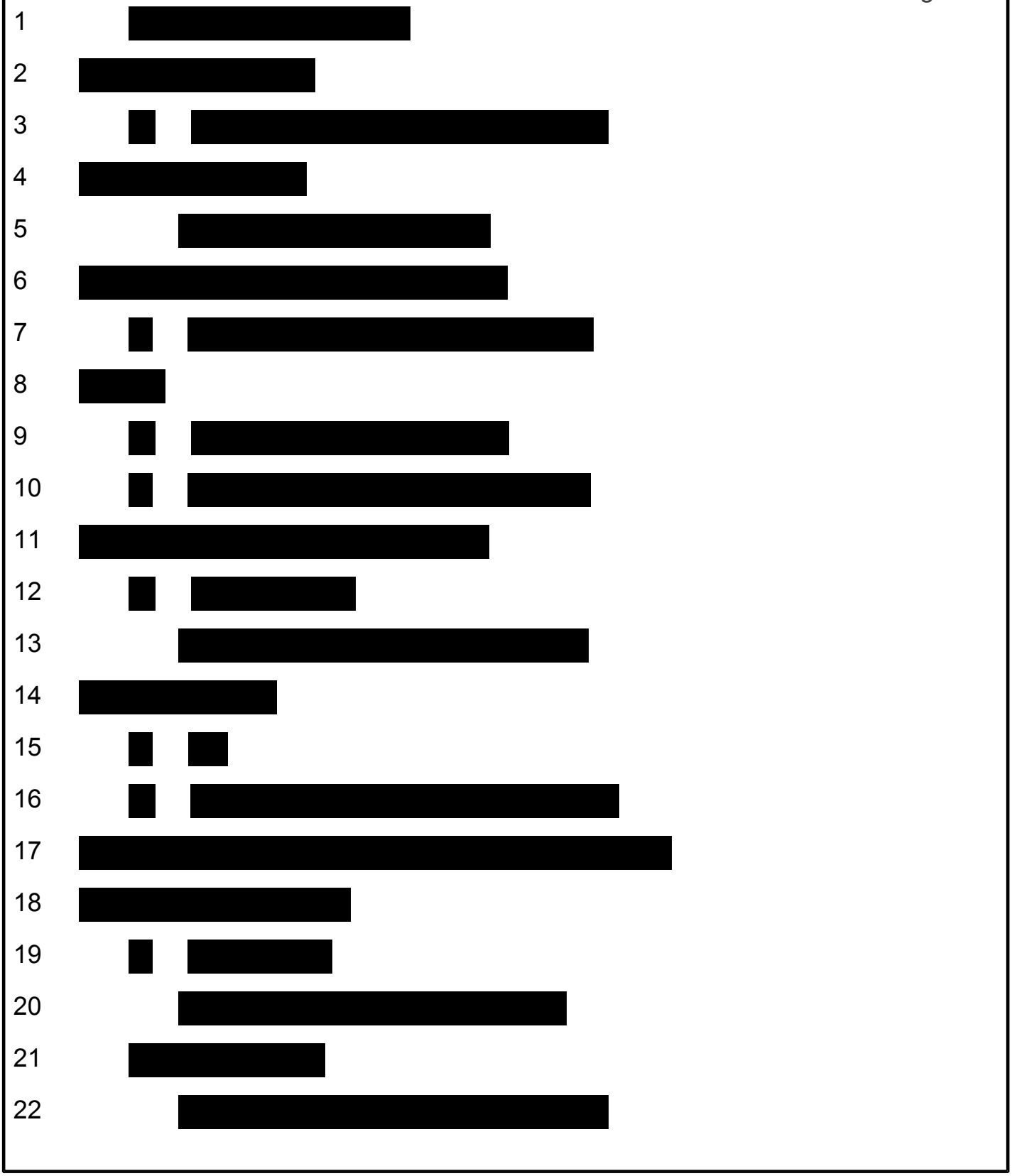
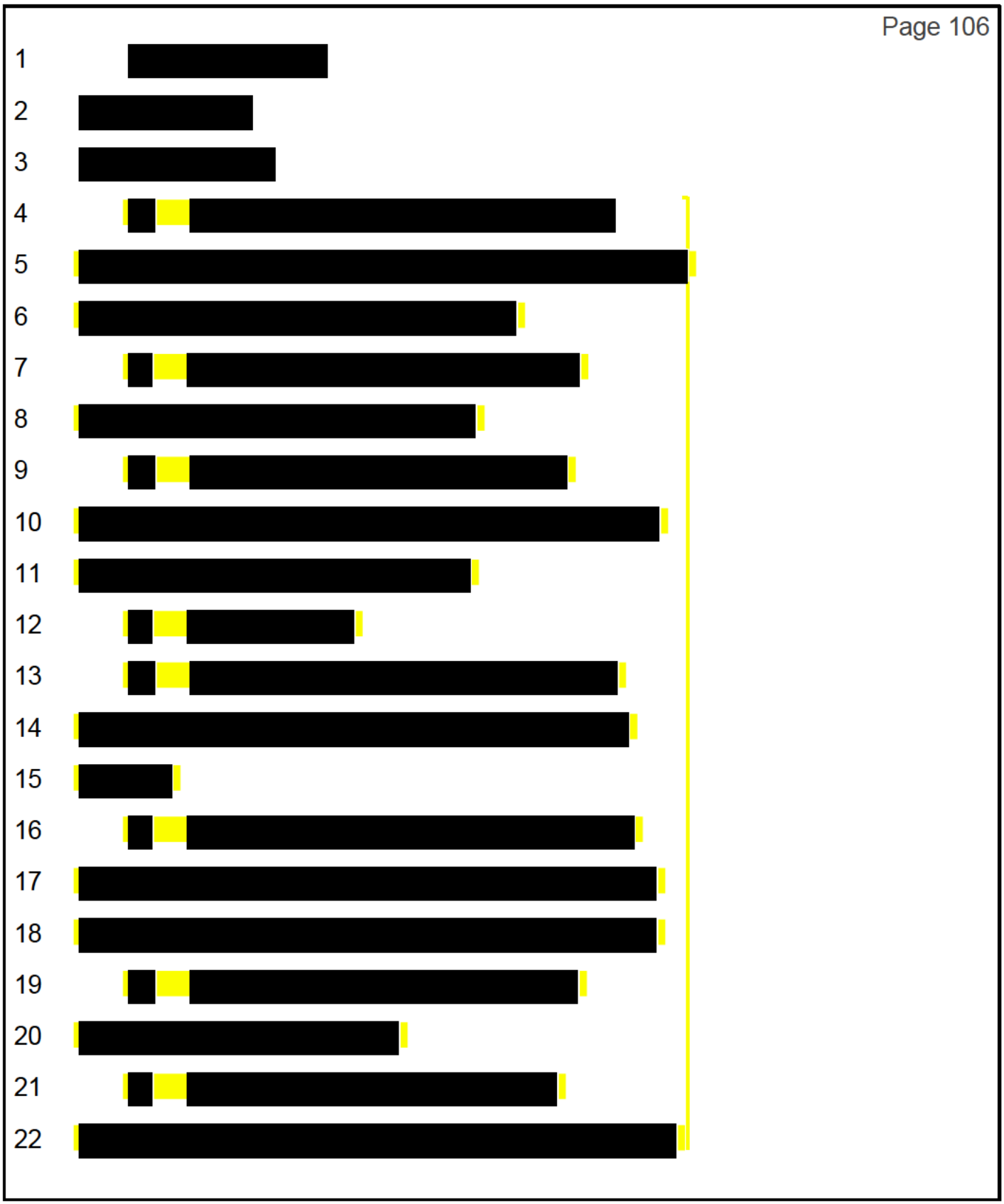
Page 103

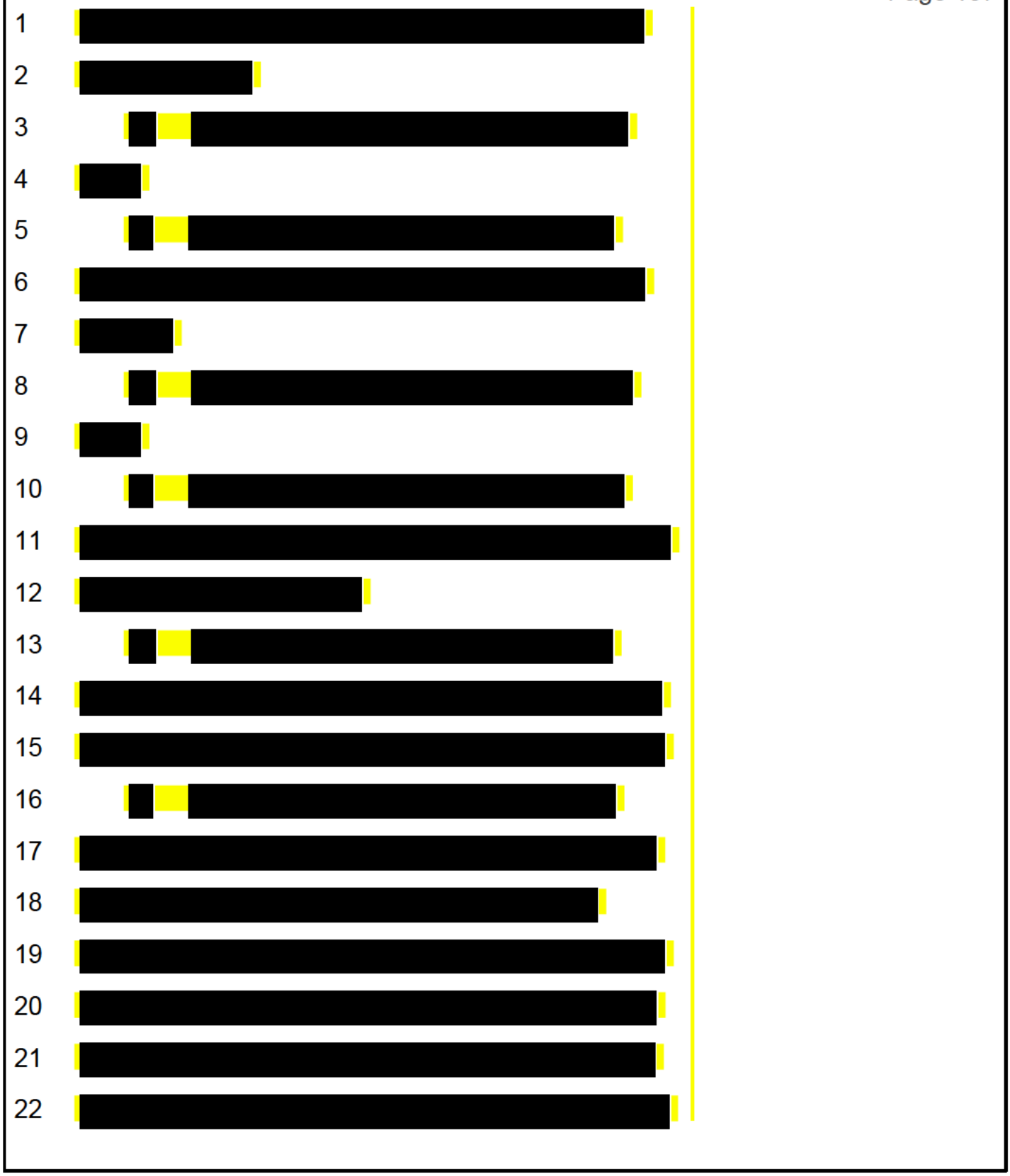









Masimo Designations (Page 106:4 to Page 108:1)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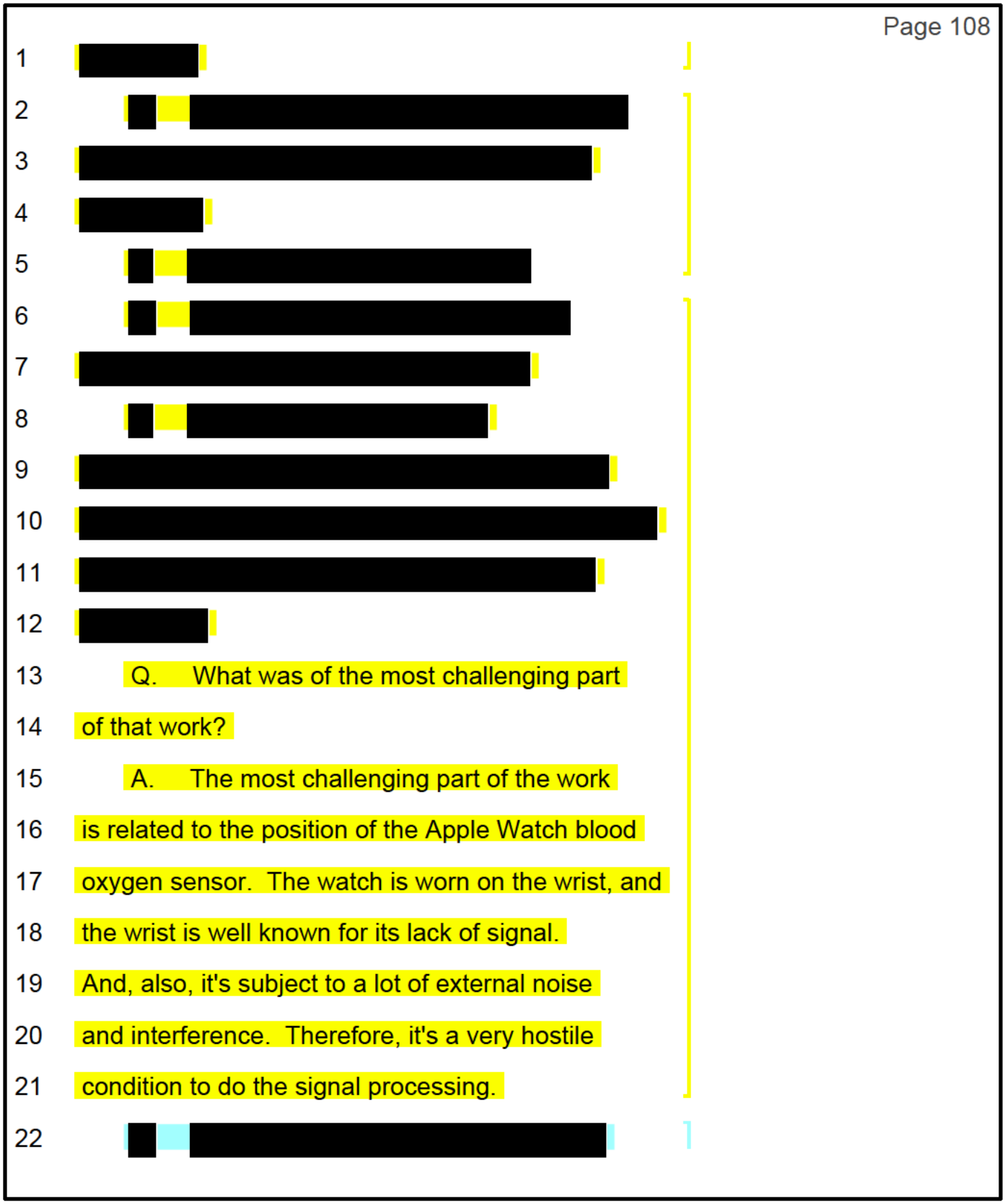


Masimo Designations (Page 108:2 to Page 108:5, Page 108:6 to Page 108:21) Apple Counter-Designations (Page 108:22 to Page 110:1)

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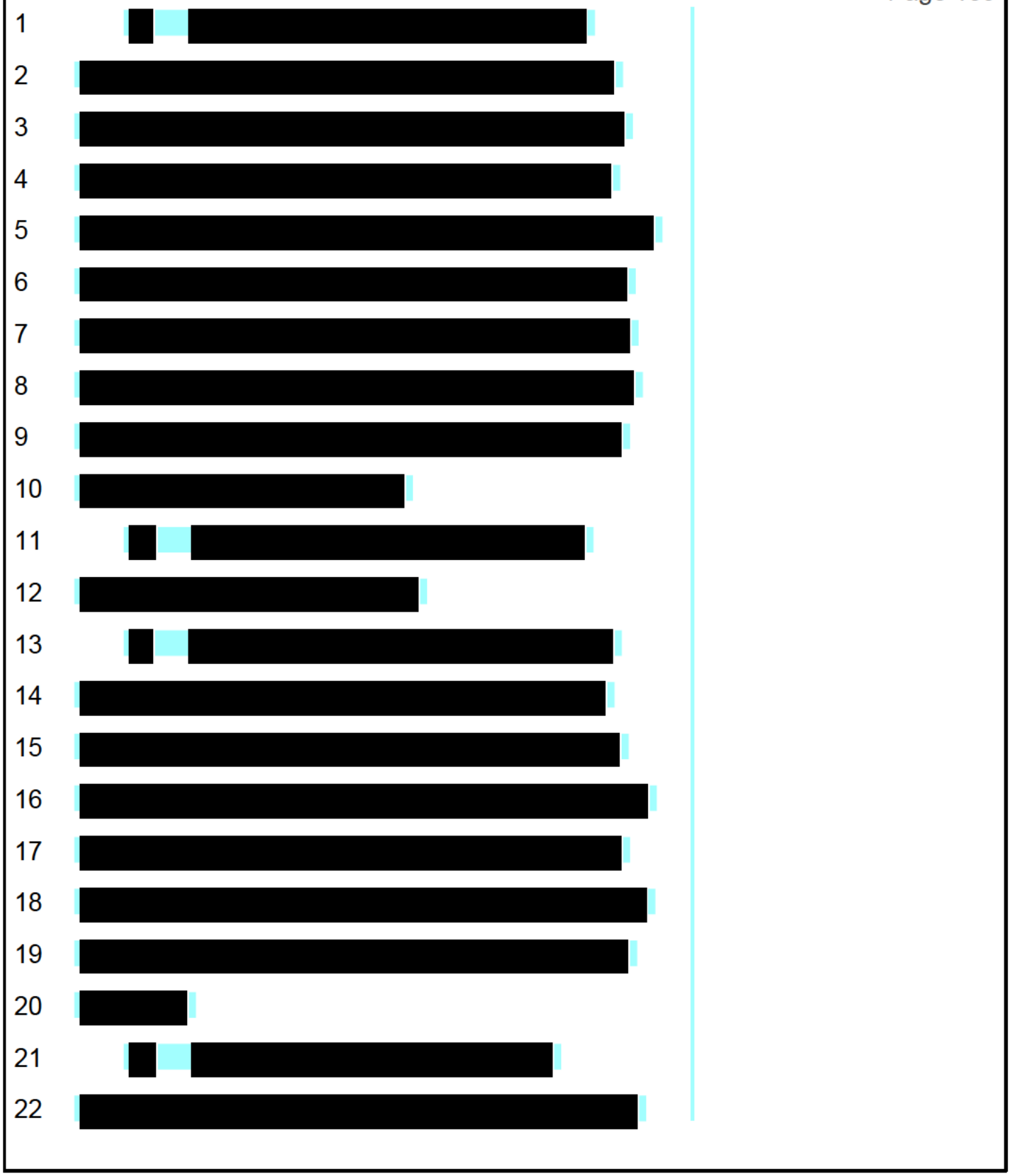

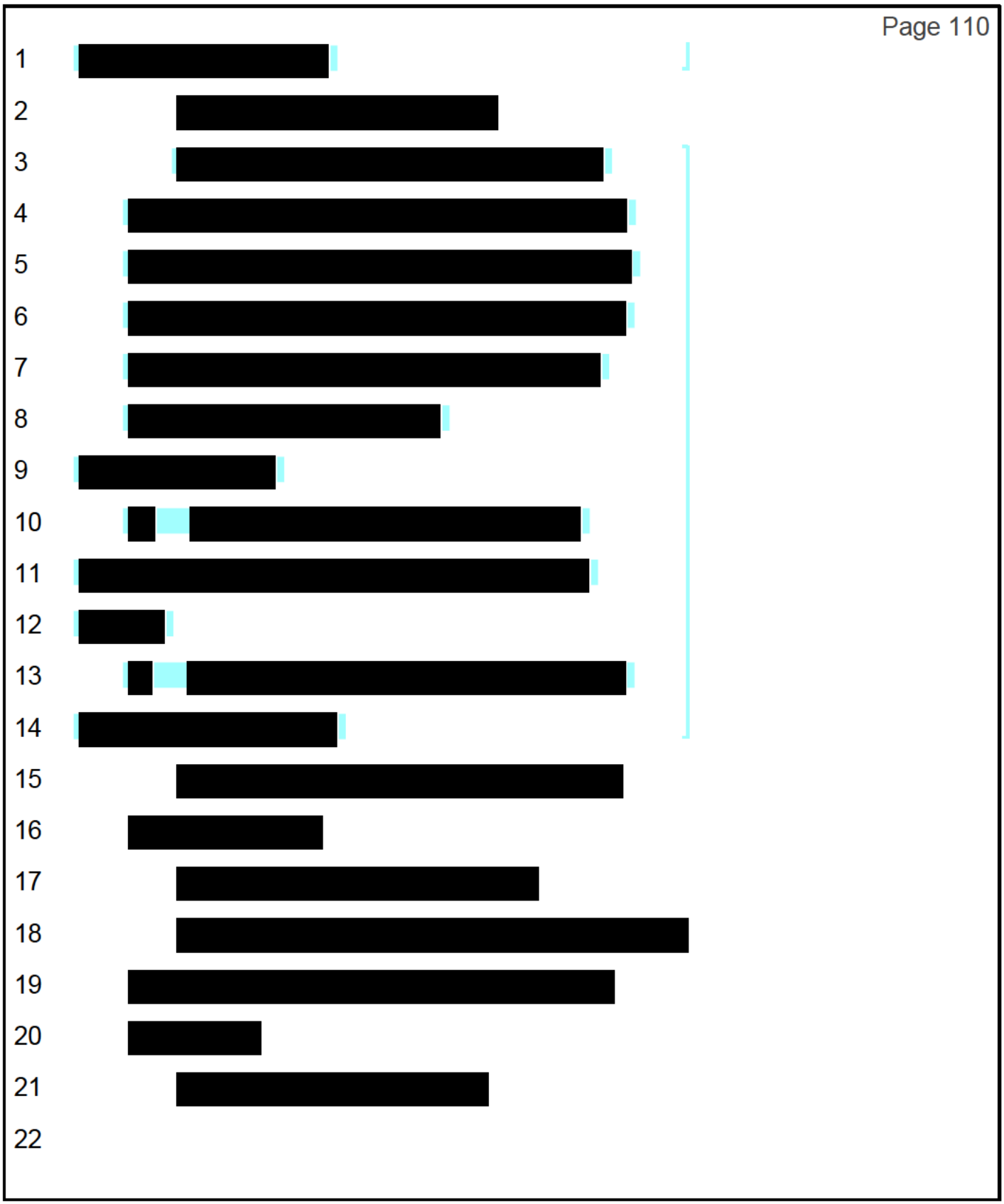


Apple Counter-Designations (Page 110:3 to Page 110:14)

STATE OF NEW YORK )
ss:
COUNTY OF WESTCHESTER )

I, EILEEN MULVENNA, CSR/RMR/CRR, a Certified Court Reporter, Registered Merit Reporter, Certified Realtime Reporter, and Notary Public in and for the State of New York, do hereby certify:

That I reported the taking of the deposition of the witness, DR. TAO SHUI, commencing on the 11th day of February , 2022, at the hour of 12:00 p.m.

That prior to being examined, the witness was duly sworn by me to testify to the truth, the whole truth, and nothing but the truth.

That I thereafter transcribed my said shorthand notes into typewriting and that the typewritten transcript of said deposition is a complete, true and accurate transcription of my said shorthand notes taken down at said time, and that a request has been made to review the transcript.

I further certify that I am not a relative or employee of an attorney or counsel of any of the parties, nor a relative or employee of any attorney or counsel involved in said action, nor a person financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my signature this 15th day of February, 2022.

_____

EILEEN MULVENNA, CSR/RMR/CRR

Dr. Tao Shui, c/o
WILMERHALE
60 State Street
Boston, Massachusetts 02109

Case: 337-TA-1276
Date of deposition: February 11, 2022
Deponent: Dr. Tao Shui

Please be advised that the transcript in the above referenced matter is now complete and ready for signature. The deponent may come to this office to sign the transcript, a copy may be purchased for the witness to review and sign, or the deponent and/or counsel may waive the option of signing. Please advise us of the option selected. Please forward the errata sheet and the original signed signature page to counsel noticing the deposition, noting the applicable time period allowed for such by the governing Rules of Procedure. If you have any questions, please do not hesitate to call our office at (202)-232-0646.

Sincerely,
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SIGNATURE PAGE
Case: 337-TA-1276
Witness Name: Dr. Tao Shui
Deposition Date: February 11, 2022

I do hereby acknowledge that I have read and examined the foregoing pages of the transcript of my deposition and that:

(Check appropriate box):
( ) The same is a true, correct and complete transcription of the answers given by me to the questions therein recorded.
( ) Except for the changes noted in the attached Errata Sheet, the same is a true, correct and complete transcription of the answers given by me to the questions therein recorded.

_____ _____
DATE WITNESS SIGNATURE

_____ _____
DATE NOTARY

Digital Evidence Group, LLC

1730 M Street, NW, Suite 812

Washington, D.C. 20036

(202)232-0646

ERRATA SHEET

Case: 337-TA-1276

Witness Name: Dr. Tao Shui

Deposition Date: February 11, 2022

Page No. Line No. Change

_____ _____

Signature Date