From: Jamie Kringstein <JKringstein@desmaraisllp.com>
Sent: Thursday, November 16, 2023 2:02 PM
To: Knobbe.MasimoDE; Jack Phillips; Megan C. Haney
Cc: Apple Masimo Service; whmasimoantitrustservice@wilmerhale.com; Moore, David E.; Palapura, Bindu A.
Subject: Apple v. Masimo (C.A. Nos. 1377/1378) - Prior Art Grounds

Counsel,

Apple currently identifies the below prior art grounds for the '743, '159, '223, and '911 patents. Apple reserves the right to amend, supplement, modify, or update these grounds consistent with Court's scheduling order and rulings in this case.

'223 Patent

- Claims 15, 21, 22, 27, 28, 34, and 36
  - Ground 1: Malmborg (US 2002/0015034) in view of Leiden (US 2003/0212316)
  - Ground 2: Lin (IEEE article, A Wireless PDA-Based Physiological Monitoring System for Patient Transport) in view of Malmborg
  - Ground 3: Nellcor Oximax N-595 and DS-100A Sensor System in view of NPB-195 and DS-100A Sensor System and Malmborg
  - Ground 4: Masimo Radical (and LNOP ADT sensor) in view of Malmborg
- Claim 43
  - Ground 1: Malmborg in view of Leiden and McGrath (US 4,216,462)
  - Ground 2: Lin in view of Malmborg
  - Ground 3: Nellcor Oximax N-595 and DS-100A Sensor System in view of NPB-195 and DS-100A Sensor System, Malmborg, and Nellcor Oxinet III
  - Ground 4: Masimo Radical (and LNOP ADT sensor) in view of Malmborg and McGrath

'911 Patent

- Claim 2
  - Ground 1: Takatani (US 5,203,329) in view of Kimura (US 6,608,562)
  - Ground 2: Nierlich (US 5839439) in view of Mannheimer (US 5,782,756) and Kimura
  - Ground 3: Masimo SET (LNOP Adt and Radical) in view of Mannheimer and Kimura
  - Ground 4: Nellcor Oximax N-595 and DS-100a Sensor System in view of Mannheimer and Kimura
- Claim 3
  - Ground 1: Takatani in view of Kimura
  - Ground 2: Nierlich in view of Mannheimer and Kimura and Henderson (US 3910701)
  - Ground 3: Masimo SET (LNOP Adt and Radical) in view of Mannheimer and Kimura and Henderson
  - Ground 4: Nellcor Oximax N-595 and DS-100a Sensor System in view of Mannheimer and Kimura and Henderson
- Claim 4
  - Ground 1: Takatani in view of Kimura
  - Ground 2: Nierlich in view of Mannheimer and Kimura
  - Ground 3: Masimo SET (LNOP Adt and Radical) in view of Mannheimer and Kimura
  - Ground 4: Nellcor Oximax N-595 and DS-100a Sensor System in view of Mannheimer and Kimura
- Claim 8
  - Ground 1: Takatani in view of Kimura

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    - Ground 2: Nierlich in view of Mannheimer and Kimura
    - Ground 3: Masimo SET (LNOP Adt and Radical) in view of Mannheimer and Kimura
    - Ground 4: Nellcor Oximax N-595 and DS-100a Sensor System in view of Mannheimer and Kimura
- Claim 20
    - Ground 1: Takatani in view of Kimura
    - Ground 2: Nierlich in view of Mannheimer and Kimura
    - Ground 3: Masimo SET (LNOP Adt and Radical) in view of Mannheimer and Kimura
    - Ground 4: Nellcor Oximax N-595 and DS-100a Sensor System in view of Mannheimer and Kimura
- Claim 21
    - Ground 1: Takatani in view of Nierlich and/or Kimura
    - Ground 2: Nierlich in view of Mannheimer
    - Ground 3: Nellcor Oximax N-595 and DS-100a Sensor System in view of Mannheimer and Nierlich
    - Ground 4: Masimo SET (LNOP Adt and Radical) in view of Mannheimer and Nierlich
- Claim 24
    - Ground 1: Takatani
    - Ground 2: Nierlich in view of Mannheimer and Henderson
    - Ground 3: Nellcor Oximax N-595 and DS-100a Sensor System in view of Mannheimer and Henderson
    - Ground 4: Masimo SET (LNOP Adt and Radical) in view of Mannheimer and Henderson
- Claim 25
    - Ground 1: Takatani
    - Ground 2: Nierlich in view of Mannheimer
    - Ground 3: Nellcor Oximax N-595 and DS-100a Sensor System in view of Mannheimer
    - Ground 4: Masimo SET (LNOP Adt and Radical) in view of Mannheimer

’743 Patent

- Claim 1
    - Ground 1: Apple Watch Series 0
    - Ground 2: Apple Watch Series 0 in view of Haar (US 5,893,364)
    - Ground 3: Ackermans (WO 2011/051888) in view of Savant (US 6,158,245)
    - Ground 4: Venkatraman (US 8,998,815) in view of Savant
- Claim 11
    - Ground 1: Apple Watch Series 0 in view of Ackermans
    - Ground 2: Apple Watch Series 0 in view of Ackermans and Haar
    - Ground 3: Ackermans in view of Savant
    - Ground 4: Venkatraman in view of Savant
- Claim 12
    - Ground 1: Apple Watch Series 0
    - Ground 2: Apple Watch Series 0 in view of Haar
    - Ground 3: Ackermans in view of Savant
    - Ground 4: Venkatraman in view of Savant
- Claim 14
    - Ground 1: Apple Watch Series 0
    - Ground 2: Apple Watch Series 0 in view of Haar
    - Ground 3: Ackermans in view of Savant and Venkatraman
    - Ground 4: Venkatraman in view of Savant
- Claim 18
    - Ground 1: Apple Watch Series 0 in view of Ackermans
    - Ground 2: Apple Watch Series 0 in view of Ackermans and Haar
    - Ground 3: Ackermans in view of Savant and Venkatraman
    - Ground 4: Venkatraman in view of Savant
- Claim 19
    - Ground 1: Apple Watch Series 0

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    - Ground 2: Apple Watch Series 0 in view of Haar
    - Ground 3: Ackermans in view of Savant and Venkatraman
    - Ground 4: Venkatraman in view of Savant

’159 Patent

- Claim 1
    - Ground 1: Apple Watch Series 0
    - Ground 2: Apple Watch Series 0 in view of Haar
    - Ground 3: Ackermans in view of Savant
    - Ground 4: Venkatraman in view of Savant
- Claim 7
    - Ground 1: Apple Watch Series 0
    - Ground 2: Apple Watch Series 0 in view of Haar
    - Ground 3: Ackermans in view of Savant
    - Ground 4: Venkatraman in view of Savant
- Claim 8
    - Ground 1: Apple Watch Series 0 in view of Ackermans
    - Ground 2: Apple Watch Series 0 in view of Ackermans and Haar
    - Ground 3: Ackermans in view of Savant
    - Ground 4: Venkatraman in view of Savant
- Claim 19
    - Ground 1: Apple Watch Series 0 (with Apple iPhone)
    - Ground 2: Apple Watch Series 0 (with Apple iPhone) and Haar
    - Ground 3: Ackermans in view of Savant and Venkatraman
    - Ground 4: Venkatraman in view of Savant
- Claim 22
    - Ground 1: Apple Watch Series 0 (with Apple iPhone)
    - Ground 2: Apple Watch Series 0 (with Apple iPhone) and Haar
    - Ground 3: Ackermans in view of Savant and Venkatraman
    - Ground 4: Venkatraman in view of Savant

Kind regards,
Jamie

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