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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.

Petitioner,

v.

MASIMO CORPORATION,

Patent Owner.

Case IPR2020-01521 U.S. Patent 10,292,628

PATENT OWNER'S SUR-REPLY TO REPLY

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TABLE OF AUTHORITIES

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415 F.3d 1303 (Fed. Cir. 2005) (en banc)	22

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EXHIBIT LIST

Exhibit No.	Description
2001	Reserved
2002	Reserved
2003	Reserved
2004	Declaration of Dr. Vijay K. Madisetti
2005	Curriculum Vitae of Dr. Vijay K. Madisetti
2006	Deposition Transcript of Dr. Thomas W. Kenny in <i>Apple Inc. v.</i> <i>Masimo Corp.</i> , IPR2020-01520, IPR2020-01537, IPR2020-01539 (April 22, 2021)
2007	Deposition Transcript of Dr. Thomas W. Kenny in <i>Apple Inc. v.</i> <i>Masimo Corp.</i> , IPR2020-01520, IPR2020-01537, IPR2020-01539 (April 23, 2021)
2008	Deposition Transcript of Dr. Thomas W. Kenny in <i>Apple Inc. v.</i> <i>Masimo Corp.</i> , IPR2020-01536, IPR2020-01538 (April 24, 2021)
2009	Deposition Transcript of Dr. Thomas W. Kenny in <i>Apple Inc. v.</i> <i>Masimo Corp.</i> , IPR2020-01536, IPR2020-01538 (April 25, 2021)
2010	Frank H. Netter, M.D., Section VI Upper Limb, Atlas of Human Anatomy (2003), Third Edition ("Netter")
2011	Declaration of Dr. Thomas W. Kenny in <i>Apple Inc. v. Masimo Corp.</i> , IPR2020-01536
2012	Webster, Design of Pulse Oximeters (1997)
2013	Reserved
2014	Reserved

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