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Attorneys for Plaintiff,

Dominion Assets LLC

DOMINION ASSETS LLC, a Delaware  
limited liability company

Case No.: 5:14-cv-03002 BLF (MEJ)

Honorable Beth Labson Freeman  
Magistrate Judge Maria-Elena James

Plaintiff,

VS.

**JOINT STIPULATION REGARDING THE  
PARTIES' PROPOSED FUNCTIONS OF  
DISPUTED MEANS-PLUS-FUNCTION  
CLAIM TERMS**

MASIMO CORPORATION, a Delaware corporation, and CERCACOR LABORATORIES, INC., a Delaware corporation;

Defendants.

The Court held a claim construction hearing on February 6, 2015. At the hearing, the Court asked the parties, Plaintiff Dominion Assets LLC (“Plaintiff”) and Defendants Masimo Corporation and Cercacor Laboratories, Inc. (“Defendants”), to provide the agreed upon functions for the means-plus-function claims at issue. Accordingly, the parties, through their respective attorneys of record, hereby stipulate to the functions detailed below for each respective disputed means-plus-function claim term:

CLAIM TERM	AGREED UPON FUNCTION
“data processing means adapted to (i) pretreat said first expression to minimize the influence of instrument offset and drift to obtain a second expression for the magnitude of said sensed radiation as a function of wavelength and (ii) perform multivariate analysis of said second expression to obtain a value for the concentration of said analyte.” (’764 Patent, Claim 5)	(i) pretreat the first expression to minimize the influence of instrument offset and drift to obtain a second expression for the magnitude of the sensed radiation as a function of wavelength and (ii) perform multivariate analysis of the second expression to obtain a value for the concentration of the analyte.
“data processing means is adapted to perform multivariate analysis of said second expression using the technique of partial least squares.” (’764 Patent, Claim 7)	perform multivariate analysis of the second expression using the technique of partial least squares
“means for calculating the concentration of the analyte from said detected intensity.” (’177 Patent, Claim 7)	calculating the concentration of the analyte from the detected intensity

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1 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

2 **HAUSFELD LLP**

3  
4 Dated: February 12, 2015

By: /s/ Bruce J. Wecker

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11 **KNOBBE, MARTENS, OLSON & BEAR, LLP**

12  
13 Dated: February 12, 2015

By: /s/ Irfan A. Lateef

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Attorneys for Defendants, Masimo Corporation  
and Cercacor Laboratories, Inc.

23 **ORDER**

24 PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.

25 Dated: February 17, 2015

By: 

HON. BETH LABSON FREEMAN  
UNITED STATES DISTRICT JUDGE