Registrant has previously noted in connection with this registration (See **"Response to Office Action Dated June 16, 2004"**) that it is the owner of a family of RAD marks, including RAD-8, RAD-5v, and RAD-57.

The numerical notations used in conjunction with the RAD mark are merely used as grade designations or model numbers. The different numerical notations designate different models of Registrant's family of RAD patient monitors.

Registrant previously submitted specimens showing use of the marks RAD-5, RAD-5v, and RAD-9 in connection with its **Response to Office Action Dated June 16, 2004** and those specimens were accepted by the U.S. Patent and Trademark Office as properly showing use of the RAD trademark.

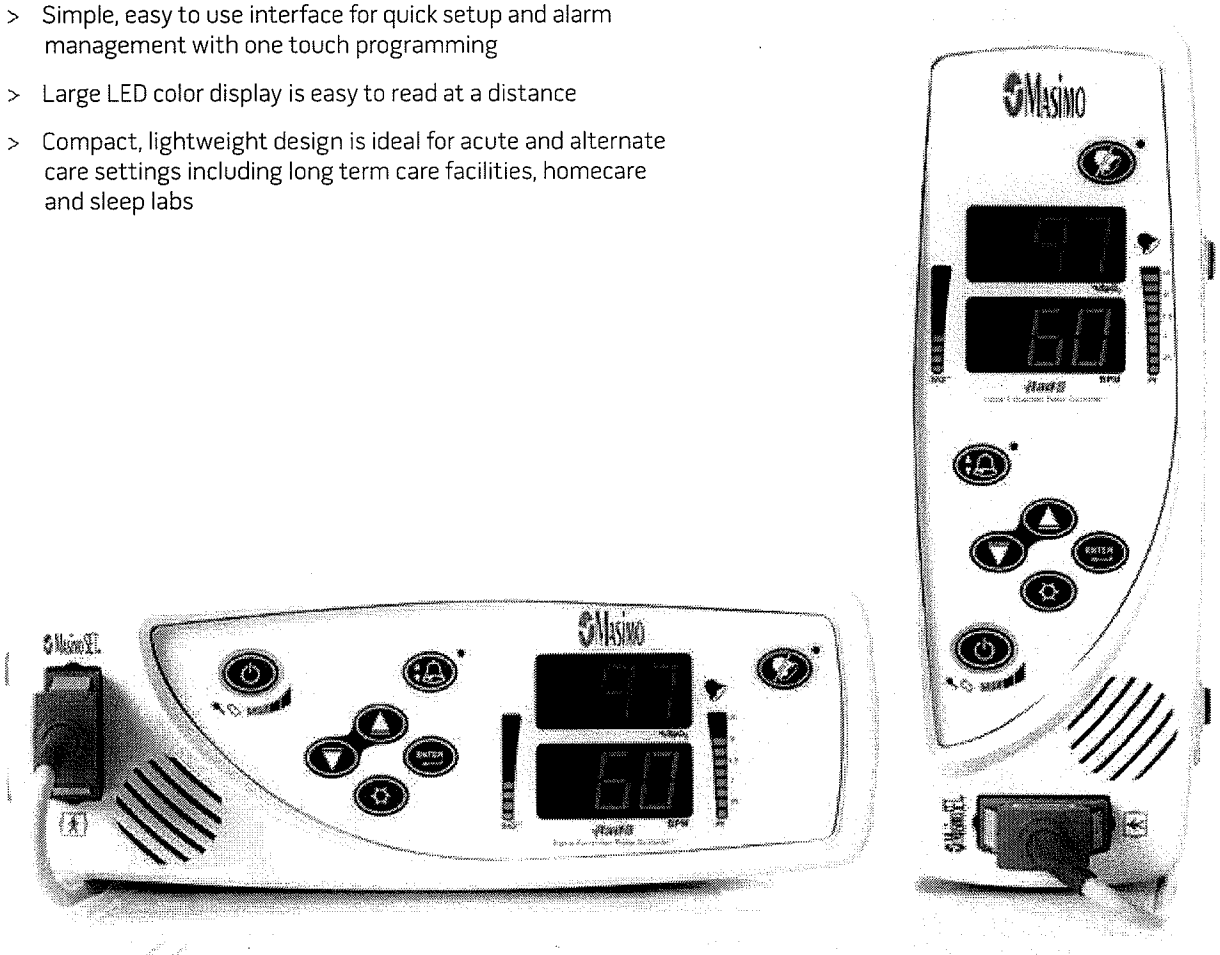
Registrant submits herewith specimens for the RAD-5v, RAD-8, and RAD-57 models of its patient monitors as showing current and proper use of its RAD trademark.

SIGNAL EXTRACTION PULSE OXIMETER

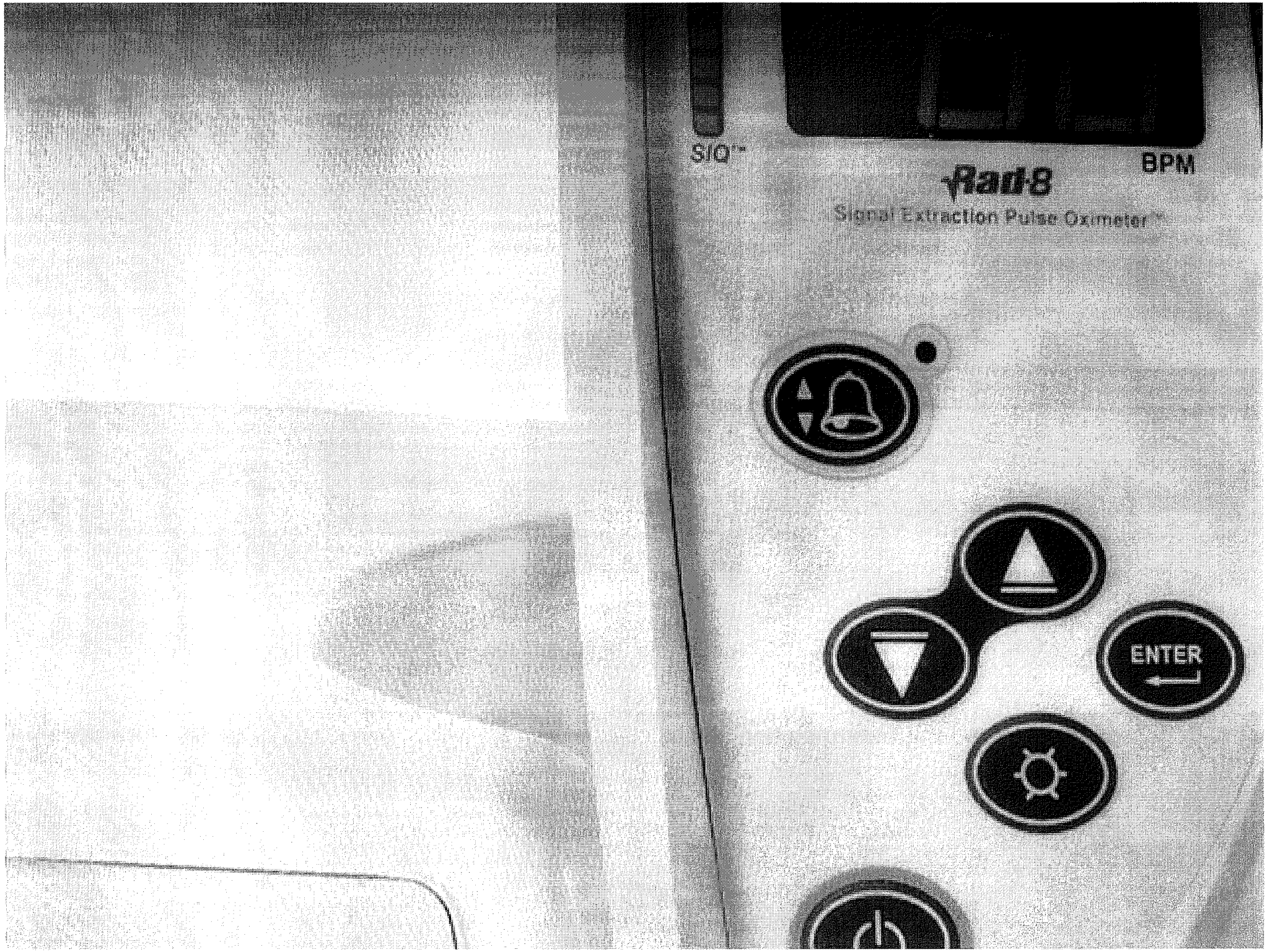
MASIMO Rad-8®

Compact design. Unmatched clinical performance.

- Featuring Masimo SET® pulse oximetry, proven accurate during motion and low perfusion in more than 100 independent and objective studies
- The accuracy of Masimo SET pulse oximetry has been shown to reduce false alarms by 95% without missing true clinical events
- Simple, easy to use interface for quick setup and alarm management with one touch programming
- Large LED color display is easy to read at a distance
- Compact, lightweight design is ideal for acute and alternate care settings including long term care facilities, homecare and sleep labs



Masimo®

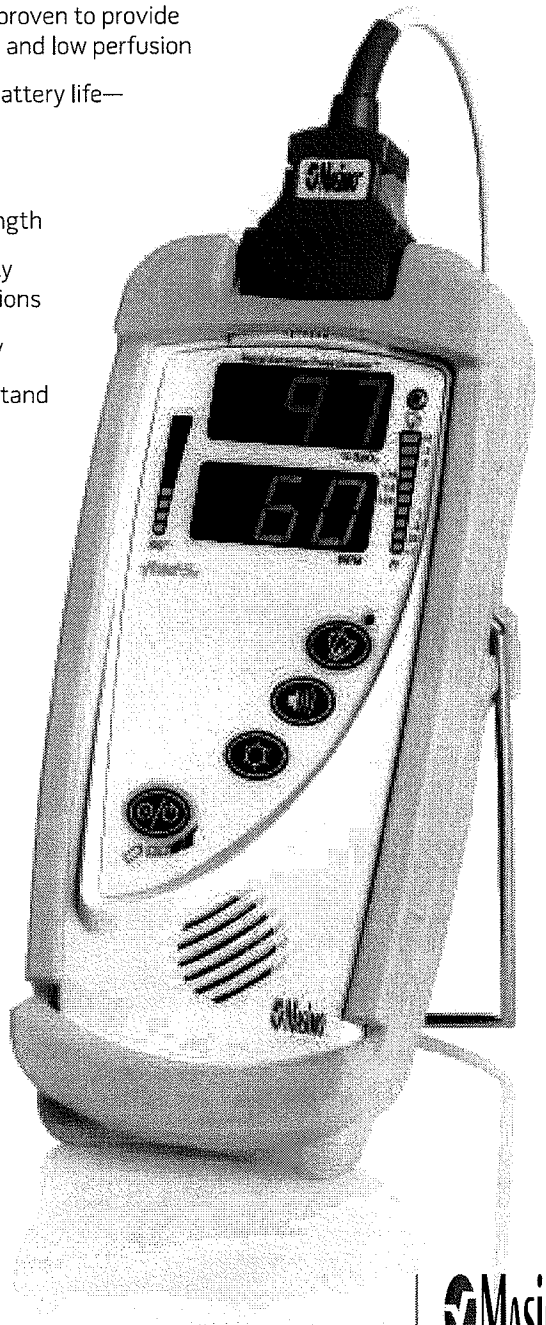

SIQ™
BPM
Rad-8
Signal Extraction Pulse Oximeter™
ENTER

SIGNAL EXTRACTION PULSE OXIMETER™

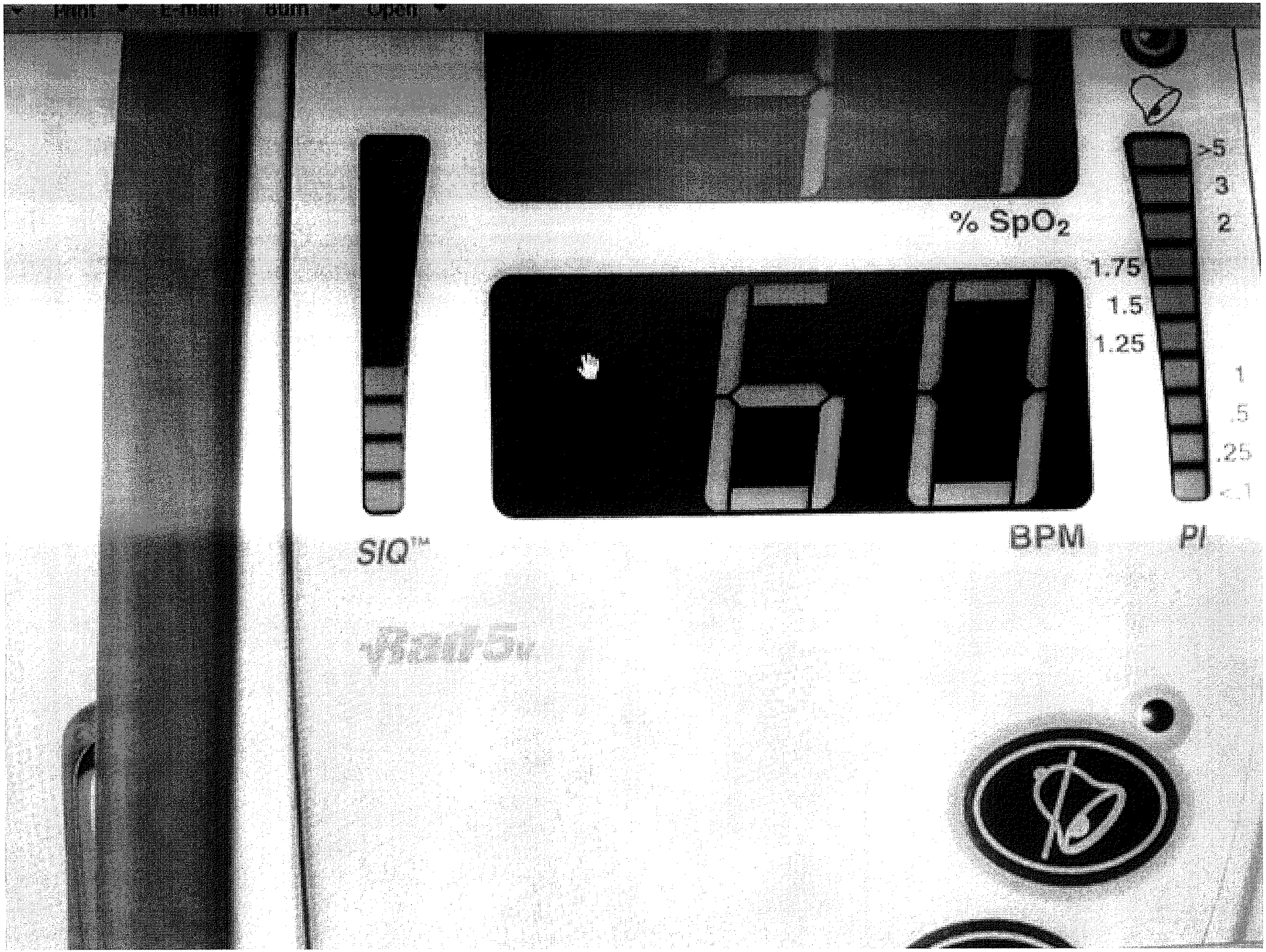
MASIMO Rad-5v®

The accuracy and reliability of Masimo SET pulse oximetry in a compact device, perfect for spot-check and triage

- Masimo SET® technology is scientifically and clinically proven to provide accurate pulse oximetry measurements during motion and low perfusion
- Lightweight, convenient handheld device with a long battery life—over 30 hours on 4 AA batteries
- FastStart™ allows for rapid measurement at start-up
- Perfusion Index (PI) indicates arterial pulse signal strength
- Signal I.Q.® (SIQ) bar for signal identification and quality indication during motion and low signal to noise situations
- Audible and visual alarms for Sensor Off & Low Battery
- Optional protective boot cover with built in table-top stand



Masimo®


% SpO2
1.75
1.5
1.25
>5
3
2
1
.5
.25
SIQ™
BPM
PI

Rad-57™

OPERATOR'S MANUAL

Masimo Rainbow® SET®

Signal Extraction Pulse CO-Oximeter™

Masimo SET® rainbow

The Rad-57 Signal Extraction Pulse CO-Oximeter Operating Instructions intend to provide the necessary information for proper operation of all Rad-57 Pulse CO-Oximeter models.

General knowledge of Pulse CO-Oximetry and an understanding of the features and functions of the Rad-57 Signal Extraction Pulse CO-Oximeter models are prerequisites for proper use.

Do not operate any of the Rad-57 Signal Extraction Pulse CO-Oximeter models without completely reading and understanding these instructions.

NOTICE

Purchase or possession of this device does not carry any express or implied license to use with replacement parts which would, alone or in combination with this device, fall within the scope of one of the relating patents.

CAUTION:

FEDERAL LAW (U.S.) RESTRICTS THIS DEVICE TO SALE BY OR ON THE ORDER OF A PHYSICIAN.

For further information contact:
Masimo Corporation
40 Parker
Irvine, CA 92618
USA
Tel.: 949-297-7000
Fax.: 949-297-7001
www.masimo.com

CE 0123

EU Authorized Representative for Masimo Corporation:

EC REP

MDSS GmbH
Schiffgraben 41
D-30175 Hannover, Germany

Do not place the Rad-57 or accessories in any position that might cause it to fall on the patient. Do not lift the Rad-57 by the patient cable or sensor.

- Patient Safety - If a sensor is damaged in any way, discontinue use immediately.
- Always remove the sensor from the patient and completely disconnect the patient from the Rad-57 before bathing the patient.
- Interfering Substances: Dyes, or any substance containing dyes, that change usual blood pigmentation may cause erroneous readings.
- Do not use the Rad-57 or sensors during magnetic resonance imaging (MRI) scanning. Induced current could potentially cause burns. The Rad-57 may affect the MRI image, and the MRI device may affect the accuracy of the Pulse CO-Oximetry parameters and measurements.
- Do not use the Rad-57 during electrocautery.
- Do not use the Rad-57 or sensor during defibrillation.
- If using the Rad-57 during full body irradiation, keep the sensor out of the radiation field. If the sensor is exposed to the radiation, the reading might be inaccurate or the instrument might read zero for the duration of the active irradiation period.
- Do not place the Rad-57 where the controls can be changed by the patient.
- Do not place the Rad-57 on electrical equipment that may affect the instrument, preventing it from working properly.
- Do not expose the Rad-57 to excessive moisture such as direct exposure to rain. Excessive moisture can cause the instrument to perform inaccurately or fail.
- Do not place containers containing liquids on or near the Rad-57. Liquids spilled on the instrument may cause it to perform inaccurately or fail.
- Changes or modifications not expressly approved by the party responsible for compliance could void the user's authority to operate the equipment
- SpO_2 is empirically calibrated to functional arterial oxygen saturation in healthy adult volunteers with normal levels of carboxyhemoglobin (COHb) and methemoglobin (MetHb). The Rad-57 cannot measure elevated levels of COHb or MetHb. Increases in either COHb or MetHb will affect the accuracy of the SpO_2 measurement.
- Inaccurate SpO_2 readings can be caused by:
  - Elevated levels of COHb and MetHb
  - For increased COHb: COHb levels above normal tend to increase the level of SpO_2. The level of increase is approximately equal to the amount of COHb that is present.
  - ***NOTE:*** *High levels of COHb may occur with a seemingly normal SpO_2. When elevated levels of COHb are suspected, laboratory analysis (CO-Oximetry) of a blood sample should be performed.*
  - For increased MetHb: the SpO_2 may be decreased by levels of MetHb of up to approximately 10% to 15%. At higher levels of MetHb, the SpO_2 may tend to read in the low to mid 80s.

    When elevated levels of MetHb are suspected, laboratory analysis (CO-Oximetry) of a blood sample should be performed.
  - Intravascular dyes such as indocyanine green or methylene blue