UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

MASIMO CORPORATION,
Patent Owner

IPR2024-00241
Patent 10,687,743

PETITIONER'S OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner hereby submits the following objections to evidence filed with Patent Owner's Response of November 5, 2024.

Evidence	**Objections**
Exhibit 2072	Petitioner objects to the admissibility of Exhibit 2072 under FRE 402 and 901 because this exhibit is not relevant to any issue in this proceeding. Masimo has not shown that the exhibit is prior art. This exhibit has not been authenticated.
Exhibit 2074	Petitioner objects to the admissibility of Exhibit 2074 under FRE 802 because it constitutes inadmissible hearsay.
Exhibit 2076	Petitioner objects to the admissibility of Exhibit 2076 under FRE 802 because it constitutes inadmissible hearsay. Petitioner objects to the admissibility of Exhibit 2076 under FRE 401, 402, and 403 at least insofar as the Patent Owner Response does not establish the relevance of the portions cited to the issues in the present proceeding, and at least insofar as the cited portions are potentially misleading when taken out of context.
Exhibit 2077	Petitioner objects to the admissibility of Exhibit 2077 under FRE 802 because it constitutes inadmissible hearsay. Petitioner objects to the admissibility of Exhibit 2077 under FRE 401, 402, and 403 at least insofar as the Patent Owner Response does not establish the relevance of the portions cited to the issues in the present proceeding, and at least insofar as

	the cited portions are potentially misleading when taken out of context.
Exhibit 2078	Petitioner objects to the admissibility of Exhibit 2078 under FRE 802 because it constitutes inadmissible hearsay. Petitioner objects to the admissibility of Exhibit 2078 under FRE 401, 402, and 403 at least insofar as the Patent Owner Response does not establish the relevance of the portions cited to the issues in the present proceeding, and at least insofar as the cited portions are potentially misleading when taken out of context.
Exhibit 2080	Petitioner objects to the admissibility of Exhibit 2080 under FRE 802 because it constitutes inadmissible hearsay. Petitioner objects to the admissibility of Exhibit 2080 under FRE 401, 402, and 403 at least insofar as the Patent Owner Response does not establish the relevance of the portions cited to the issues in the present proceeding, and at least insofar as the cited portions are potentially misleading when taken out of context.
Exhibit 2081	Petitioner objects to the admissibility of Exhibit 2081 under FRE 802 because it constitutes inadmissible hearsay. Petitioner objects to the admissibility of Exhibit 2081 under FRE 401, 402, and 403 at least insofar as the Patent Owner Response does not establish the relevance of the portions cited

	to the issues in the present proceeding, and at least insofar as the cited portions are potentially misleading when taken out of context.
Exhibit 2082	Petitioner objects to the admissibility of Exhibit 2082 under FRE 802 because it constitutes inadmissible hearsay. Petitioner objects to the admissibility of Exhibit 2082 under FRE 401, 402, and 403 at least insofar as the Patent Owner Response does not establish the relevance of the portions cited to the issues in the present proceeding, and at least insofar as the cited portions are potentially misleading when taken out of context.
Exhibit 2083	Petitioner objects to the admissibility of Exhibit 2083 under FRE 802 because it constitutes inadmissible hearsay. Petitioner objects to the admissibility of Exhibit 2083 under FRE 401, 402, and 403 at least insofar as the Patent Owner Response does not establish the relevance of the portions cited to the issues in the present proceeding, and at least insofar as the cited portions are potentially misleading when taken out of context.
Exhibit 2084	Petitioner objects to the admissibility of Exhibit 2084 under FRE 802 because it constitutes inadmissible hearsay. Petitioner objects to the admissibility of Exhibit 2084 under FRE 401, 402, and 403 at least insofar as the Patent Owner

	Response does not establish the relevance of the portions cited to the issues in the present proceeding, and at least insofar as the cited portions are potentially misleading when taken out of context.
Exhibit 2085	Petitioner objects to the admissibility of Exhibit 2085 under FRE 802 because it constitutes inadmissible hearsay. Petitioner objects to the admissibility of Exhibit 2085 under FRE 401, 402, and 403 at least insofar as the Patent Owner Response does not establish the relevance of the portions cited to the issues in the present proceeding, and at least insofar as the cited portions are potentially misleading when taken out of context.
Exhibit 2086	Petitioner objects to the admissibility of Exhibit 2086 under FRE 802 because it constitutes inadmissible hearsay. Petitioner objects to the admissibility of Exhibit 2086 under FRE 401, 402, and 403 at least insofar as the Patent Owner Response does not establish the relevance of the portions cited to the issues in the present proceeding, and at least insofar as the cited portions are potentially misleading when taken out of context.
Exhibit 2088	Petitioner objects to the admissibility of Exhibit 2088 under FRE 401, 402, and 403 and 901 because this exhibit is not relevant to any issue in this proceeding. Masimo has not shown

	that the exhibit is prior art. This exhibit has not been authenticated.
Exhibit 2089	Petitioner objects to the admissibility of Exhibit 2089 under FRE 802 because it constitutes inadmissible hearsay. Petitioner objects to the admissibility of Exhibit 2089 under FRE 401, 402, and 403 at least insofar as the Patent Owner Response does not establish the relevance of the portions cited to the issues in the present proceeding, and at least insofar as the cited portions are potentially misleading when taken out of context.
Exhibit 2091	Petitioner objects to the admissibility of Exhibit 2091 under FRE 401, 402, 403 and 901 because this exhibit is not relevant to any issue in this proceeding. Masimo has not shown that the exhibit is prior art. This exhibit has not been authenticated.
Exhibit 2092	Petitioner objects to the admissibility of Exhibit 2092 under FRE 401, 402, 403, and 901 because this exhibit is not relevant to any issue in this proceeding. Masimo has not shown that the exhibit is prior art. This exhibit has not been authenticated.
Exhibit 2094	Petitioner objects to the admissibility of Exhibit 2094 under FRE 802 because it constitutes inadmissible hearsay. Petitioner objects to the admissibility of Exhibit 2094 under FRE 401, 402, and 403 at least insofar as the Patent Owner Response does not establish the relevance of the portions cited to the issues in the present proceeding, and at least insofar as

	the cited portions are potentially misleading when taken out of context.
Exhibit 2098	Petitioner objects to the admissibility of Exhibit 2098 under FRE 802 because it constitutes inadmissible hearsay. Petitioner objects to the admissibility of Exhibit 2098 under FRE 401, 402, and 403 at least insofar as the Patent Owner Response does not establish the relevance of the portions cited to the issues in the present proceeding, and at least insofar as the cited portions are potentially misleading when taken out of context.
Exhibit 2100	Petitioner objects to the admissibility of Exhibit 2100 under FRE 702 and 703, because it contains opinions that are conclusory, do not disclose supporting facts or data, and are based on unreliable facts, data, or methods. Petitioner objects to the admissibility of Exhibit 2100 under FRE 702-703 and 802 because it includes statements that constitute inadmissible hearsay. The statements are offered for the truth of the matter asserted, and the statements are not the product of reliable principles or methods. Petitioner also objects to Exhibit 2100 as containing opinions that are irrelevant, confusing, and presenting the danger of unfair prejudice under FRE 401, 402, and 403.

Exhibit 2102	Petitioner objects to the admissibility of Exhibit 2102 under FRE 802 because it constitutes inadmissible hearsay. Petitioner objects to the admissibility of Exhibit 2102 under FRE 401, 402, and 403 at least insofar as the Patent Owner Response does not establish the relevance of the portions cited to the issues in the present proceeding, and at least insofar as the cited portions are potentially misleading when taken out of context.
Exhibit 2104	Petitioner objects to the admissibility of Exhibit 2104 under FRE 802 because it constitutes inadmissible hearsay. Petitioner objects to the admissibility of Exhibit 2104 under FRE 401, 402, and 403 at least insofar as the Patent Owner Response does not establish the relevance of the portions cited to the issues in the present proceeding, and at least insofar as the cited portions are potentially misleading when taken out of context.
Exhibit 2107	Petitioner incorporates the real-time objections made by Petitioner's counsel reflected in Exhibit 2107. Petitioner objects to the admissibility of Exhibit 2107 that includes Anthony Exhibit 1 under FRE 402 for failing to comply with federal rules regarding the notice and service of Anthony Exhibit 1.

For at least these reasons, Petitioner objects to Exhibits 2072, 2074, 2076, 2077, 2078, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2088, 2089, 2091, 2092, 2098, 2100, 2102, 2104, and 2107. Petitioner reserves the right to move to exclude Exhibits 2072, 2074, 2076, 2077, 2078, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2088, 2089, 2091, 2092, 2098, 2100, 2102, 2104, and 2107.

Respectfully submitted,

Date: November 13, 2024

/Andrew B. Patrick/

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e)(4), the undersigned certifies that on November 13, 2024, a complete and entire copy of this Petitioner's Objections to Evidence was provided by email to Patent Owner by serving the email correspondence addresses of record as follows:

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