

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 B1)
IPR2024-00243 (Patent 10,722,159 B2)
IPR2024-00244 (Patent 10,722,159 B2)¹

Before ROBERT L. KINDER, RICHARD H. MARSCHALL,
DAVID COTTA, and ALYSSA A. FINAMORE, *Administrative Patent
Judges*.²

PER CURIAM.

ORDER

Granting Patent Owner's Unopposed Motions for Protective Order
37 C.F.R. §§ 42.14, 42.54

¹ The combined caption is for administrative convenience only. The parties are not authorized to use this caption without express permission of the Board.

² This is not an expanded panel. The panel in IPR2024-00241 is Judges Marschall, Cotta, and Finamore. The panels in IPR2024-00243 and IPR2024-00244 include Judges Kinder, Marschall, and Cotta.

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In each of the above-captioned proceedings, Patent Owner filed an Unopposed Motion for Protective Order (Paper 14³ (“Motion”)), which includes Patent Owner’s proposed protective order as Appendix A and a redline comparison between Patent Owner’s proposed protective order and the Board’s default protective order as Appendix B. Paper Owner represents that Petitioner does not oppose the Motion. Paper 14, 1.

For the reasons discussed below, we *grant* Patent Owner’s Motion.

The Board may, for good cause, issue a protective order “to protect a party or person from disclosing confidential information.” 37 C.F.R. § 42.54(a). A protective order is not entered by default but must be proposed by one or more parties and must be approved and entered by the Board. Patent Trial and Appeal Board Consolidated Trial Practice Guide 19–20, 107 (Nov. 2019) (“Trial Practice Guide”).⁴ The Trial Practice Guide sets forth specific guidelines on proposing a protective order and provides a default protective order. *See id.* at 19–20, 107–122. The parties may propose modifications to the default protective order, and the Board will generally accept proposed changes that are consistent with the integrity and efficient administration of the proceedings. *Id.* at 115.

Patent Owner asserts that good cause exists to enter the proposed protective order. Paper 14, 1–3. We observe that the proposed protective order differs from the Board’s default protective order in a number of ways,

³ This Order cites to the Motion in IPR2024-00241. Corresponding motions were filed in IPR2024-00243 and IPR2024-00244.

⁴ Available at <http://www.uspto.gov/TrialPracticeGuideConsolidated>.

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including further limiting access to confidential documents and information, adding terms for a prosecution bar and development bar, and providing a timeline and procedure for the parties to submit redacted copies of sealed documents. *See* Paper 14, App. B.

After reviewing the proposed modifications to the Board’s default protective order and in view of Patent Owner’s arguments for those modifications (Paper 14, 1–3), we find that good cause exists to enter Patent Owner’s proposed protective order.

Accordingly, it is

ORDERED that Patent Owner’s Unopposed Motions for Protective Order in the above-captioned proceedings are *granted*; and

FURTHER ORDERED that the proposed protective orders (IPR2024-00241, Paper 14, App. A; IPR2024-00243, Paper 13, App. A; and IPR2024-00244, Paper 13, App. A) are entered in the above-captioned proceedings.

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