

From: [Trials](#)
To: [Usman Khan](#); [AppleIPR159-1](#); [AppleIPR159-2](#); [AppleIPR743-1](#); [IPR50095-0134IP2](#); [IPR50095-0134IP1](#); [IPR50095-0133IP1](#)
Cc: [Trials](#)
Subject: RE: IPR2024-00241, IPR2024-00243, IPR2024-00244 - Request to Modify Oral Argument Related Due Dates
Date: Wednesday, January 29, 2025 4:06:05 PM

Counsel,

Thank you for confirming your availability. The oral hearing date (Due Date 8) has been moved to April 16, 2025. As noted below, the request for oral hearing deadline (Due Date 4), has been moved to March 17, 2025. A copy of this email will be entered into the record to confirm the date changes.

Regards,

Tina Lee
Supervisory Paralegal Specialist
Patent Trial and Appeal Board

From: Usman Khan <khan@fr.com>
Sent: Wednesday, January 29, 2025 12:44 PM
To: Trials <Trials@USPTO.GOV>
Cc: AppleIPR159-1 <AppleIPR159-1@knobbe.com>; AppleIPR159-2 <AppleIPR159-2@knobbe.com>; AppleIPR743-1 <AppleIPR743-1@knobbe.com>; IPR50095-0134IP2 <IPR50095-0134IP2@fr.com>; IPR50095-0134IP1 <IPR50095-0134IP1@fr.com>; IPR50095-0133IP1 <IPR50095-0133IP1@fr.com>
Subject: RE: IPR2024-00241, IPR2024-00243, IPR2024-00244 - Request to Modify Oral Argument Related Due Dates

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Your Honors:

The parties appreciate the flexibility the Board has offered regarding the scheduling of the oral hearing. The parties have conferred and would like to request the oral hearing to be conducted on **April 16, 2025** if that date is still amenable to Your Honors.

Please let us know if the parties can provide any further information for Your Honors to consider this request.

Sincerely,

Usman Khan, Ph.D., J.D.
Principal ■ Fish & Richardson P.C.

T: +1 (202) 626-6383 | khan@fr.com | [Bio](#)

From: Trials <Trials@USPTO.GOV>

Sent: Wednesday, January 22, 2025 3:29 PM

To: Usman Khan <khan@fr.com>; Trials <Trials@USPTO.GOV>

Cc: AppleIPR159-1 <AppleIPR159-1@knobbe.com>; AppleIPR159-2 <AppleIPR159-2@knobbe.com>; AppleIPR743-1 <AppleIPR743-1@knobbe.com>; IPR50095-0134IP2 <IPR50095-0134IP2@fr.com>; IPR50095-0134IP1 <IPR50095-0134IP1@fr.com>; IPR50095-0133IP1 <IPR50095-0133IP1@fr.com>

Subject: RE: IPR2024-00241, IPR2024-00243, IPR2024-00244 - Request to Modify Oral Argument Related Due Dates

[This email originated outside of F&R.]

Counsel:

The Panel appreciates that the parties prefer additional time to prepare for the oral hearing due to their stipulations to extend deadlines. Although our Scheduling Order allows the parties to extend certain deadlines without our approval, we are generally reluctant to move hearing dates based on the parties' inability to meet the deadlines set forth in the Scheduling Order. In addition, the two weeks remaining between the filing of Patent Owner's Sur-reply and the April 8 hearing date allows sufficient time to prepare for the hearing. The deadline for filing demonstratives will be set 24 hours prior to the start of the hearing (the morning of April 7) to allow the parties additional time after the filing of the Sur-reply to exchange demonstratives.

That said, the Panel can accommodate a later hearing date of April 14 or 16 if the parties are available one or more of those dates. The parties should indicate whether they can make one or both of those potential hearing dates by January 30, 2025. The April 8 hearing date remains in effect until the Panel approves any new hearing date agreed to by the parties.

The Panel is amenable to moving the request for oral hearing deadline (Due Date 4), and moves that deadline from February 25 to March 17, 2025. We understand that this deadline occurs prior to the filing of Patent Owner's Sur-reply due to the parties' stipulations, and if the Sur-reply raises issues that require more time at the oral hearing than anticipated, the parties may notify the Panel by March 28 with any changes to the hearing requests so that the Panel can consider and inform the parties of any changes well prior to the hearing.

Best regards,

Eric W. Hawthorne

Supervisory Paralegal Specialist

Patent Trial and Appeal Board

From: Usman Khan <khan@fr.com>

Sent: Tuesday, January 21, 2025 3:08 PM

To: Trials <Trials@USPTO.GOV>

Cc: AppleIPR159-1 <AppleIPR159-1@knobbe.com>; AppleIPR159-2 <AppleIPR159-2@knobbe.com>; AppleIPR743-1 <AppleIPR743-1@knobbe.com>; IPR50095-0134IP2 <IPR50095-0134IP2@fr.com>; IPR50095-0134IP1 <IPR50095-0134IP1@fr.com>; IPR50095-0133IP1 <IPR50095-0133IP1@fr.com>

Subject: IPR2024-00241, IPR2024-00243, IPR2024-00244 - Request to Modify Oral Argument Related Due Dates

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Your Honors:

Petitioner, Apple, and Patent Owner, Masimo Corporation, (collectively “the Parties”) jointly submit this request to modify the scheduled dates for the Request for Oral Argument (Due Date 4, currently February 25, 2025) and the Oral Argument (Due Date 8, currently April 8, 2025) in the IPR2024-00241, IPR2024-00243, and IPR2024-00244 proceedings. For the reasons explained in more detail below, the Parties request to modify Due Date 4 to April 1, 2025, and Due Date 8 to April 25, May 7, May 8, or May 9, 2025.

IPR2024-00241, IPR2024-00243, and IPR2024-00244 are currently in the Petitioner Discovery phase. Due to the scheduling constraints of Patent Owner’s expert, Dr. Madisetti, the depositions of Patent Owner’s expert for the three proceedings have been rescheduled to February 4 and 7, 2025. In view of the deposition dates, the Parties have agreed to modify the due dates for the Petitioner’s Reply to February 14, 2025, and the Patent Owner’s Sur-Reply to March 25, 2025. Although accommodating of Dr. Madisetti, these dates provide limited time to prepare for the oral hearing following the Sur-Reply. Moreover, the Request for the Oral Hearing is currently due on February 25—one month before the Patent Owner’s Sur-Reply due date, and the likely due date of the exchange of oral hearing demonstratives would be approximately March 25, 2025—the due date of the Patent Owner’s Sur-Reply.

In view of the scenario described above, the Parties respectfully request the above-described modifications to Due Dates 4 and 8 in IPR2024-00241, IPR2024-00243, and IPR2024-00244. The potential April 25 and May 7-9, 2025 oral hearing dates have been proposed based on the availability of the Parties. While the Parties regret any inconvenience this joint request may create for the Board, the Parties believe this change is in the best interest of justice as this change would allow the Board and the Parties reasonable time to prepare for the Oral Hearing, and for the Parties to submit the Request for Oral Hearing in view of the totality of the evidence in these IPR proceedings after their records are closed.

Should the Board wish to conduct a call to discuss this request or potential dates for the oral hearing, the Parties will make themselves available. The Parties thank Your Honors for consideration of this request.

Sincerely,

Usman Khan, Ph.D., J.D.

Principal ■ Fish & Richardson P.C.

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