

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

MASIMO CORPORATION,
Patent Owner

Case IPR2024-00243
Patent 10,722,159

PETITIONER'S UNOPPOSED MOTION TO EXPUNGE

Petitioner Apple Inc. (“Apple”) thanks the Board for approving the Parties’ joint request to file Motions to Expunge to preserve confidential business information (CBI). This motion is consistent with previous motions to seal submitted by the Parties and the Protective Order (PO) that has been granted and observed in this IPR proceeding. Petitioner and Patent Owner conferred, and Patent Owner confirmed that it does not oppose this motion.

For the reasons set forth below, Apple requests that the Confidential Documents listed below (*see infra* Section II.A) be expunged.

I. APPLICABLE LEGAL STANDARDS

37 C.F.R. § 42.56 provides that “after final judgment in a trial, a party may file a motion to expunge confidential information from the record.” Similarly, the Consolidated Trial Practice Guide states at page 22 that “[t]here is an expectation that information will be made public where the existence of the information is ... identified in a final written decision following a trial,” but adds in pertinent part that “[a] party seeking to maintain the confidentiality of information, however, may file a motion to expunge the information from the record prior to the information becoming public.”

A party seeking expungement from the record must show good cause by demonstrating “that any information sought to be expunged constitutes confidential information, and that Petitioner’s interest in expunging it outweighs the public’s

interest in maintaining a complete and understandable history of this *inter partes* review.” *Atlanta Gas Light Co. v. Bennett Regulator Guards, Inc.*, IPR2013-00453, Paper 97 at 2 (P.T.A.B. Apr. 15, 2015).

Under 37 C.F.R. § 42.56 and consistent with the Consolidated Trial Practice Guide, Apple submits this motion to expunge documents containing Apple’s CBI from the record.

II. REASONS FOR RELIEF REQUESTED

A. Procedural Background

On September 26, 2024, the Board found good cause for entry of a Protective Order (PO) in this IPR proceeding and accordingly granted Patent Owner’s Unopposed Motion for a PO. *See* Papers 16, 13. The PO included various provisions, including, “increas[ing] the level of confidentiality by removing access to confidential information by the parties, party representatives, and in-house counsel,” and limiting access to confidential information “to outside counsel, experts, support staff, and the Office only.” Paper 13, 2. Consistent with their obligations under the PO, the Parties have submitted various confidential and redacted documents, along with Motions to Seal. *See e.g.*, Papers 23, 28, 43, 45, 48.

The list of “Confidential Documents,” which Apple requests be expunged from the record, and which are currently marked as “Parties and Board” only, are as follows:

- 1) Paper 19
- 2) Paper 27
- 3) Paper 41
- 4) Paper 47
- 5) Paper 51
- 6) Paper 52
- 7) Exhibit 1079
- 8) Exhibit 1080
- 9) Exhibit 1082
- 10) Exhibit 1083
- 11) Exhibit 1084
- 12) Exhibit 1086
- 13) Exhibit 1087
- 14) Exhibit 1089
- 15) Exhibit 2076
- 16) Exhibit 2077
- 17) Exhibit 2078

- 18) Exhibit 2080
- 19) Exhibit 2081
- 20) Exhibit 2082
- 21) Exhibit 2083
- 22) Exhibit 2084
- 23) Exhibit 2085
- 24) Exhibit 2086
- 25) Exhibit 2089
- 26) Exhibit 2093
- 27) Exhibit 2094
- 28) Exhibit 2096
- 29) Exhibit 2098
- 30) Exhibit 2100
- 31) Exhibit 2102
- 32) Exhibit 2104
- 33) Exhibit 2111
- 34) Exhibit 2112
- 35) Exhibit 2121
- 36) Exhibit 2122

On December 16, 2025, the Federal Circuit issued an order dismissing Patent Owner's appeal. Paper 58. Consistent with 37 C.F.R. § 42.56 and the Consolidated Trial Practice Guide, Apple submits this motion within 45 days of the Federal Circuit's decision.

B. Good Cause Exists for Expunging the Confidential Documents

Apple respectfully submits that the Confidential Documents listed above be expunged from the record as they contain highly sensitive CBI. In particular, the Confidential Documents that Apple is moving to expunge include Apple CBI related to, among other things, sensitive information regarding Apple's Watch products, including proprietary research and development (R&D) information, trade secrets, proprietary processes, and confidential business operations information.

For example, Exhibits 2076-2086 and 2089 are hearing and deposition transcripts and additional evidence related to testimony elicited from Apple employees during the ITC proceeding. The portions of the hearing transcripts that Apple requests to seal were conducted in closed session at the ITC and include questioning and testimony related to Apple's Watch products, including sensitive, proprietary research and development (R&D) information, trade secrets, proprietary processes and apparatuses, and confidential business operations information.

Exhibit 2083 includes an Apple internal presentation and communications between Apple employees related to Apple's Watch products, including sensitive, proprietary R&D information, trade secrets, proprietary processes and apparatuses, and confidential business operations information.

Exhibit 2084 includes a proprietary Apple organization chart and confidential business operation information.

Each of the above-listed exhibits similarly include Apple CBI, and the above-listed papers contain Apple CBI at least insofar as they describe confidential information included with the exhibits.

Motions to Seal¹ the above-noted Confidential Documents were previously granted because the Board determined that good cause existed to seal the CBI contained in those documents. *See* Paper 56, 98 (“[b]ased on our review of the material in the Exhibits and Petitioner’s representations, we agree that the documents contain confidential, potentially sensitive information, that Petitioner would be harmed by not sealing the information, and that the interest in maintaining the information as confidential outweighs the public interest in having the information unsealed. ... Accordingly, we conclude that good cause exists to seal the information as set forth in Petitioner’s Motions to Seal. *See* Papers 23, 28,

¹ *See* Papers 23, 28, 43, 45, 48.

43, 45, 48.”); *see also* Paper 16, 3 (“we find that good cause exists to enter ... proposed protective order”).

And, if the Board were to continue to protect Apple’s CBI by expunging the Confidential Documents, the public record of the IPR proceeding would notably still contain counterpart public redacted versions of those documents, and the public record would accordingly remain complete and understandable.

Accordingly, good cause exists for continuing to protect Apple’s CBI by expunging the Confidential Documents.

III. CONCLUSION

For at least the foregoing reasons, Apple respectfully submits that good cause exists to expunge the above-noted Confidential Documents from the record, and respectfully requests that the Board expunge the Confidential Documents pursuant to 37 C.F.R. § 42.56.

Respectfully submitted,

Date: January 29, 2026

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e)(4), the undersigned certifies that on January 30, 2026, a complete and entire copy of this Petitioner's Motion to Expunge provided via email to the Patent Owner by serving the correspondence email address of record as follows:

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