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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

MASIMO CORPORATION,
Patent Owner.

Case IPR2024-00243
U.S. Patent 10,722,159

MASIMO'S UNOPPOSED MOTION TO EXPUNGE EXHIBIT 2093

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.56 and the Board’s email authorization on January 29, 2026, Patent Owner Masimo Corporation (“Masimo” or “Patent Owner”), hereby requests that certain confidential information be expunged from the record. Specifically, Patent Owner respectfully requests that Exhibit 2093, which is the confidential version of the ITC’s Final Initial Determination on Violation of Section 337 in *Certain Light-Based Physiological Measurement Devices and Components Thereof*, 337-TA-1276 (Jan. 10, 2023), be expunged from the record as this exhibit contains Masimo’s highly confidential technical and financial business information.

The Board issued its final written decision in this IPR on July 8, 2025. Paper 52. Masimo filed a notice of appeal on September 9, 2025. Paper 53. On January 15, 2026, the Board entered the Federal Circuit’s Order Dismissing Appeal. Paper 58. As of the filing of this motion, Exhibit 2093 has not become public in this proceeding and has not been made public in any other proceeding. For the reasons set forth below, Masimo requests that Exhibit 2093 be expunged.

The parties have conferred and Apple indicated it will not oppose this motion. Masimo understands that Exhibit 2093 also contains information that Apple designated as its own confidential information.

II. 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 in the record.” 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 [the moving party’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 (Apr. 15, 2015).

III. GOOD CAUSE EXISTS TO EXPUNGE EXHIBIT 2093

Exhibit 2093 is a copy of the confidential version of the ITC’s January 10, 2023 Final Initial Determination in *Certain Light-Based Physiological Measurement Devices and Components Thereof*, 337-TA-1276. This document is a 337-page decision detailing all aspects of every issue decided in that case, many of which have no relevance to this IPR including Masimo’s satisfaction of the technical and economic domestic industry requirements for an ITC Section 337 proceeding. Exhibit 2093 includes sensitive and proprietary research and development information regarding Masimo’s W1[®] watch product and prototypes and rainbow[®] products, proprietary processes and apparatuses including descriptions of Masimo’s plants and equipment, labor and capital expenditures, and testimony from Masimo’s

engineers and other employees relating to the research, design, and development of Masimo's domestic industry products. Exhibit 2093 also contains information that Apple designated as its own confidential information. In the ITC Investigation, Exhibit 2093 (the Final Initial Determination) was filed under seal and a public version, with the confidential information redacted, was later made available. That public version was previously filed in this IPR as Exhibit 2043.

Exhibit 2093 has not been made public in any other proceeding. And under the terms of the operative protective orders in the ITC and this IPR, access to Exhibit 2093 is limited to the parties' outside counsel and experts. *See, e.g.*, Paper 13, Appendix A (Protective Order). Masimo would suffer significant competitive harm if the information in Exhibit 2093 were made publicly available, particularly to Apple and other competitors, who would be able to leverage Masimo's confidential research and development information to their own advantage.

Masimo's interest in expunging Exhibit 2093 outweighs the public's interest in maintaining a complete and understandable history of this IPR for at least the following reasons.

First, Masimo's confidential information in Exhibit 2093 is not relevant to any issue in this IPR. Exhibit 2093 was never cited in any paper in this proceeding as evidence of Masimo's confidential information. Rather, Exhibit 2093 was cited for other purposes in the IPR, such as to show the obviousness arguments that Apple

previously presented in the ITC Investigation and how they relate to similar arguments Apple made in this IPR, and how the ITC previously found substantially similar claims not invalid. *See, e.g.*, FWD (public version), Paper 56 at 48, 69. Exhibit 2093 thus contains Masimo confidential information that has no relevance to this proceeding.

Second, the history of this IPR is understandable with Exhibit 2093 expunged. Exhibit 2093 was cited twice in the final written decision and, in both instances, the statements Exhibit 2093 was cited to support are not redacted in the public version of the final written decision. *See* FWD (public version), Paper 56 at 48, 69. Exhibit 2093 was also cited several times in Masimo's Patent Owner Response, Apple's Reply, and Masimo's Sur-Reply and the statements it was cited to support were not redacted. *See* POR (Public Version), Paper 24 at 35, 43, 50; Reply (Public Version), Paper 32 at 4, 26; Sur-Reply (Public Version), Paper 46 at 24. Therefore, the public would be able to fully understand the Board's final written decision and the parties' briefing even with Exhibit 2093 expunged.

Third, a public version of Exhibit 2093 was also filed as Exhibit 2043 with confidential information redacted. Exhibit 2043 is a copy of the public version of Exhibit 2093 as approved and filed by the ITC that contains narrowly tailored redactions to just the information that is truly confidential. The vast majority of the text in Exhibit 2043 is not redacted. In fact, for the majority of the citations to

Exhibit 2093 in this IPR, the corresponding pages in Exhibit 2043 have only minimal or no redactions. *See, e.g.*, EX2043 at 116-117, 199-207, 224-240. Thus, an interested member of the public would be able to fully understand not only the briefing and decision in this IPR, but also the cited pages of Exhibit 2093 by referencing Exhibit 2043.

Thus, Masimo's interest in expunging Exhibit 2093 outweighs the public's interest in maintaining a complete and understandable file history because the public would be able to understand the history of this IPR even with Exhibit 2093 expunged.

IV. CONCLUSION

For the foregoing reasons, Masimo respectfully requests that Exhibit 2093 be expunged.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 30, 2026

/Daniel C. Kiang /
Daniel C. Kiang (Reg. No. 79,631)

Attorney for Patent Owner
Masimo Corporation

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to 37 C.F.R. § 42.6(e) and with the agreement of counsel for Petitioner, a true and correct copy of **MASIMO'S MOTION TO EXPUNGE EXHIBIT 2093** is being served electronically on January 30, 2026 to the e-mail addresses shown below:

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Dated: January 30, 2026

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