

Filed: March 17, 2025

Filed on behalf of:

Patent Owner Masimo Corporation
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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 IPR2024-00244
U.S. Patent 10,722,159

**PATENT OWNER MASIMO CORPORATION'S
REQUEST FOR ORAL ARGUMENT**

Pursuant to 37 C.F.R. § 42.70(a), and the Scheduling Order (Paper 12) and email from the Board dated January 29, 2025 regarding the modified oral hearing date and modified request for oral hearing deadline (EX3002), Patent Owner Masimo Corporation (“Masimo”) respectfully requests that the Board hear oral argument on the instituted grounds in IPR2024-00244 regarding U.S. Patent No. 10,722,159 (“’159 Patent”). The Board has currently scheduled oral argument for April 16, 2025. *See* EX3002 (modifying hearing date).

The Board has also scheduled oral argument in the related cases IPR2024-00241 and IPR2024-00243 on April 16, 2025. IPR2024-00241 involves U.S. Patent No. 10,687,743, which is related to the ’159 Patent. IPR2024-00243 also involves the ’159 Patent but with different obviousness grounds. Due to the overlap in subject matter and issues, Patent Owner respectfully requests that oral argument for IPR2024-00241, IPR2024-00243, and IPR2024-00244 be consolidated into one oral argument. Patent Owner requests that the Board allot each party ninety (90) minutes for a consolidated oral argument. Patent Owner currently anticipates that at least four (4) individuals will attend the oral argument on its behalf. Patent Owner requests that the oral argument be held virtually via videoconference.

Patent Owner requests (without waiving consideration of any issue not listed below) to address the following issues with respect to IPR2024-00244:

1. The proper construction of the challenged claims;

2. The patentability of the challenged claims of the '159 Patent over the instituted grounds, including whether Apple's arguments are barred by estoppel;
3. Patent Owner's pending motion to strike (to the extent the Board has not ruled on the motion by the time of the hearing);
4. Any other issues in papers yet to be filed;
5. Any rebuttal to Petitioner's presentation on any issue; and
6. Any other issues the Board deems necessary for issuing a final written decision.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 17, 2025

/Daniel C. Kiang/

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

Customer No. 64,735

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 **PATENT OWNER MASIMO CORPORATION'S REQUEST FOR ORAL ARGUMENT** is being served electronically on March 17, 2025, to the e-mail addresses shown below:

W. Karl Renner, Reg. No. 41,265 Fish & Richardson P.C. 60 South Sixth Street Minneapolis, MN 55402 Tel: 202-783-5070 Fax: 877-769-7945 Email: IPR50095-0134IP2@fr.com	Patrick J. Bisenius, Reg. No. 63,893 Andrew B. Patrick, Reg. No. 63,471 Usman A. Khan, Reg. No. 70,439 Nicholas Stephens, Reg. No. 74,320 Fish & Richardson P.C. 60 South Sixth Street Minneapolis, MN 55402 Tel: 202-783-5070 Fax: 877-769-7945 IPR50095-0134IP2@fr.com
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Dated: March 17, 2025

/Daniel C. Kiang/

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

Attorney for Patent Owner
Masimo Corporation