

Filed: December 13, 2024

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 IPR2024-00290
U.S. Patent 8,190,223

PATENT OWNER'S OBJECTION TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b), Patent Owner Masimo Corporation objects as follows to the admissibility of evidence served with the Petition. Patent Owner reserves its rights to:

- (1) file a motion to exclude these objectionable exhibits or portions thereof;
- (2) challenge the credibility and/or weight that should be afforded to these exhibits, whether or not Patent Owner files a motion to exclude the exhibits;
- (3) challenge the sufficiency of the evidence to meet Petitioner's burden of proof on any issue, including, without limitation, whether Petitioner met its burden to prove the prior art status of the alleged prior art on which it relies, whether or not Patent Owner has objected to, or files a motion to exclude, the evidence; and
- (4) cross examine any Petitioner declarant within the scope of his or her direct testimony that relates to these exhibits, without regard to whether Patent Owner has objected to the testimony or related exhibits or whether the testimony or related exhibits are ultimately found to be inadmissible.

Exhibit Number	Objections
1021	FRE 401, 402 Exhibit 1021 is not relevant to any issue in this proceeding.
1022	FRE 401, 402 Paragraphs 15-18 of Exhibit 1022 are not relevant to any issue in this proceeding.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: December 13, 2024

/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 **PATENT OWNER'S OBJECTION TO EVIDENCE** is being served electronically on December 13, 2024, 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: IPR50095-0132IP2@fr.com	Andrew B. Patrick, Reg. No. 63,471 Grace Kim, Reg. No. 71,977 Gretchen DeVries, Reg. No. 72,505 Fish & Richardson P.C. 60 South Sixth Street Minneapolis, MN 55402 Tel: 202-783-5070 Fax: 877-769-7945 Email: IPR50095-0132IP2@fr.com
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Dated: December 13, 2024

/Daniel C. Kiang/

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Attorney for Patent Owner
Masimo Corporation