
Subject: RE: Apple v Masimo (DE) - Cross-use of Apple documents in IPRs between the parties

Date: Tuesday, March 26, 2024 at 9:15:58 PM Pacific Daylight Time

From: Daniel Hughes

To: Jordan Malz

CC: Knobbe.MasimoDE, Jack Phillips, Megan C. Haney, Palapura, Bindu A., Moore, David E., whmasimoantitrustservice@wilmerhale.com, Apple Masimo Service

Jordan,

Thank you for meeting with me today. At the meet and confer, we first discussed the IPR protective order. Masimo asked Apple if the IPR Protective Order proposed by Apple's IPR counsel was sufficient to resolve this portion of Apple's objections to cross use. Apple said that it would resolve Apple objections to the IPR protective order if Masimo agreed to include a provision in the IPR protective order memorializing Masimo's below agreement that the Delaware Prosecution Bar would continue to apply to any Masimo outside counsel, expert, or support staff who receives the below requested evidence. Masimo will propose such a provision to Masimo's IPR counsel.

Masimo then asked if Apple would agree to cross use of any of the below documents if such a protective order was entered. Apple would not agree to allow cross use of any of the identified documents if such a protective order was entered.

Thanks,
Daniel

Daniel Hughes

Partner

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Knobbe Martens