

Filed: June 8, 2022

Filed on behalf of:

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.

Petitioner,

v.

MASIMO CORPORATION,

Patent Owner.

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Case IPR2020-01526

U.S. Patent 6,771,994

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**PATENT OWNER'S NOTICE OF APPEAL TO THE U.S. COURT OF  
APPEALS FOR THE FEDERAL CIRCUIT**

Pursuant to 28 U.S.C. § 1295(a)(4)(A), 35 U.S.C. §§ 141(c), 142, and 319, 37 C.F.R. §§ 90.2(a) and 90.3, and Rule 4(a) of the Federal Rules of Appellate Procedure, Patent Owner Masimo Corporation (“Masimo”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Judgment – Final Written Decision (Paper No. 31) entered on April 12, 2022 (Attachment A) and from all underlying orders, decisions, rulings, and opinions that are adverse to Masimo related thereto and included therein, including those within the Decision Granting Institution of *Inter Partes* Review, entered April 16, 2021 (Paper 7). Masimo appeals the Patent Trial and Appeal Board’s determination that claim 15 of U.S. Patent 6,771,994 is unpatentable, and all other findings and determinations, including but not limited to claim construction, as well as all other issues decided adverse to Masimo’s position or as to which Masimo is dissatisfied in IPR2020-01526 involving U.S. Patent 6,771,994.

Masimo is concurrently providing true and correct copies of this Notice of Appeal, along with the required fees, with the Director of the United States Patent and Trademark Office and the Clerk of the United States Court of Appeals for the Federal Circuit.

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 8, 2022

/John M. Grover/

John M. Grover (Reg. No. 42,610)

Customer No. 42,610

## CERTIFICATE OF SERVICE

I hereby certify that the original of this Notice of Appeal was filed via U.S.P.S. Priority Mail Express on June 8, 2022 with the Director of the United States Patent and Trademark Office at the address below:

Office of the Solicitor  
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Mail Stop 8, Post Office Box 1450  
Alexandria, VA 22313-1450

A copy of this Notice of Appeal is being filed and served on June 8, 2022 as follows:

**To the USPTO Patent Trial and Appeal Board:**

Patent Trial and Appeal Board  
Madison Building East  
600 Dulany Street  
Alexandria, VA 22313

*(via PTAB E2E – as authorized by the Board)*

**To the U.S. Court of Appeals for the Federal Circuit:**

Clerk of Court  
U.S. Court of Appeals for the Federal Circuit  
717 Madison Place, N.W.  
Washington, DC 20439

*(via CM/ECF – with filing fee)*

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*(via email pursuant to 37 C.F.R. § 42.6(e))*

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 8, 2022

/John M. Grover/

John M. Grover (Reg. No. 42,610)

Customer No. 42,610

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# ATTACHMENT A

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