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Filed on behalf of:

Patent Owner Masimo Corporation

By: Joseph R. Re (Reg. No. 31,291)

Stephen W. Larson (Reg. No. 69,133)

Jarom D. Kesler (Reg. No. 57,046)

Shannon H. Lam (Reg. No. 65,614)

KNOBBE, MARTENS, OLSON & BEAR, LLP

2040 Main Street, Fourteenth Floor

Irvine, CA 92614

Tel.: (949) 760-0404 Fax: (949) 760-9502

E-mail: AppleIPR2020-1526-994@knobbe.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.

Petitioner,

v.

MASIMO CORPORATION,

Patent Owner.

Case IPR2020-01526 U.S. Patent 6,771,994

PATENT OWNER RESPONSE



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TABLE OF AUTHORITIES

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ActiveVideo Networks, Inc. v. Verizon Commc'ns, Inc., 694 F.3d 1312 (Fed. Cir. 2012)	25
CCS Fitness, Inc. v. Brunswick Corp., 288 F.3d 1359 (Fed. Cir. 2002)	20
CFMT, Inc. v. YieldUp Int'l Corp., 349 F.3d 1333 (Fed. Cir. 2003)	24
In re Gordon, 733 F.2d 900 (Fed. Cir. 1984)	25, 31
In re Kahn, 441 F.3d 977 (Fed. Cir. 2006)	37, 44
<i>In re Kotzab</i> , 217 F.3d 1365 (Fed. Cir. 2000)	25
Liebel-Flarsheim Co. v. Medrad, Inc., 358 F.3d 898 (Fed. Cir. 2004)	23
Masimo Corp. v. Philips Elec. N. Am. Corp., C.A. No. 09–80–LPS, 2015 WL 2379485 (D. Del. May 18, 20	15) <i>passim</i>
In re NTP, Inc., 654 F.3d 1279 (Fed. Cir. 2011)	25
Ortho-McNeil Pharm., Inc. v. Mylan Labs., Inc., 520 F.3d 1358 (Fed. Cir. 2008)	25
Phillips v. AWH Corp., 415 F.3d 1303 (Fed. Cir. 2005)	20, 23, 24
Plas-Pak Indus., Inc. v. Sulzer Mixpac AG, 600 F. App'x 755 (Fed. Cir. 2015)	31



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