

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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IPR2020-01520 (Patent 10,258,265 B1)  
IPR2020-01536 (Patent 10,588,553 B2)  
IPR2020-01537 (Patent 10,588,553 B2)  
IPR2020-01538 (Patent 10,588,554 B2)  
IPR2020-01539 (Patent 10,588,554 B2)

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Record of Oral Hearing  
Held: December 7, 2021

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Before GEORGE R. HOSKINS, ROBERT L. KINDER, and  
AMANDA F. WIEKER, *Administrative Patent Judges*.

IPR2020-01520 (Patent 10,258,265 B1)  
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IPR2020-01539 (Patent 10,588,554 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ROBERTO DEVOTO, ESQUIRE  
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ON BEHALF OF PATENT OWNER:

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The above-entitled matter came on for hearing on Tuesday,  
December 7, 2021, commencing at 11:00 a.m., EDT, at the U.S. Patent and  
Trademark Office, by video/by telephone, before Julie Souza, Notary Public.

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## PROCEEDINGS

1 JUDGE HOSKINS: Good morning. This is Administrative Patent  
2 Judge George Hoskins. I'm joined on the panel today by my colleagues  
3 Judge Amanda Wieker and Judge Robert Kinder. We're here today with the  
4 parties for oral arguments in five related proceedings challenging three  
5 different patents. The common Petitioner is Apple Inc., in these cases and  
6 the common Patent Owner is Masimo Corporation. So with that  
7 introduction let me ask counsel to introduce themselves and make a -- if you  
8 want to introduce anybody else participating or listening in today that would  
9 be great and also if you plan on splitting the argument among the  
10 proceedings among different people give us an idea about how that's going  
11 to look, if you would. So let me start with counsel for Petitioner, please.

12 MR. RENNER: Yes, Your Honor. This is Karl Renner from Apple's  
13 bench. I'm joined today by Roberto Devoto and Andrew Patrick. They're  
14 here with me in the room and we will be splitting the presentation between  
15 the three of us in fact. (Indiscernible) you'll see there's a series of issues  
16 there four strong. The first issue (indiscernible) --

17 JUDGE HOSKINS: Thank you.

18 MR. RENNER: -- you're welcome. The first, there's three sub parts  
19 and I'll be handling 1A and 1C before turning it over to Mr. Devoto for 1B  
20 and 2, and then Andrew Patrick will finish out with issues 3 and 4.

21 JUDGE HOSKINS: Okay. Thank you very much, and so how about  
22 Patent Owner?

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1 MR. JENSEN: For Patent Owner, this is Steve Jensen with Knobbe  
2 Martens representing the Patent Owner and I'll be addressing all the issues.  
3 Briefly with me in the room today is Joe Re who was designated lead  
4 counsel. We did have something come up yesterday and he will not be able  
5 to stay with us and so I will be handling the entirety of the hearing as we  
6 informed the Board previously.

7 JUDGE HOSKINS: Okay. Thank you. So the order of arguments is  
8 going to be as set forth in our Order so it's going to start with Petitioner  
9 addressing Petitioner's case and then Patent Owner will have a chance to  
10 make its argument, and then Petitioner will have the opportunity for rebuttal  
11 and Patent Owner will have the opportunity for surrebuttal. We've granted  
12 each party a total of 75 minutes across that entire spectrum of argument with  
13 the opportunity to reserve time initially for the rebuttal or the surrebuttal. So  
14 let me ask then, Mr. Renner, do you wish to reserve time in advance for your  
15 rebuttal?

16 MR. RENNER: Yes, Your Honor. We want to reserve 30 minutes,  
17 please.

18 JUDGE HOSKINS: Thank you. And Mr. Jensen, do you have any  
19 reservations for surrebuttal that you want to make at this time?

20 MR. JENSEN: Yes, I would as well like to reserve some time and I'd  
21 like to reserve 25 minutes.

22 JUDGE HOSKINS: Thank you. So the panel has the entirety of the  
23 record before them on our computer screens as well as the parties'

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1 demonstratives. I would encourage you to refer to your demonstratives by  
2 number as you go through so that we can follow along easily and also so that  
3 the record is clear, and so before I then turn it over to Mr. Renner to begin  
4 let me just ask does anybody have any questions about the procedure today  
5 before we start the argument?

6 MR. RENNER: None here, Your Honor.

7 MR. JENSEN: None from us, Your Honor.

8 JUDGE HOSKINS: Okay. So thank you very much. Then, Mr.  
9 Renner, you can begin when you are ready and when you start we'll start a  
10 clock and we'll let you know as you near the end of your initial I guess 45  
11 minutes of time.

12 MR. RENNER: Thank you, Your Honor. Appreciate that. So let's  
13 turn if we could please to slide 2 in our presentation deck and from the  
14 record briefing I think it's clear the question of combinability is central to  
15 the dispute between the parties in these proceedings and with this in mind,  
16 and shown by our table as mentioned a moment ago, our presentation is  
17 really organized to address the rationale offered on the record to justify  
18 integration for features for which combinability was called into question  
19 during the proceedings.

20 As noted I'll be handling 1A and 1C first but before digging into those  
21 issues I wanted to call your attention to a rather unusual aspect of this case,  
22 specifically the prior art not only teaches us the four features that in fact are  
23 central to the dispute but it sets forth explicit motivations integrating these

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