

Filed: December 17, 2020

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)
Jacob L. Peterson (Reg. No. 65,096)

KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, Fourteenth Floor
Irvine, CA 92614
Tel.: (949) 760-0404
Fax: (949) 760-9502
E-mail: AppleIPR2020-1538-554@knobbe.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.

Petitioner,

v.

MASIMO CORPORATION,

Patent Owner.

Case IPR2020-01538
U.S. Patent 10,588,554

**MASIMO CORPORATION NOTICE OF WAIVER
OF PATENT OWNER PRELIMINARY RESPONSE**

IPR2020-01538

Apple Inc. v. Masimo Corporation

Pursuant to 37 C.F.R. § 42.107 and in reliance on 35 U.S.C. § 315(e), Patent Owner Masimo Corporation notes that Petitioner successfully moved to stay Masimo's patent claims in the district court based on a representation that Petitioner will be estopped from raising in that litigation invalidity grounds that were raised or reasonably could have been raised in these IPR proceedings. Masimo waives filing a preliminary response in this matter.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: December 17, 2020

/Jacob L. Peterson/
Jacob L. Peterson (Reg. No. 65,096)
Customer No. 64,735

Attorneys for Patent Owner
Masimo Corporation

IPR2020-01538

Apple Inc. v. 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 **MASIMO CORPORATION NOTICE OF WAIVER OF PATENT OWNER PRELIMINARY RESPONSE** is being served electronically on December 17, 2020, to the e-mail addresses shown below:

W. Karl Renner, Reg. No. 41,265
Andrew B. Patrick, Reg. No. 63,471
Fish & Richardson P.C.
3200 RBC Plaza
60 South Sixth Street
Minneapolis, MN 55402
Tel: 202-783-5070
Fax: 877-769-7945
Email: IPR50095-0013IP1@fr.com

Email: PTABInbound@fr.com; axf-ptab@fr.com; patrick@fr.com

Dated: December 17, 2020

/Jacob L. Peterson/

Jacob L. Peterson (Reg. No. 65,096)
Attorneys for Patent Owner
Masimo Corporation

34060535