

Filed February 10, 2021

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: AppleIPR2020-1713-564@knobbe.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.

Petitioner,

v.

MASIMO CORPORATION,

Patent Owner.

IPR2020-01713
Patent 10,624,564

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

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: February 10, 2021

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

Attorneys for Patent Owner
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 NOTICE OF WAIVER OF PATENT OWNER PRELIMINARY RESPONSE** is being served electronically on February 10, 2021, to the e-mail addresses shown below:

W. Karl Renner
Andrew B. Patrick
patrick@fr.com
Usman A. Khan
khan@fr.com
Fish & Richardson P.C.
3200 RBC Plaza
60 South Sixth Street
Minneapolis, MN 55402
IPR50095-0023IP1@fr.com
PTABInbound@fr.com

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Attorneys for Patent Owner
Masimo Corporation

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