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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, 14th Floor
Irvine, CA 92614
Tel.: (949) 760-0404
Fax: (949) 760-9502
E-mail: AppleIPR2020-1722-695@knobbe.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.

Petitioner,

v.

MASIMO CORPORATION,

Patent Owner.

IPR2020-01722
Patent 10,470,695

**MASIMO OBJECTIONS TO ADMISSIBILITY OF APPLE EVIDENCE
SUBMITTED BEFORE TRIAL INSTITUTION**

Pursuant to 37 C.F.R. § 42.64(b), Patent Owner Masimo Corporation objects as follows to the admissibility of evidence served with the initial Petition. Patent Owner reserves its rights to: (1) timely file a motion to exclude these objectionable exhibits or portions thereof; (2) challenge the credibility and/or weight that should be afforded to these exhibits, whether or not Patent Owner files a motion to exclude the exhibits; (3) challenge the sufficiency of the evidence to meet Petitioner’s burden of proof on any issue, including, without limitation, whether Petitioner met its burden to prove the prior art status of the alleged prior art on which it relies, whether or not Patent Owner has objected to, or files a motion to exclude, the evidence; and (4) cross examine any Petitioner declarant within the scope of his or her direct testimony that relates to these exhibits, without regard to whether Patent Owner has objected to the testimony or related exhibits or whether the testimony or related exhibits are ultimately found to be inadmissible.

Evidence	Objections
Ex. 1003 – Declaration of Dr. Anthony	<p>Masimo’s objections to Ex. 1003 are set forth below, including any material incorporated into the cited paragraphs below. To the extent Dr. Anthony’s declaration incorporates objectionable material in the cited paragraphs below in additional paragraphs or sections, Masimo’s objections apply with equal force to those additional paragraphs or sections.</p> <p>Incomplete, Irrelevant, Misleading (FRE 106, 401, 403):</p> <p>¶¶9-10 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited.</p> <p>¶11 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited.</p>

Evidence	Objections
	<p>¶16 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited.</p> <p>¶¶17-19 are misleading, incomplete, and irrelevant because they lack support for the contentions for which they are cited and they mischaracterize the teachings of Ex. 1001 and the alleged prior art.</p> <p>¶¶21-29 are misleading, incomplete, and irrelevant because they lack support for the contentions for which they are cited and they mischaracterize the teachings of Ex. 1014.</p> <p>¶¶30-37 are misleading, incomplete, and irrelevant because they lack support for the contentions for which they are cited and they mischaracterize the teachings of Ex. 1014.</p> <p>¶38 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and it mischaracterizes the teachings of Ex. 1001.</p> <p>¶¶39-52 are misleading, incomplete, and irrelevant because they lack support for the contentions for which they are cited and they mischaracterize the teachings of Ex. 1014.</p> <p>¶53 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and it mischaracterizes the teachings of Ex. 1014.</p> <p>¶54 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and it mischaracterizes the teachings of Ex. 1014.</p> <p>¶55 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and it mischaracterizes the teachings of Exs. 1014 and 1016.</p> <p>¶56 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and it mischaracterizes the teachings of Ex. 1014.</p>

Evidence	Objections
	<p>¶57 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and it mischaracterizes the teachings of Ex. 1014.</p> <p>¶58 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and it mischaracterizes the teachings of Ex. 1014.</p> <p>¶59 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and it mischaracterizes the teachings of Ex. 1014.</p> <p>¶60 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and it mischaracterizes the teachings of Exs. 1014 and 1005.</p> <p>¶61 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and it mischaracterizes the teachings of Exs. 1014, 1005, and 1018.</p> <p>¶¶62-63 are misleading, incomplete, and irrelevant because they lack support for the contentions for which they are cited and they mischaracterize the teachings of Ex. 1014.</p> <p>¶64 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and it mischaracterizes the teachings of Exs. 1014 and 1015.</p> <p>¶¶65-66 are misleading, incomplete, and irrelevant because they lack support for the contentions for which they are cited and they mischaracterize the teachings of Exs. 1014 and 1015.</p> <p>¶67 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and it mischaracterizes the teachings of Ex. 1014.</p> <p>¶¶68-76 are misleading, incomplete, and irrelevant because they lack support for the contentions for which they are cited and they</p>

Evidence	Objections
	<p data-bbox="427 279 1222 310">mischaracterize the teachings of Exs. 1014 and 1015.</p> <p data-bbox="427 363 1401 485">¶¶77-78 are misleading, incomplete, and irrelevant because they lack support for the contentions for which they are cited and they mischaracterize the teachings of Exs. 1014 and 1015.</p> <p data-bbox="427 531 1344 653">¶79 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and it mischaracterizes the teachings of Exs. 1014 and 1015.</p> <p data-bbox="427 699 1401 821">¶¶80-82 are misleading, incomplete, and irrelevant because they lack support for the contentions for which they are cited and they mischaracterize the teachings of Exs. 1014 and 1015.</p> <p data-bbox="427 867 1344 989">¶83 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and it mischaracterizes the teachings of Exs. 1014 and 1015.</p> <p data-bbox="427 1035 1401 1157">¶¶84-86 are misleading, incomplete, and irrelevant because they lack support for the contentions for which they are cited and they mischaracterize the teachings of Exs. 1014 and 1015.</p> <p data-bbox="427 1203 1344 1325">¶87 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and it mischaracterizes the teachings of Ex. 1005.</p> <p data-bbox="427 1371 1344 1493">¶88 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and it mischaracterizes the teachings of Exs. 1005 and 1015.</p> <p data-bbox="427 1539 1344 1661">¶89 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and it mischaracterizes the teachings of Ex. 1005.</p> <p data-bbox="427 1707 1344 1829">¶90 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and it mischaracterizes the teachings of Exs. 1005, 1014, and 1015.</p>

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