

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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Case IPR2020-01722  
Patent 10,470,695

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**PETITIONER'S OBJECTIONS TO EVIDENCE**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner hereby submits the following objections to evidence filed with Patent Owner's Response of August 9, 2021.

<u>Evidence</u>	<u>Objections</u>
<b>Exhibit 2001</b>	Petitioner objects to the admissibility of Exhibit 2001 under FRE 702 and 703, because it contains opinions that are conclusory, do not disclose supporting facts or data, are based on unreliable facts, data, or methods, and/or include testimony outside the scope of Dr. Madisetti's specialized knowledge (to the extent he has any such knowledge) that will not assist the trier of fact. Petitioner also objects to Exhibit 2001 as containing opinions that are irrelevant, confusing, and presenting the danger of unfair prejudice under FRE 401, 402, and 403.
<b>Exhibit 2003</b>	Petitioner incorporates the real-time objections made by Petitioner's counsel reflected in Exhibit 2003, to the extent that such objections relate to portions of Exhibit 2003 that are cited in Patent Owner's Response.
<b>Exhibit 2006</b>	Petitioner objects to the admissibility of Exhibit 2006 under FRE 401, 402, and 403 at least insofar as the Patent Owner Response does not establish the relevance of the statements cited to the issues in the present proceeding, and at least insofar as the cited statements are potentially misleading when taken out of context.  Petitioner objects to Exhibit 2006 under FRE 901, as Patent Owner has not submitted evidence that the document is

<u>Evidence</u>	<u>Objections</u>
	<p>authentic, nor that the document is self-authenticating. Petitioner further objects to Exhibit 2006 under FRE 801 and 802 as inadmissible hearsay, to the extent Patent Owner relies on statements from Exhibit 2006 for their truth. <i>See, e.g.</i>, POR, 1.</p>
<b>Exhibit 2007</b>	<p>Petitioner objects to the admissibility of Exhibit 2007 under FRE 401, 402, and 403 at least insofar as the Patent Owner Response does not establish the relevance of the statements cited to the issues in the present proceeding, and at least insofar as the cited statements are potentially misleading when taken out of context.</p> <p>Petitioner objects to Exhibit 2007 under FRE 901, as Patent Owner has not submitted evidence that the document is authentic, nor that the document is self-authenticating. Petitioner further objects to Exhibit 2007 under FRE 801 and 802 as inadmissible hearsay, to the extent Patent Owner relies on statements from Exhibit 2007 for their truth. <i>See, e.g.</i>, POR, 1.</p>
<b>Exhibit 2008</b>	<p>Petitioner objects to the admissibility of Exhibit 2008 under FRE 401, 402, and 403 at least insofar as the Patent Owner Response does not establish the relevance of the statements cited to the issues in the present proceeding, and at least insofar as the cited statements are potentially misleading when taken out of context.</p> <p>Petitioner objects to Exhibit 2008 under FRE 901, as Patent</p>

<u>Evidence</u>	<u>Objections</u>
	<p>Owner has not submitted evidence that the document is authentic, nor that the document is self-authenticating. Petitioner further objects to Exhibit 2008 under FRE 801 and 802 as inadmissible hearsay, to the extent Patent Owner relies on statements from Exhibit 2008 for their truth. <i>See, e.g., Ex. 2001, [70].</i></p>
<b>Exhibit 2009</b>	<p>Petitioner objects to the admissibility of Exhibit 2009 under FRE 401, 402, and 403 at least insofar as the Patent Owner Response does not establish the relevance of the statements cited to the issues in the present proceeding, and at least insofar as the cited statements are potentially misleading when taken out of context.</p> <p>Petitioner objects to Exhibit 2009 under FRE 901, as Patent Owner has not submitted evidence that the document is authentic, nor that the document is self-authenticating.</p> <p>Petitioner further objects to Exhibit 2009 under FRE 801 and 802 as inadmissible hearsay, to the extent Patent Owner relies on statements from Exhibit 2009 for their truth. <i>See, e.g., Ex. 2001, [83].</i></p>

For at least these reasons, Petitioner objects to Exhibits 2001, 2003, 2006-2009. Petitioner reserves the right to move to exclude Exhibits 2001, 2003, 2006-2009.

Respectfully submitted,

Dated: August 16, 2021

/Dan Smith/

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