

Filed February 19, 2021

On behalf of:

Patent Owner Masimo Corporation
By: Joseph R. Re (Reg. No. 31,291)
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.

Petitioner,

v.

MASIMO CORPORATION,

Patent Owner.

IPR2020-01737
Patent 10,709,366

**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 19, 2021

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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 19, 2021, to the e-mail addresses shown below:

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