

Filed: March 29, 2024

Filed on behalf of:

Patent Owner Masimo Corporation
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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.

Case IPR2022-01291
U.S. Patent 10,687,745

**PATENT OWNER'S NOTICE OF APPEAL TO THE U.S. COURT OF
APPEALS FOR THE FEDERAL CIRCUIT**

IPR2022-01291

Apple Inc. v. Masimo Corporation

Pursuant to 28 U.S.C. § 1295(a)(4)(A), 35 U.S.C. §§ 141(c), 142, and 319, 37 C.F.R. §§ 90.2(a) and 90.3, and Rule 4(a) of the Federal Rules of Appellate Procedure, Patent Owner Masimo Corporation (“Masimo”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Judgement – Final Written Decision (Paper No. 75) entered on January 30, 2024 (Attachment A) and from all underlying orders, decisions, rulings, and opinions that are adverse to Masimo related thereto and included therein, including those within the Decision Granting Institution of *Inter Partes* Review, entered February 1, 2023 (Paper 15). Masimo appeals the Patent Trial and Appeal Board’s determination that claims 1, 9, 15, 18, 20, and 27 of U.S. Patent No. 10,687,745 are unpatentable, and all other findings and determinations, including but not limited to claim construction, obviousness, motivation to combine, reasonable expectation of success, objective indicia of nonobviousness, as well as all other issues decided adverse to Masimo’s position or as to which Masimo is dissatisfied in IPR2022-01291 involving U.S. Patent No. 10,687,745.

Masimo is concurrently providing true and correct copies of this Notice of Appeal, along with the required fees, with the Director of the United States Patent and Trademark Office and the Clerk of the United States Court of Appeals for the Federal Circuit.

IPR2022-01291

Apple Inc. v. Masimo Corporation

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 29, 2024

/Daniel Kiang/

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Attorneys for Patent Owner

Masimo Corporation

ATTACHMENT A

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

MASIMO CORPORATION,
Patent Owner.

IPR2022-01291
Patent 10,687,745 B1

Before JOSIAH C. COCKS, GEORGE R. HOSKINS, and
ROBERT A. POLLOCK, *Administrative Patent Judges*.

HOSKINS, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)

ORDER
Denying Petitioner's Motion to Exclude and
Denying Patent Owner's Motion to Exclude
37 C.F.R. § 42.64(c)

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