

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

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R. § 42.70(a), Petitioner, Apple Inc., hereby submits this Request for Oral Argument on all of the instituted grounds of unpatentability of claims 1, 9, 15, 18, 20, and 27 of U.S. Patent No. 10,687,745.

The grounds and issues disputed in the present proceeding (IPR2022-01291) substantially overlap those in related proceeding IPR2022-01465, and given this overlap, Petitioner respectfully requests that the hearings for these two proceedings be consolidated to a single hearing at which the parties would be permitted to address issues from both proceedings. Petitioner requests 75 minutes per side of oral argument time for a consolidated hearing and requests that the hearing be conducted virtually by videoconference. Petitioner respectfully requests that the parties be afforded equal time to present at the hearing regardless of the total hearing time that the Board may authorize.

Petitioner specifically requests authorization to address at least the following issues at the hearing, without waiving consideration of any issue not listed below:

1. Obviousness of claims 1 and 9 in Ground 1A based on the teachings of Iwamiya in view of Sarantos;
2. Obviousness of claims 15, 18, 20, and 27 in Ground 1B based on the teachings of Iwamiya in view of Sarantos and Venkatraman;

3. Obviousness of claims 1, 9, 15, and 18 in Ground 2A based on the teachings of Sarantos in view of Shie;

4. Obviousness of claims 15, 18, 20, and 27 in Ground 2B based on the teachings of Sarantos in view of Shie and Venkatraman;

5. Any claim construction issues;

6. Any procedural and/or evidentiary issues;

7. Rebuttal to Patent Owner's presentation on all matters; and

8. Any additional issues on which the Board seeks clarification.

Respectfully submitted,

Dated: September 22, 2023

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e)(4), the undersigned certifies that on September 22, 2023, a complete and entire copy of this Petitioner's Request for Oral Argument were provided via email, to the Patent Owner by serving the email correspondence address of record as follows:

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