

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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IPR2022-01291 (Patent 10,687,745 B1)  
IPR2022-01465 (Patent 10,687,745 B1)<sup>1</sup>

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

HOSKINS, *Administrative Patent Judge*.

ORDER  
Conduct of the Proceedings  
37 C.F.R. § 42.5

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<sup>1</sup> This order is being filed in each proceeding listed in the caption, due to the common issues addressed. The parties are not authorized to use a combined caption in these proceedings.

IPR2022-01291 (Patent 10,687,745 B1)

IPR2022-01465 (Patent 10,687,745 B1)

On October 23, 2023, Petitioner’s counsel sent an email communication (“Email”)<sup>2</sup> to the Board requesting an increase in the page limitation for the Response to Expert Testimony, from 10 pages to 15 pages,<sup>3</sup> in both of these two proceedings. Petitioner suggests this increase is justified “given the length of Dr. Duckworth’s declaration (77 pages) and the number of issues addressed.” *See* Email.

We have reviewed the Patent Owner Sur-reply<sup>4</sup> and the Declaration of R. James Duckworth<sup>5</sup> filed with the Sur-reply. We conclude that 10 pages is a sufficient allotment for Petitioner to respond to the 34 pages of argument in the Sur-reply, which includes several illustrations.

In consideration of the foregoing, it is hereby ORDERED that Petitioner’s request for an increase in the page limitation for the Response to Expert Testimony is *denied*.

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<sup>2</sup> *See* IPR2022-01291 Exhibit 3004 & IPR2022-01465 Exhibit 3003 (copy of Petitioner’s email communication, and Board’s email response).

<sup>3</sup> *See* IPR2022-01291 Paper 48 & IPR2022-01465 Paper 48 (Order concerning Petitioner’s Response to Expert Testimony, imposing page limitation at page 2).

<sup>4</sup> *See* IPR2022-01291 Paper 49 & IPR2022-01465 Paper 49.

<sup>5</sup> *See* IPR2022-01291 Exhibit 2100 & IPR2022-01465 Exhibit 2100.

IPR2022-01291 (Patent 10,687,745 B1)

IPR2022-01465 (Patent 10,687,745 B1)

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