

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)
IPR2022-01465 (Patent 10,687,745 B1)¹

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

HOSKINS, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. §§ 42.5, 42.15, and 42.54

¹ 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)

Oral argument in each of these two proceedings occurred, in a consolidated fashion, on November 17, 2023. A corresponding Transcript has been entered in each proceeding, which is viewable only by the parties and the Board (not the public), due to the potential of confidential information subject to a Protective Order previously entered in these two cases being discussed. *See* IPR2022-01291, Paper 71; IPR2022-01465, Paper 69 (“Transcript” or “Tr.”); *see also* IPR2022-01291, Paper 48, 4–5 (Trial Hearing Order, setting forth procedures for handling the discussion of confidential information during the oral argument).

In order to maximize public availability of the record presented in these cases, the parties shall each review the Transcript to identify whether any confidential information subject to the Protective Order was discussed. *If such confidential information was discussed*, the parties shall jointly prepare and file in each proceeding a publicly available version of the Transcript, in which the header (“BOARD AND PARTIES ONLY”) is removed, and in which the confidential information has been redacted out. Any such redactions must be limited to the portion of the Transcript corresponding to the session that was closed to the public, which begins on page 54 (line 1) of the Transcript. *If such confidential information was not discussed*, the parties shall jointly file in each proceeding a publicly available version of the entire Transcript with the header removed, and without redactions.

In consideration of the foregoing, it is hereby:

ORDERED that the parties shall each review the Transcript to identify whether any confidential information subject to the Protective Order was discussed; and

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

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

FURTHER ORDERED that the parties shall complete the filing of a publicly available version of the Transcript, as set forth above, on or before December 29, 2023.

FOR PETITIONER:

W. Karl Renner
Nicholas Stephens
Andrew B. Patrick
Kim Leung
Patrick J. Bisenius
Patrick J. King
FISH & RICHARDSON P.C.
axf-ptab@fr.com
nstephens@fr.com
patrick@fr.com
leung@fr.com
bisenius@fr.com
pking@fr.com

FOR PATENT OWNER:

Brian Claassen
Carol Pitzel Cruz
Daniel Kiang
Jeremiah Helm
KNOBBE, MARTENS, OLSON, & BEAR, LLP
2bcc@knobbe.com
2cmp@knobbe.com
2dck@knobbe.com
2jgh@knobbe.com