

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

MASIMO CORPORATION,
Patent Owner.

IPR2022-01299
Patent US 7,761,127 B2

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

POLLOCK, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Motion to Seal
Granting Petitioner's Unopposed Motion to Seal

37 C.F.R. §§ 42.5, 42.14, 42.54

Patent Owner filed a Motion to Seal documents it classifies as Confidential Business Information (“CBI”): Exhibits 2102–2104, 2106, 2107, 2109–2121, 2127, 2128, 2131–2134, 2151, 2157, 2158, 2181, and 2182. Paper 36, 1; *see also* Exhibit 2094 (“Protective Order”).

Petitioner filed an Unopposed Motion to Seal various documents it also classifies as CBI: the confidential version of Paper 46 (public version in Paper 45), Exhibit 1056, and portions of Exhibit 1055 (public version also filed). Paper 44, 1.

The documents sought to be protected under seal were filed since our last Order Granting Patent Owner’s Renewed Motions, in Paper 30.

As set forth in the Motions, the material sought to be sealed largely relates to Patent Owner’s contentions of objective evidence of non-obviousness, including its arguments of nexus between its commercial products and the challenged claims, and supporting evidence, including Declarations and deposition testimony. Paper 36 at 2–7; Paper 44 at 1–4.

We find that good cause exists to seal each of the exhibits requested by Patent Owner. Patent Owner’s motion to seal is unopposed, and Patent Owner has provided public, redacted versions of each declaration it seeks to protect with limited redactions, and, thus, has balanced the strong public policy interest in making information available to the public with its own interests in maintaining certain information as business confidential. Accordingly, we grant Patent Owner’s motions to seal Exhibits 2102–2104, 2106, 2107, 2109–2121, 2127, 2128, 2131–2134, 2151, 2157, 2158, 2181, and 2182.

Petitioner’s motion is unopposed, and Petitioner has provided public, redacted versions of Paper 46 and Exhibit 1055 it seeks to protect with

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limited redactions, and, thus, has balanced the strong public policy interest in making information available to the public with its own interests in maintaining certain information as business confidential.¹ Accordingly, we grant Petitioner’s Motion to seal Exhibit 1056, the confidential versions of the Reply in Paper 46, and the confidential version of Exhibit 1055.

SO ORDERED

¹ There is an apparently inadvertent reference to a redacted version of Ex. 1056 “being filed” (Paper 44, 1), but no such reference was filed.

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