

Filed: March 26, 2024

Filed on behalf of:

Patent Owner Masimo Corporation  
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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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Case IPR2022-01299  
U.S. Patent 7,761,127

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

IPR2022-01299

*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 Final Written Decision Determining All Challenged Claims Unpatentable (Paper No. 65) entered on January 25, 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 21). Masimo appeals the Patent Trial and Appeal Board’s determination that claims 1-30 of U.S. Patent No. 7,761,127 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 IPR2022-01299 involving U.S. Patent No. 7,761,127.

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.

IPR2022-01299

*Apple Inc. v. Masimo Corporation*

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 26, 2024

/Ted M. Cannon/

Ted M. Cannon (Reg. No. 55,036)

Customer No. 64,735

Attorney for Patent Owner

Masimo Corporation

# ATTACHMENT A

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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IPR2022-01299  
Patent 7,761,127 B2

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

POLLOCK, *Administrative Patent Judge*.

FINAL WRITTEN DECISION

Determining All Challenged Claims Unpatentable

*35 U.S.C. §§ 318(a)*

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