

Filed: September 20, 2023

Filed on behalf of:

Patent Owner Masimo Corporation
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

MASIMO CORPORATION,
Patent Owner.

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

PATENT OWNER REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R. § 42.70(a) and the Scheduling Order (Paper 22), Patent Owner Masimo Corporation requests that the Patent Trial and Appeal Board hear oral argument on the following issues:

1. Whether Petitioner met its burden to prove that claims 1–30 of the '127 patent are unpatentable based on the grounds identified in the Petition.
2. All subsidiary issues relevant to issue no. 1, including, without limitation, claim construction, objective indicia of non-obviousness, and the weight and interpretation of evidence.
3. Any other issues that have, at the time of the oral hearing, been presented to the Board but not yet resolved, including, without limitation, any motion to exclude.

Masimo considers 60 minutes of oral argument time per side to be sufficient for consideration of the issues. Masimo prefers that an in-person oral hearing be held at the USPTO headquarters in Alexandria.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 20, 2023

/Ted M. Cannon/

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

Attorney for Patent Owner
Masimo Corporation

IPR2022-01299

Apple Inc. v. Masimo Corporation

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to 37 C.F.R. § 42.6(e) and with the agreement of counsel for Petitioner, a true and correct copy of **PATENT OWNER REQUEST FOR ORAL ARGUMENT** is being served electronically on September 20, 2023, to the e-mail addresses shown below:

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Dated: September 20, 2023

/Ted M. Cannon/

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

Attorney for Patent Owner
Masimo Corporation