

**From:** [Trials](#)  
**To:** [Ted Cannon](#)  
**Cc:** [IPR50095-0046IP1@fr.com](#); [IPR50095-0046IP2@fr.com](#); [AppleIPR127-1](#); [AppleIPR127-2](#); [Trials](#)  
**Subject:** RE: IPR2022-01299 & IPR2022-01300 - Clarification re November 15, 2022 Order  
**Date:** Thursday, November 17, 2022 9:19:27 AM

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Counsel:

Patent Owner is authorized to file its renewed motion to seal. The motion need not be submitted jointly but shall otherwise be filed as set forth in our Order of November 15. Petitioner is urged to file any opposition—or inform the Board that the motion is no longer opposed—at its earliest convenience. With respect to the substance of the motion and any opposition, we direct the parties to IPR2016-00258, Paper 37.

Regards,

Esther Goldschlager  
Supervisory Paralegal Specialist  
Patent Trial and Appeal Board

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**From:** Ted Cannon <Ted.Cannon@knobbe.com>  
**Sent:** Wednesday, November 16, 2022 4:34 PM  
**To:** Trials <Trials@USPTO.GOV>  
**Cc:** IPR50095-0046IP1@fr.com; IPR50095-0046IP2@fr.com; AppleIPR127-1 <AppleIPR127-1@knobbe.com>; AppleIPR127-2 <AppleIPR127-2@knobbe.com>  
**Subject:** IPR2022-01299 & IPR2022-01300 - Clarification re November 15, 2022 Order

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Dear Board,

I write to seek clarification regarding one aspect of the Board’s November 15, 2022 Order Denying Without Prejudice Patent Owner’s Motion to Seal and for Entry of a Modified Protective Order. The November 15, 2022 Order states that a party filing a motion to seal shall file “a **jointly** proposed protective order” and that Masimo has not “**jointly** submitted the proposed protective order.” IPR2022-01299 Paper 13 at 2 (emphases added). However, the parties have met and conferred about the protective order Masimo proposes and have not reached agreement on a jointly proposed protective order. Specifically, Apple opposes at least Masimo’s proposed prosecution bar provisions. In view of the parties’ lack of agreement, the parties cannot jointly submit a proposed protective order. Thus, Masimo seeks clarification from the Board whether Masimo may file its proposed protective order, which Apple opposes.

If a conference call with the Board is necessary, the parties are available for a conference call

with the Board at the following times (Eastern Time):

- Thursday, November 17, 2022, 2:00 – 2:30 pm or 4:00 pm or later
- Friday, November 18, 2022, 3:00 – 5:00 pm

Respectfully,

Ted Cannon  
Counsel for Patent Owner

**Ted M. Cannon**

Partner

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