Filed on behalf of:
Patent Owner Masimo Corporation
By: Brian C. Claassen (Reg. No. 63,051)
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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 IPR2022-01465 U.S. Patent 10,687,745

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

DOCKET

IPR2022-01465

#### 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 Judgement – Final Written Decision (Paper No. 72) entered on February 2, 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 6, 2023 (Paper 15). Masimo appeals the Patent Trial and Appeal Board's determination that claims 2-6, 8, 10–12, 14, 17, 19, 21–24, and 26 of U.S. Patent No. 10,687,745 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 IPR2022-01465 involving U.S. Patent No. 10,687,745.

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. IPR2022-01465 Apple Inc. v. Masimo Corporation

## KNOBBE, MARTENS, OLSON & BEAR, LLP

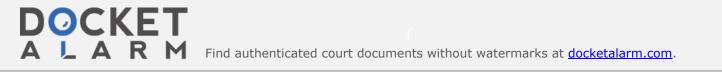
Dated: March 29, 2024

/Daniel Kiang/

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# ATTACHMENT A



Trials@uspto.gov 571-272-7822

Paper 72 Date: February 2, 2024

## UNITED STATES PATENT AND TRADEMARK OFFICE

# BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., Petitioner,

v.

MASIMO CORPORATION, Patent Owner.

> IPR2022-01465 Patent 10,687,745 B1

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

HOSKINS, Administrative Patent Judge.

DOCKET

JUDGMENT Final Written Decision Determining Some Challenged Claims Unpatentable 35 U.S.C. § 318(a)

ORDER Denying Petitioner's Motion to Exclude and Denying Patent Owner's Motion to Exclude  $37 C.F.R. \S 42.64(c)$ 

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