

Filed: September 22, 2023

Filed on behalf of:

Patent Owner Masimo Corporation  
By: Brian C. Claassen (Reg. No. 63,051)  
Carol Pitzel Cruz (Reg. No. 61,224)  
Daniel C. Kiang (Reg. No. 79,631)  
Jeremiah S. Helm, Ph.D. (admitted *pro hac vice*)

KNOBBE, MARTENS, OLSON & BEAR, LLP  
2040 Main Street, Fourteenth Floor  
Irvine, CA 92614  
Tel.: (949) 760-0404  
Fax: (949) 760-9502  
E-mail: AppleIPR745-3@knobbe.com

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 REQUEST FOR ORAL ARGUMENT**

IPR2022-01465

Apple Inc. v. Masimo Corporation

Pursuant to 37 C.F.R. § 42.70(a) and the Scheduling Order (Paper 16), Patent Owner Masimo Corporation respectfully requests that the Board hear oral argument in person on the instituted grounds in IPR2022-01465 regarding U.S. Patent No. 10,687,745 (“’745 Patent”). The Board has currently scheduled oral argument for November 1, 2023. (Paper 16).

The Board has also scheduled oral argument in IPR2022-01291 for November 1, 2023. *See* IPR2022-01291, Paper 16. IPR2022-01291 involves additional claims of the ’745 Patent and substantially the same obviousness grounds. Due to the overlap in issues between the two IPRs, Patent Owner respectfully requests that the oral argument for IPR2022-01291 and IPR2022-01465 be consolidated into one oral argument. Patent Owner requests that the Board allot each party sixty (60) minutes for a consolidated oral argument, or thirty (30) minutes if the arguments are not consolidated.

Patent Owner requests (without waiving consideration of any issue not listed below) to address the following issues with respect to IPR2022-01465:

- The proper construction of the challenged claims;
- Whether Claims 2, 3, 5, 6, 8, 10-12, and 14 would have been obvious over Iwamiya and Sarantos;
- Whether Claims 4, 17, 19, and 21-26 would have been obvious over Iwamiya, Sarantos, and Venkatraman;

- Whether Claims 2, 5, 6, 8, 10-11, 13-14, 17, and 19 would have been obvious over Sarantos and Shie;
- Whether Claims 3-4, 17, 19, and 21-26 would have been obvious over Sarantos, Shie, and Venkatraman;
- Whether Claim 12 would have been obvious over Sarantos, Shie, and Savant;
- Whether a POSITA would have had a reasonable expectation of success in combining the references asserted in the Petition to obtain the claimed inventions;
- Whether Petitioner's Reply improperly raises new arguments and new evidence that exceed the proper scope of reply;
- Whether Petitioner's Reply improperly exceeds the word limit for a Reply by incorporating by reference arguments from the supplemental expert declaration (EX1042);
- Any other issues in papers yet to be filed, such as Motions to Exclude and any Petitioner paper filed after Masimo's Sur-Reply;
- Any rebuttal to Petitioner's presentation on any issue; and
- Any other issues the Board deems necessary for issuing a final written decision.

IPR2022-01465

Apple Inc. v. Masimo Corporation

Patent Owner currently anticipates that four (4) individuals will attend the oral argument on its behalf. Patent Owner requests permission to use audio/visual equipment to display demonstrative exhibits, including the projector and screens in the hearing room to project PowerPoint slides or other electronic materials.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 22, 2023

*/Daniel C. Kiang/*

Daniel C. Kiang (Reg. No. 79,631)

Customer No. 64,735

Attorney for Patent Owner

Masimo Corporation

IPR2022-01465

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 **REQUEST FOR ORAL ARGUMENT** is being served electronically on September 22, 2023, to the e-mail addresses shown below:

|                                                                                                                                                                                          |                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| W. Karl Renner<br>Fish & Richardson P.C.<br>3200 RBC Plaza<br>60 South Sixth Street<br>Minneapolis, MN 55402<br>Tel: 612-335-5070<br>Fax: 612-288-9696<br>Email: IPR50095-0045IP3@fr.com | Nicholas Stephens<br>Andrew B. Patrick<br>Kim Leung<br>Patrick J. Bisenius<br>Patrick J. King<br>Fish & Richardson P.C.<br>3200 RBC Plaza<br>60 South Sixth Street<br>Minneapolis, MN 55402<br>Tel: 202-783-5070<br>Fax: 877-769-7945<br>Email: PTABInbound@fr.com |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Dated: September 22, 2023

/Daniel C. Kiang/

Daniel C. Kiang (Reg. No. 79,631)

Attorney for Patent Owner  
Masimo Corporation