

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SOTERA WIRELESS, INC.,
Petitioner,

v.

MASIMO CORPORATION,
Patent Owner.

IPR2020-00912 (Patent 10,213,108 B2)
IPR2020-00954 (Patent 9,788,735 B2)
IPR2020-01015 (Patent 9,795,300 B2)
IPR2020-01054 (Patent 9,872,623 B2)

Record of Oral Hearing
Held: August 26, 2021

Before JOSIAH C. COCKS, JENNIFER MEYER CHAGNON, and
ROBERT L. KINDER, *Administrative Patent Judges*.

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APPEARANCES:

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The above-entitled matter came on for hearing on Thursday, August 26, 2021, commencing at 1:00 p.m., EDT, by video/telephone.

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PROCEEDINGS

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2 JUDGE KINDER: Good afternoon. This is Judge Kinder.
3 Good afternoon everyone and with me on the panel today are
4 Judges Cocks and Chagnon, and today we have four IPR
5 proceedings that we're going to hear oral argument in. Each IPR
6 is captioned Sotera Wireless as Petitioner versus Masimo
7 Corporation, Patent Owner and just for the record the IPR
8 numbers are IPR 2020 and the cases are 912, 954, 1015 and
9 1054. If we could real quick get a roll call. I want to see who's
10 on the line for Petitioner.

11 MR. TELSCHER: On the line for Petitioner is Rudy
12 Telscher of the law firm of Husch Blackwell.

13 JUDGE KINDER: All right. Mr. Telscher, did I say that
14 correctly?

15 MR. TELSCHER: It's Telscher but close enough.

16 JUDGE KINDER: Telscher, I apologize. Are you going to
17 be arguing today?

18 MR. TELSCHER: I will be arguing, Your Honor.

19 JUDGE KINDER: Great. Anybody else with your firm
20 today participating?

21 MR. TELSCHER: Well, with me is Nathan Sportel. If
22 there are going to be arguments over the Motions to Exclude he
23 would handle those. I guess there's a possibility he might say

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1 something but we're planning on me doing most or all of the
2 talking.

3 JUDGE KINDER: All right. Thank you. And Masimo for
4 Patent Owner, who's representing today?

5 MS. SWAROOP: Good afternoon, Your Honor. This is
6 Sheila Swaroop of Knobbe, Martens, Olson & Bear for Patent
7 Owner Masimo.

8 JUDGE KINDER: All right. Ms. Swaroop, did I say that
9 correctly?

10 MS. SWAROOP: You did, Your Honor.

11 JUDGE KINDER: Okay. Thank you very much. All right.
12 Anybody else with you today or is it going to be you arguing all
13 day?

14 MS. SWAROOP: I will be presenting today, Your Honor.

15 JUDGE KINDER: All right. Great. And I do apologize.
16 I'm -- I think ragweed right now so my allergies are acting up so
17 I do apologize if my throat's a little scratchy. First I want to let
18 you all know that the hearing is open to the public. We did have
19 a request so I think we may have one or more people here from
20 the public actually watching in or listening to the hearing.
21 Today the parties are going to each be allotted 60 minutes. If at
22 any time during the proceeding you have technical issues let us
23 know. Obviously if you drop off you probably won't be able to
24 let us know but we will hopefully realize that as quickly as

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1 possible and will pause the proceeding. When we pause the
2 proceeding we won't count that against your time, obviously.
3 Hopefully, our team is really good and they usually get people
4 back up within three or four minutes so don't panic if we happen
5 to lose connection. It's not a big deal, it does happen and if for
6 some reason the video just isn't working we also have backup
7 telephone numbers for call in that you can use. So that will
8 hopefully not happen, but just to let you know sometimes it does.

9 So one thing that we try to do is everyone mute themselves
10 until they go to talk and then we have the inevitable where we
11 always forget to unmute ourselves when we actually do start
12 talking. But for courtesy the judges and all the staff will try to
13 stay muted until we ask a question and then counsel, please mute
14 yourself if the other counsel is speaking. We have
15 demonstratives. Both sides did a good job of getting us those
16 demonstratives ahead of time and we appreciate that. When you
17 refer to those, please give the slide number that you're referring
18 to in your deck and give us maybe a second or two to pull it up.
19 We're going to be pulling things up on our work stations and we
20 want to follow you as closely as possible so a brief pause helps
21 to do that and this is probably more for us, the judges. We'll try
22 to identify ourselves each time we speak so our court reporter
23 can know who's talking and when.

24 So the Petitioner bears the ultimate burden of proof in this

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