

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

APPLE INC.,  
Petitioner,

v.

MASIMO CORPORATION,  
Patent Owner.

---

IPR2021-00193 (Patent 10,299,708 B1)  
IPR2021-00195 (Patent 10,376,190 B1)  
IPR2021-00208 (Patent 10,258,266 B1)  
IPR2021-00209 (Patent 10,376,191 B1)

---

Record of Oral Hearing  
Held: March 15, 2022

---

Before JOSIAH C. COCKS, ROBERT L. KINDER, and  
AMANDA F. WIEKER, *Administrative Patent Judges*.

IPR2021-00193 (Patent 10,299,708 B1)  
IPR2021-00195 (Patent 10,376,190 B1)  
IPR2021-00208 (Patent 10,258,266 B1)  
IPR2021-00209 (Patent 10,376,191 B1)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

W. KARL RENNER, ESQ.  
ANDREW B. PATRICK, ESQ.  
HYUN JIN IN, Ph.D, ESQ.  
Fish & Richardson, P.C.  
1000 Maine Avenue, NW  
Washington, D.C. 20024  
(202) 626-6447 (Renner)  
(202) 626-7735 (Patrick)  
(202) 626-7765 (In)  
renner@fr.com  
patrick@fr.com  
in@fr.com

ON BEHALF OF THE PATENT OWNER:

JAROM D. KESLER, ESQ.  
STEPHEN W. LARSON, ESQ.  
Knobbe Martens  
2040 Main Street  
14th Floor  
Irvine, California 92614  
(949) 760-0404 (Kesler)  
(949) 721-5301 (Larson)  
jarom.kesler@knobbe.com  
stephen.larson@knobbe.com

JACOB PETERSON, ESQ.  
Knobbe Martens  
925 4th Avenue  
Suite 2500  
Seattle, Washington 98104  
(206) 405-2000  
jacob.peterson@knobbe.com

The above-entitled matter came on for hearing on March 15,  
2022, commencing at 12:59 p.m. EDT, via videoconference.



IPR2021-00193 (Patent 10,299,708 B1)  
IPR2021-00195 (Patent 10,376,190 B1)  
IPR2021-00208 (Patent 10,258,266 B1)  
IPR2021-00209 (Patent 10,376,191 B1)

1 Petitioner. would you please introduce yourself.

2 MR. PATRICK: Thank you, Your Honors. I'm Andrew  
3 Patrick, counsel for Petitioner. I'm joined today by my colleagues H.  
4 J. In and Karl Renner.

5 JUDGE WIEKER: Thank you very much.

6 And for Patent Owner?

7 MR. KESLER: Good morning. Jarom Kesler on behalf of  
8 Patent Owner Masimo. With me today is Jacob Peterson and Stephen  
9 Larson.

10 JUDGE WIEKER: Great. Thank you.

11 As discussed in our January 28th order, the four proceedings  
12 before us today will be argued together and will share a single  
13 transcript. Each side will have a total of 90 minutes of argument time  
14 with which to address all four proceedings. That 90-minute time  
15 allotment includes the parties' principle argument and any rebuttal.

16 Petitioner will begin first and then Patent Owner will follow.  
17 If requested, we will then hear Petitioner's rebuttal and Patent Owner  
18 sur-rebuttal. The panel will keep time and will aim to give you a  
19 warning a few minutes before the expiration of each party's principal  
20 argument time. As a reminder, Petitioner bears the burden of proving  
21 any proposition of unpatentability by a preponderance of the evidence.

22 Does either party have any questions regarding the procedure  
23 for today's argument before we get started?

24 MR. PATRICK: No, Your Honors.

25 MR. KESLER: No, Your Honor.

IPR2021-00193 (Patent 10,299,708 B1)  
IPR2021-00195 (Patent 10,376,190 B1)  
IPR2021-00208 (Patent 10,258,266 B1)  
IPR2021-00209 (Patent 10,376,191 B1)

1 JUDGE WIEKER: Thank you.

2 As a reminder, the hearing is open to the public and a full  
3 transcript of the hearing will become part of the record. Finally,  
4 please bear in mind that because this hearing is being held virtually,  
5 we cannot see your demonstrative exhibits, but we do have a copy of  
6 the papers and the demonstratives with us so if you can please identify  
7 each demonstrative slide number as you refer to it, that would be  
8 great.

9 With that, we will begin the argument. Mr. Patrick, would  
10 you like to reserve time for rebuttal?

11 MR. PATRICK: Thank you, Your Honor. Because the issues  
12 addressed in today's hearing overlap so strongly with those already  
13 addressed with respect to later patents and recent hearings, we are  
14 planning for a relatively short direct of about 20 minutes. In that  
15 regard, we would like to reserve the remainder of our time, although  
16 we're not sure that we'd use it.

17 JUDGE WIEKER: Okay, Petitioner. You may begin your  
18 argument when you're ready.

19 MR. PATRICK: Okay. Thank you, Your Honors. May it  
20 please the Board, my name is Andrew Patrick and I represent  
21 Petitioner Apple. I would like Your Honors to turn to slide 2 of the  
22 deck which provides an overview of our demonstratives.

23 Similar to the issues address in recent hearings, the dispute  
24 between the parties in the proceedings before Your Honors today  
25 turns on the question of combinability. Indeed, similar to those

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.