

Filed July 27, 2022

On behalf of:

Patent Owner Masimo Corporation  
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.

Petitioner,

v.

MASIMO CORPORATION,

Patent Owner.

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IPR2021-00209  
Patent 10,376,191

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

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 Judgment – Final Written Decision (Paper 32) entered on May 25, 2022 (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 June 3, 2021 (Paper 7). Masimo appeals the Patent Trial and Appeal Board’s determination that claims 1-6, 8-16, 18 and 19 of U.S. Patent 10,376,191 are unpatentable, and all other findings and determinations, including but not limited to claim construction, as well as all other issues decided adverse to Masimo’s position or as to which Masimo is dissatisfied in IPR2021-00209 involving Patent 10,376,191.

Masimo is concurrently providing true and correct copies of this Notice of Appeal, along with the required fees, to the Director of the United States Patent and Trademark Office and the Clerk of the United States Court of Appeals for the Federal Circuit.

IPR2021-00209 – Patent 10,376,191  
Apple v. Masimo

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 27, 2022

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Attorneys for Patent Owner

Masimo Corporation

**CERTIFICATE OF SERVICE**

I hereby certify that the original of this Notice of Appeal was filed via U.S.P.S. Priority Mail Express on July 27, 2022 with the Director of the United States Patent and Trademark Office at the address below:

Office of the Solicitor  
United States Patent and Trademark Office  
Mail Stop 8, P.O. Box 1450  
Alexandria, Virginia 22313-1450

A copy of this Notice of Appeal is being filed and served on July 27, 2022 as follows:

**To the USPTO Patent Trial and Appeal Board:**

Patent Trial and Appeal Board  
Madison Building East  
600 Dulany Street  
Alexandria, VA 22313

*(via PTABe2e – as authorized by the Board)*

**To the U.S. Court of Appeals for the Federal Circuit:**

Clerk of Court  
U.S. Court of Appeals for the Federal Circuit  
717 Madison Place, N.W.  
Washington, DC 20439

*(via CM/ECF – with filing fee)*

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IPR2021-00209 – Patent 10,376,191  
Apple v. Masimo

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