

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SOTERA WIRELESS, INC.
Petitioner

v.

MASIMO CORPORATION
Patent Owner

Case No. IPR2020-00954
Patent No. 9,788,735

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

**PETITIONER'S OBJECTIONS TO EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner provides the following objections to evidence submitted in connection with Patent Owner's Response to Petition (Paper No. 21), filed February 23, 2021.

Exhibit 2010—Declaration of Alan L. Oslan: Petitioner objects to select paragraphs of this declaration as described below:

¶ 76: Petitioner objects to this paragraph on the grounds of failure to use the best evidence insofar as Mr. Oslan did not review or rely on the deposition transcript of Dr. Yanulis but was instead “informed by counsel” as to its contents. (FRE 803 and 1002).

¶¶ 94-96, 98, and 100: Petitioner objects to these paragraphs on the grounds of relevance insofar as the evidence relied on is not of the correct time frame (FRE 402).

¶¶ 44, 47, 77, 78, 80, and 103: Petitioner objects to these paragraphs on the grounds of reliance on exhibits that are objectionable as hearsay (FRE 803).

¶ 100: Petitioner objects to this paragraph on the grounds of authentication (FRE 901).

Exhibit 2016: Petitioner objects to this Exhibit as irrelevant insofar as it is deposition testimony given in the related District Court litigation and is irrelevant to the current matter. (FRE 401/402).

Exhibits 2022-2035: Petitioner objects to these Exhibits to the extent that

they are not relied upon in the Patent Owner's Statement and are therefore irrelevant.
(FRE 402).

Exhibits 2023, 2024, 2025, and 2029: Petitioner objects to these Exhibits on the grounds that Patent Owner relies on these exhibits for the truth of the matter asserted (FRE 803).

Exhibits 2027, 2028 and 2031: Petitioner objects to these Exhibits on the grounds of relevance insofar as the evidence relied on is not of the correct time frame (FRE 402).

Exhibit 2027: Petitioner objects to this Exhibit on the grounds that it is an unverified translation (FRE 901).

Respectfully submitted,

Dated: March 2, 2021

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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of March 2021, I caused the foregoing to be served via electronic email to the attorneys of record for the '735 patent at the following address:

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