

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 Sur-Reply (Paper No. 30), filed June 30, 2021.

Exhibit 2038: Petitioner preserves, incorporates, and reasserts as though fully set forth herein, all objections it made on the record during cross-examination.

Petitioner objects to this Exhibit on the grounds that the deposition transcript lacks the witness's signature and errata (FRE 106). A deposition transcription must be reviewed and signed by the witness. 37 C.F.R. § 42.53(f)(5) ("When the testimony has been transcribed, the witness shall read and sign (in the form of an affidavit) a transcript of the deposition"). Here, Patent Owner filed an unsigned and unreviewed deposition transcript without errata.

Respectfully submitted,

Dated: July 8, 2021

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of July 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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