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16 Attorneys for Plaintiffs,
 17 MASIMO CORPORATION and CERCACOR LABORATORIES, INC.

18 **IN THE UNITED STATES DISTRICT COURT**
 19 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
SOUTHERN DIVISION

20 MASIMO CORPORATION,
 21 a Delaware corporation; and
 22 CERCACOR LABORATORIES, INC.,
 a Delaware corporation

23 Plaintiffs,

24 v.

25 APPLE INC., a California corporation

26 Defendant.

) Case No. 8:20-cv-00048-JVS-JDE

) **MASIMO'S OBJECTION TO**
) **APPLE'S THIRD AMENDED**
) **WITNESS LIST (DKT. 1453-1454)**

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1 Plaintiffs Masimo Corporation and Cercacor Laboratories, Inc. (jointly,
2 “Masimo”) object to Apple’s Third Amended Witness List (Dkt. 1453-1454).

3 Apple’s Third Amended Witness List recently filed on March 20, 2023 identifies
4 Apple’s CEO, Tim Cook, as a “may” call witness. Apple’s prior witness lists and all
5 disclosures never identified Mr. Cook as a witness. *See* Dkt. 1370, 1385.

6 The jointly proposed pretrial conference order filed on March 1, 2023 provided:
7 “Witness lists of the parties have been filed with the Court under separate cover.” Dkt.
8 1433 at 18. The proposed pretrial conference order continued: “Only the witnesses
9 identified in the lists will be permitted to testify (other than for good cause shown).” *Id.*
10 Apple has not attempted to show good cause for adding Mr. Cook now. If Apple
11 attempts to make such a showing, Masimo respectfully requests an opportunity to
12 respond.

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14 Respectfully submitted,

15 KNOBBE, MARTENS, OLSON & BEAR, LLP

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17 Dated: March 24, 2023

18 By: /s/ Joseph R. Re

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