

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

-----	X	
	:	
ILLUMINA, INC.,	:	
	:	
Plaintiff,	:	
v.	:	C.A. No. 1:22-cv-334-VAC
	:	
GUARDANT HEALTH, INC.; HELMY	:	
ELTOUKHY; and AMIRALI TALASAZ	:	
	:	
Defendants.	:	
-----	X	

**DECLARATION OF DANIEL M. SILVER IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS
UNDER FEDERAL RULES OF CIVIL PROCEDURE 12(B)(1), 12(B)(2), AND 12(B)(6)**

I, Daniel M. Silver, hereby declare as follows:

1. I am a partner at the law firm of McCarter & English, LLP and represent Defendants Guardant Health, Inc., Helmy Eltoukhy, and AmirAli Talasaz in the above-captioned action. I am a member in good standing of the State Bar of Delaware. The facts set forth herein are true and correct, and based on my own personal knowledge. If called upon to testify as a witness, I could and would competently testify thereto.

2. Attached as **Exhibit 1** is a true and correct copy of the Form D filed by Guardant Health, Inc. with the U.S. Securities and Exchange Commission on February 14, 2014, available at https://www.sec.gov/Archives/edgar/data/0001576280/000157628014000001/xslFormDX01/primary_doc.xml.

3. Attached as **Exhibit 2** is a true and correct copy of the Form D filed by Guardant Health, Inc. with the U.S. Securities and Exchange Commission on April 22, 2014, available at https://www.sec.gov/Archives/edgar/data/0001576280/000157628014000002/xslFormDX01/primary_doc.xml.

4. Attached as **Exhibit 3** is a true and correct copy of the Form D filed by Guardant Health, Inc. with the U.S. Securities and Exchange Commission on March 27, 2015, available at https://www.sec.gov/Archives/edgar/data/0001576280/000157628015000001/xslFormDX01/primary_doc.xml.

5. Attached as **Exhibit 4** is a true and correct copy of the Form D filed by Guardant Health, Inc. with the U.S. Securities and Exchange Commission on March 24, 2016, available at https://www.sec.gov/Archives/edgar/data/0001576280/000157628016000003/xslFormDX01/primary_doc.xml.

6. Attached as **Exhibit 5** is a true and correct copy of an August 26, 2014 press release titled “Guardant Health Named a 2015 Technology Pioneer by World Economic Forum,” available at <https://www.prnewswire.com/news-releases/guardant-health-named-a-2015-technology-pioneer-by-world-economic-forum-272691171.html>.

7. Attached as **Exhibit 6** is a true and correct copy of a September 19, 2013 press release titled “Career Clinics of Excellence Fall Congress Opens Tonight,” available at <https://www.prnewswire.com/news-releases/cancer-clinics-of-excellence-fall-congress-opens-tonight-224480491.html>.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 25, 2022.

/s/ Daniel M. Silver
Daniel M. Silver