

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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Case IPR2020-01520  
U.S. Patent 10,258,265

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**DECLARATION OF WILLIAM R. ZIMMERMAN  
IN SUPPORT OF *PRO HAC VICE* MOTION**

I, William R. Zimmerman, declare and state as follows:

1. I am a partner in the law firm of Knobbe, Martens, Olson & Bear, LLP. Lead counsel for Patent Owner Masimo Corporation (“Masimo”) in this *inter partes* review proceeding is Joseph R. Re, who is also a partner in the law firm of Knobbe, Martens, Olson & Bear, LLP. Mr. Re is registered to practice before the United States Patent and Trademark Office and holds Registration No. 31,291. With respect to this proceeding, I will work closely with Mr. Re.

2. I have approximately 23 years of experience as a patent litigator and have represented clients in numerous patent litigation cases in various United States District Courts and the Court of Appeals for the Federal Circuit. I also have experience in *inter partes* review proceedings, for example, IPR2013-00024, IPR2013-00128, IPR2013-00266, IPR2013-00517, IPR2013-00518, IPR2014-00549, IPR2014-00550, IPR2014-01093, IPR2015-00265, IPR2015-00268, IPR2016-00397, IPR2016-00399, IPR2016-00549, IPR2016-00553, IPR2016-00557, IPR2016-00559, IPR2016-01198, IPR2016-01201, IPR2017-02172, IPR2017-02174, IPR2018-00291, IPR2018-00318, IPR2018-00322, IPR2018-00385, IPR2018-00795, IPR2018-00797, IPR2018-01317, IPR2019-01201, IPR2020-000988, IPR2020-01065, IPR2020-01125, IPR2020-01177, and IPR2020-01323.

3. I am comfortable and experienced with technically and legally complex matters, such as will be present in this proceeding. In particular, I am experienced with technically and legally complex matters in the field of chemistry and biotechnology. In addition to my experience with technically and legally complex patent matters, I hold a Bachelor of Science degree in Chemical Engineering from the University of Notre Dame. I also served as a law clerk to the Honorable Alvin A. Schall, Circuit Judge of the United States Court of Appeals for the Federal Circuit.
4. I am familiar with U.S. Patent 10,258,265 and with the legal subject matter, technical subject matter, and cited art discussed in Petitioner Apple, Inc.'s ("Apple") request for *inter partes* review of U.S. Patent 10,258,265, which forms the basis for this proceeding. In view of my legal experience, technical background, and familiarity with the issues in the present matter, Masimo has requested my services in the present matter. Denial of my appearance in this case would create an undue burden on Patent Owner Masimo.

5. I am a member in good standing of the Bar of the State of California and the Bar of the District of Columbia. I am admitted to practice before the Supreme Court of the United States and before the United States Court of Appeals for the Federal Circuit.

6. I have never been suspended or disbarred from practice before any court or administrative body.

7. I have never had a court or administrative body deny my application for admission to practice.

8. I have never been sanctioned or cited for contempt by any court or administrative body.

9. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in Part 42 of Title 37 of the Code of Federal Regulations.

10. I agree to be subject to the United States Patent and Trademark Office Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*, and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

11. In the past three (3) or more years, I have appeared *pro hac vice* in proceedings before the United States Patent and Trademark Office in the matter of *Ranbaxy Laboratories Ltd. and Ranbaxy Inc. v. Vertex Pharmaceuticals, Inc.*, IPR2013-00024; in the matters of *Intelligent Bio-Systems, Inc. v. Illumina Cambridge Ltd.*, IPR2013-00128, IPR2013-00266, IPR2013-00517, and IPR2013-00518; in the matter of *Ariosa Diagnostics, Inc. v. Illumina, Inc.*, IPR2014-01093; in the matters of *Noven Pharmaceuticals, Inc. and Mylan Pharmaceuticals Inc. v. Novartis AG and LTS Lohman Therapie-Systeme AG*, IPR2014-00549, IPR2014-

00550, IPR2015-00265 and IPR2015-00268; in the matters of *Lupin Limited and Lupin Pharmaceuticals Inc. v. iCeutica Pty Ltd.*, IPR2016-00397 and IPR2016-00399; in the matters of *Illumina, Inc. v. Cornell Research Foundation, Inc.*, IPR2016-00549, IPR2016-00553, IPR2016-00557, and IPR2016-00559; in the matters of *Apple Inc. v. Voip-Pal.com Inc.*, IPR2016-01198 and IPR2016-01201; in the matters of *Complete Genomics, Inc. v. Illumina Cambridge Ltd.*, IPR2017-02172 and IPR2017-02174, in the matters of *Illumina, Inc. v. The Trustees of Columbia University in the City of New York*, IPR2018-00291, IPR2018-00318, IPR2018-00322, IPR2018-00385 and IPR2018-00797; in the matter of *Indivior Inc. v. Rhodes Pharmaceuticals L.P.*, IPR2018-00795; in the matter of *Natera, Inc. v. Illumina, Inc.*, IPR2018-01317; in the matter of *Illumina, Inc. v. Natera, Inc.*, IPR2019-01201; and in the matters of *Illumina, Inc. v. Trustees of Columbia University in the City of New York*, IPR2020-000988, IPR2020-01065, IPR2020-01125, IPR2020-01177, and IPR2020-01323.<sup>1</sup>

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<sup>1</sup> I am simultaneously applying for *pro hac vice* admission in proceedings before the United States Patent and Trademark Office in the matters of *Apple, Inc. v. Masimo Corp.*, IPR2020-01520, IPR2020-01536, IPR2020-01537, IPR2020-01538, and IPR2020-01539.

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