UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.

Petitioner,

v.

MASIMO CORPORATION,

Patent Owner.

Case IPR2020-01526
U.S. Patent 6,771,994

**DECLARATION OF JEREMIAH S. HELM
IN SUPPORT OF *PRO HAC VICE* MOTION**

I, Jeremiah S. Helm, Ph.D., 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 John Grover, who is a partner in the law firm of Knobbe, Martens, Olson & Bear, LLP. Mr. Grover is registered to practice before the United States Patent and Trademark Office and holds Registration No. 42,610. With respect to this proceeding, I will work closely with Mr. Grover.

2.   I have over 12 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. In addition, I spent approximately five years in the Office of the Solicitor at the United States Patent and Trademark Office, defending decisions by the Patent Office before the United States Court of Appeals for the Federal Circuit and the federal district courts.

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 Ph.D. degree in Chemistry from Princeton

University. I also served as a law clerk to the Honorable Kimberly A. Moore, Circuit Judge of the United States Court of Appeals for the Federal Circuit.

4.   I am familiar with U.S. Patent 6,771,994 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 6,771,994, 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. I am admitted to practice 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 *Illumina, Inc. v. Natera, Inc.*, IPR2019-01201; in the matters of *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-00967, IPR2020-01019, and IPR2020-01033; and in the matters of *Apple Inc. v. Masimo Corp.*, IPR2020-01520, IPR2020-01536, IPR2020-01537, IPR2020-01538, and IPR2020-01539.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Executed on January 10, 2022, at Washington, D.C.

/Jeremiah S. Helm/
Jeremiah S. Helm, Ph.D.