

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

MASIMO CORPORATION,
Patent Owner.

IPR2022-01299 (Patent 7,761,127 B2)
IPR2022-01300 (Patent 7,761,127 B2)¹

Before JOSIAH C. COCKS, JAMES A. TARTAL, and
ROBERT A. POLLOCK, *Administrative Patent Judges*.

POLLOCK, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Unopposed Motion for *Pro Hac Vice* Admission of
Jeremiah S. Helm, Ph.D.
37 C.F.R. § 42.10

¹ This Order applies to the above-listed proceedings. We exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

IPR2022-01299 (Patent 7,761,127 B2)

IPR2022-01300 (Patent 7,761,127 B2)

Masimo Corporation (“Patent Owner”) filed a motion for *pro hac vice* admission of Jeremiah S. Helm, Ph.D. in each of the above-listed proceeding (“Motion”).² Paper 6. Patent Owner also filed supporting declarations from Dr. Helm. Ex. 2001. Patent Owner states that the Motions are unopposed. Paper 6, 1.

Pursuant to 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner. In its notice authorizing motions for *pro hac vice* admission, the Board requires a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice*, and an affidavit or declaration of the individual seeking to appear in this proceeding. See Paper 4, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”).

The Board has reviewed the submissions and determined that the requirements of 37 C.F.R. § 42.10 have been met, and that there is good cause to admit Dr. Helm *pro hac vice*.

It is, therefore,

ORDERED that the Motions for *Pro Hac Vice* Admission of Jeremiah S. Helm, Ph.D. are *granted* and Dr. Helm is authorized to represent Patent Owner only as back-up counsel in the above-listed proceedings;

² All citations are to IPR2022-01299 with the understanding that the other proceeding includes papers having substantially the same substantive content.

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FURTHER ORDERED that, with one week of this Order, Patent Owner must file updated mandatory notices identifying Dr. Helm as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that a registered practitioner will continue to represent Patent Owner as lead counsel in the above-listed proceedings;

FURTHER ORDERED that Dr. Helm shall comply with the Office Patent Trial Practice Guide, as updated by the Consolidated Office Patent Trial Practice Guide (84 Fed. Reg. 64,280 (Nov. 21, 2019)) and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations; and

FURTHER ORDERED that Dr. Helm is subject to the USPTO's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

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