

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SOTERA WIRELESS, INC.,
Petitioner,

v.

MASIMO CORPORATION,
Patent Owner.

IPR2020-00967 (Patent RE47,244 E)
IPR2020-01019 (Patent RE47,353 E)
IPR2020-01033 (Patent RE47,249 E)¹

Before JOSIAH C. COCKS, JENNIFER MEYER CHAGNON, and
AMANDA F. WIEKER, *Administrative Patent Judges*.

PER CURIAM.

ORDER

Granting Patent Owner's Motions for Admission
Pro Hac Vice of Jeremiah S. Helm
37 C.F.R. § 42.10

¹ We exercise our discretion to issue one order to be entered in each case. The parties are not authorized to use this style heading for subsequent papers without prior Board approval.

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On January 28, 2021, Patent Owner filed a motion for admission *pro hac vice* of Jeremiah S. Helm in each of the above-identified proceedings (collectively, “Motions”). Paper 17.² Patent Owner also filed declarations of Mr. Helm in support of the Motions (collectively, “Declarations”). Ex. 2010.³ Patent Owner attests that Petitioner does not oppose the Motions. Paper 17, 1. For the reasons provided below, Patent Owner’s Motions are *granted*.

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 3, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”)).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Helm has sufficient legal and technical qualifications to represent Patent Owner in these proceedings, that Mr. Helm has demonstrated sufficient familiarity with the subject matter of these proceedings, and that Patent Owner’s intent to be represented by counsel with litigation experience is warranted. Accordingly, Patent Owner has established good cause

² For purposes of expediency, we cite to Papers filed in IPR2020-00967. Patent Owner filed similar Motions in IPR2020-01019 (Paper 16) and IPR2020-01033 (Paper 15).

³ We cite to Exhibits filed in IPR2020-00967. Patent Owner filed similar Declarations in IPR2020-01019 (Ex. 2010) and IPR2020-01033 (Ex. 2010).

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for *pro hac vice* admission of Mr. Helm. Mr. Helm will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

A Power of Attorney has not been submitted for Mr. Helm. Accordingly, Patent Owner must submit a Power of Attorney for Mr. Helm in accordance with 37 C.F.R. § 42.10(b), and must update its Mandatory Notices as required by 37 C.F.R. § 42.8(b)(3).

Accordingly, it is:

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Mr. Jeremiah S. Helm are *granted*;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel for the above-identified proceedings;

FURTHER ORDERED that Mr. Helm is authorized to represent Patent Owner only as back-up counsel in the above-identified proceedings;

FURTHER ORDERED that Mr. Helm is to comply with the 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;

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

FURTHER ORDERED that, within ten (10) business days of the date of this Order, and prior to Mr. Helm's participation in the proceedings, Patent Owner must submit a Power of Attorney for Mr. Helm in each of the above-identified proceedings in accordance with 37 C.F.R. § 42.10(b); and

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FURTHER ORDERED that Patent Owner shall file updated Mandatory Notices in each of the above-identified proceedings in accordance with 37 C.F.R. § 42.8(b)(3), identifying Mr. Helm as back-up counsel.

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