

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WHOOP, INC.,
Petitioner,

v.

OMNI MEDSCI, INC.,
Patent Owner.

Patent No. 12,193,790

Post Grant Review No. PGR2026-00003

**PETITIONER'S NOTICE OF INTENT TO DESIGNATE A
PROVISIONALLY RECOGNIZED PTAB ATTORNEY AS BACK-UP
COUNSEL PURSUANT TO 37 C.F.R. § 42.10(C)**

EXHIBIT LIST

Exhibit #	Reference Name
1001	U.S. Patent No. 12,193,790
1002	File History, U.S. Patent No. 12,193,790
1003	Declaration of Patrick Mercier, PhD
1004	U.S. Patent No. 9,651,533
1005	U.S. Patent No. 10,517,484
1006	Docket Sheet, <i>Omni MedSci, Inc. v. WHOOP, Inc.</i> , No. 1:25-cv-00140 (D. Del.)
1007	Docket Sheet, <i>Omni MedSci, Inc. v. Samsung Elecs.</i> , et al., No. 2:24-cv-01070 (E.D. Tex.)
1008	<i>Apple Inc. v. Omni MedSci, Inc.</i> , IPR2019-00916, Paper No. 39 (P.T.A.B. Oct. 14, 2020) (Final Written Decision, '533 IPR)
1009	<i>Omni MedSci, Inc. v. Apple Inc.</i> , No. 21-1229, 2022 WL 2062168 (Fed. Cir. Jun. 8, 2022) (summary affirmance, '533 IPR)
1010	<i>Apple Inc. v. Omni MedSci, Inc.</i> , IPR2021-00453, Patent Owner's Notice of Appeal (P.T.A.B. Apr. 11, 2025)
1011	<i>Apple Inc. v. Omni MedSci, Inc.</i> , IPR2021-00453, Paper No. 22 (P.T.A.B. Aug. 3, 2022) (First Final Written Decision, '484 IPR)
1012	<i>Apple Inc. v. Omni MedSci, Inc.</i> , No. 23-1034, 2024 WL 3084509 (Fed. Cir. Jun. 21, 2024) (First Federal Circuit Decision, '484 IPR)
1013	<i>Apple Inc. v. Omni MedSci, Inc.</i> , IPR2021-00453, Paper No. 26 (P.T.A.B. Feb. 14, 2025) (Second Final Written Decision, '484 IPR)
1014	Docket Sheet, <i>Omni MedSci, Inc. v. Apple Inc.</i> , No. 25-1646 (Fed. Cir.) (Docket Sheet, Second Federal Circuit Appeal, '484 IPR)

Exhibit #	Reference Name
1015	<i>Apple Inc. v. Omni MedSci, Inc.</i> , IPR2019-00916, Paper No. 1 (P.T.A.B. Apr. 10, 2019) (Petition, '533 IPR)
1016	<i>Apple Inc. v. Omni MedSci, Inc.</i> , IPR2019-00916, Paper No. 10, (P.T.A.B. Oct. 18, 2019) (Patent Owner's Preliminary Response, '533 IPR)
1017	<i>Apple Inc. v. Omni MedSci, Inc.</i> , IPR2019-00916, Paper No. 16, (P.T.A.B. Oct. 18, 2019) (Institution Decision, '533 IPR)
1018	RESERVED
1019	RESERVED
1020	RESERVED
1021	<i>Apple Inc. v. Omni MedSci, Inc.</i> , IPR2021-00453, Paper No. 1, (P.T.A.B. Jan. 22, 2021) (Petition, '484 IPR)
1022	RESERVED
1023	<i>Apple Inc. v. Omni MedSci, Inc.</i> , IPR2021-00453, Paper No. 7 (P.T.A.B. Aug. 6, 2021) (Institution Decision, '484 IPR)
1024	<i>Apple Inc. v. Omni MedSci, Inc.</i> , IPR2021-00453, Paper No. 10 (P.T.A.B. Nov. 12, 2021) (Patent Owner Response, '484 IPR)
1025	RESERVED
1026	RESERVED
1027	U.S. Patent No. 9,241,676 ("Lisogurski")
1028	U.S. Patent App. Pub. No. 2005/0049468 ("Carlson")
1029	RESERVED
1030	U.S. Patent No. 6,304,767 ("Soller")
1031	RESERVED

Exhibit #	Reference Name
1032	U.S. Patent Appl. Pub. No. 2012/0197093 (“Valencell-093”)
1033	“The Biomedical Engineering Handbook,” by Joseph D. Bronzino (1995) (Apple Ex. 1019)
1034	Patel, et al., A review of wearable sensors and systems with application rehabilitation, <i>Journal of Neuroengineering & Rehabilitation</i> (2012) (Apple Ex. 1021)
1035	A. Omre, Bluetooth Low Energy: Wireless Connectivity for Medical Monitoring, <i>Journal of Diabetes Science & Technology</i> (Mar. 2010) (Apple Ex. 1024)
1036	P. Baum, et al., Strategic Intelligence Monitor on Personal Health Systems, Phase 2: Market Developments - Remote Patient Monitoring and Treatment, Telecare, Fitness/Wellness and mHealth, <i>JRC Scientific and Policy Reports of European Commission</i> (2013) (Apple Ex. 1027)
1037	M. Kranz, et al., The mobile fitness coach: Towards individualized skill assessment using personalized mobile devices, <i>Pervasive and Mobile Computing</i> (June 2012) (Apple Ex. 1020)
1038	M. Swan, Senior Mania! The Internet of Things, Wearable Computing, Objective Metrics, and the Quantified Self 2.0, <i>Journal of Sensor and Actuator Networks</i> (2012) (Apple Ex. 1029)
1039	RESERVED
1040	“The Usage of Tablets in the HealthCare Industry,” by Rauf Adil (Aug. 2, 2012), available through the Internet Archive at https://web.archive.org/web/20121014002306/https://www.healthcareitnews.com/blog/usage-tablets-healthcare-industry (last accessed Sept. 4, 2025)
1041	RESERVED
1042	Curriculum Vitae of Patrick Mercier, PhD

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1043	Docket Sheet, <i>Omni MedSci, Inc. v. Apple Inc.</i> , No. 4:19-cv-05924 (N.D. Cal.)
1044	RESERVED
1045	Webster, J. G. (1997) Design of Pulse Oximeters, IOP Publishing
1046	RESERVED
1047	RESERVED
1048	RESERVED
1049	RESERVED
1050	<i>Samsung Elecs. Co. et al. v. Omni MedSci, Inc.</i> , IPR2025-01250, Paper No. 1 (P.T.A.B. Aug. 5, 20215) (533 IPR Petition)
1051	<i>Samsung Elecs. Co. et al. v. Omni MedSci, Inc.</i> , IPR2025-01251, Paper No. 1 (P.T.A.B. Aug. 5, 2025) (304 IPR Petition)
1052	<i>Samsung Elecs. Co. et al. v. Omni MedSci, Inc.</i> , IPR2025-01252, Paper No. 1 (P.T.A.B. Aug. 5, 2025) (455 IPR Petition)
1053	<i>Samsung Elecs. Co. et al. v. Omni MedSci, Inc.</i> , IPR2025-01253, Paper No. 1 (P.T.A.B. Aug. 5, 2025) (790 IPR Petition)
1054	<i>Samsung Elecs. Co. et al. v. Omni MedSci, Inc.</i> , PGR2025-00064, Paper No. 1 (P.T.A.B. Aug. 5, 2025) (790 PGR Petition)
1055	<i>Samsung Elecs. Co. et al. v. Omni MedSci, Inc.</i> , IPR2025-01254, Paper No. 1 (P.T.A.B. Aug. 5, 2025) (475 IPR Petition)
1056	<i>Samsung Elecs. Co. et al. v. Omni MedSci, Inc.</i> , PGR2025-00063, Paper No. 1 (P.T.A.B. Aug. 5, 2025) (475 PGR Petition)
1057	U.S. Patent No. 10,874,304
1058	U.S. Patent No. 11,160,455

Exhibit #	Reference Name
1059	RESERVED
1060	12,268,475
1061	<i>Omni MedSci, Inc. v. Apple Inc.</i> , No. 25-1646, Dkt. 17 (Fed. Cir. Sept. 11, 2025) (Omni’s Corrected Opening Brief)
1062	U.S. Patent App. Pub. No. 2011/0237911 (“Lamego”)
1063	<i>Samsung Elecs. Co. et al. v. Omni MedSci, Inc.</i> , PGR2025-00064-1021, Ex. 1021 (P.T.A.B. Aug. 5, 2025) (Ex. 1021 to Samsung’s ’790 PGR Petition)
1064	<i>Samsung Elecs. Co. et al. v. Omni MedSci, Inc.</i> , PGR2025-00064-6 (P.T.A.B. Aug. 5, 2025) (Samsung’s Petition Ranking and Explanation of Parallel Petitions)
1065	Wu, et al., <i>A new generation of sensors for non-invasive blood glucose monitoring</i> , Am. J. of Translational Research 2023;15(6):3825-3827 (Jun. 30, 2023)
1066	<i>WHOOP, Inc. v. Omni MedSci, Inc.</i> , IPR2025-01583, Paper No. 1 (P.T.A.B. Sept. 26, 2025) (WHOOP ’533 IPR Petition)
1067	<i>WHOOP, Inc. v. Omni MedSci, Inc.</i> , IPR2025-01584, Paper No. 1 (P.T.A.B. Sept. 26, 2025) (WHOOP ’304 IPR Petition)
1068	<i>WHOOP, Inc. v. Omni MedSci, Inc.</i> , IPR2025-01583, Paper No. 1 (P.T.A.B. Sept. 26, 2025) (WHOOP ’455 IPR Petition)
1069	<i>WHOOP, Inc. v. Omni MedSci, Inc.</i> , 1:25-cv-140-WCB, D.I. 11-12 (D. Del. May 5, 2025) (Ex. 12 to Delaware action Amended Complaint)
1070	U.S. Pat. Provisional App. No. 61/747,472 (Dec. 31, 2012)
1071	U.S. Pat. Provisional App. No. 61/747,477 (Dec. 31, 2012)
1072	U.S. Pat. Provisional App. No. 61/747,487 (Dec. 31, 2012)

Exhibit #	Reference Name
1073	U.S. Pat. Provisional App. No. 61/747,553 (Dec. 31, 2012)
1074	U.S. Pat. Provisional App. No. 61/754,698 (Dec. 31, 2012)
1075	Order Denying WHOOP's Mot. to Stay Without Prejudice, <i>Omni MedSci, Inc. v. WHOOP, Inc.</i> , No. 1:25-cv-00140 (D. Del.) (D.I. 61) (Dec. 23, 2025)
1076	Scheduling Order, <i>Omni MedSci, Inc. v. WHOOP, Inc.</i> , No. 1:25-cv-00140 (D. Del.) (D.I. 43) (Nov. 10, 2025)
1077	Stipulation re Invalidity for the '790 Patent, <i>Omni MedSci, Inc. v. WHOOP, Inc.</i> , No. 1:25-cv-00140 (D. Del.) (D.I. 71) (Jan. 22, 2026)
1078	Samsung Elecs. Co. et al. v. Omni MedSci, Inc., PGR2025-00064, Paper No. 13 (P.T.A.B. Nov. 12, 2025) (Omni's POPR to Samsung's 790 PGR Petition)
1079	Declaration of Brian A. Rosenthal Petitioner's Notice of Intent to Designate a Provisionally Recognized PTAB Attorney as Back-Up Counsel Pursuant to 37 C.F.R. § 42.10(C)

Pursuant to 37 C.F.R. § 42.10(c), Petitioner, WHOOP, Inc. (“Petitioner”), respectfully files this notice of intent to designate Brian A. Rosenthal as a provisionally recognized PTAB attorney as back-up counsel filed pursuant to 37 C.F.R. § 42.10(c)(2) for purposes of Case No. PGR2026-00003. Mr. Rosenthal is counsel for the Petitioner in the related district court litigation and is intimately familiar with the substantive and technical issues involved in this proceeding.

The registered practitioner who will serve as lead counsel is Jaysen S. Chung, Reg. No. 68,199.

Mr. Rosenthal was recognized *pro hac vice* by order of the Patent Trial and Appeal Board pursuant to a motion of the type described in 37 C.F.R. § 42.10(c)(1) in the following proceedings:

- *Dell Technologies Inc. et al. v. Corrigent Corp.*, IPR2023-00370 (Paper 10, April 24, 2023)
- *Dell Technologies Inc. et al. v. Corrigent Corp.*, IPR2023-00464 (Paper 12, April 27, 2023)
- *Sharkninja Operating LLC et al. v. Bissell Inc.*, IPR2022-01175 (Paper 35, October 22, 2023)
- *Sharkninja Operating LLC et al. v. Bissell Inc.*, IPR2022-01176 (Paper 37, October 22, 2023)
- *Sharkninja Operating LLC et al. v. Bissell Inc.*, IPR2022-01177 (Paper 40, October 22, 2023)
- *Sharkninja Operating LLC et al. v. Bissell Inc.*, IPR2022-01194 (Paper 24, October 22, 2023)

- *Sharkninja Operating LLC et al. v. Bissell Inc.*, IPR2022-01195 (Paper 24, October 22, 2023)
- *Sophos Inc. v. Open Text Inc. et al.*, IPR2023-00491 (Paper 12, May 2, 2023)
- *Sophos Inc. v. Open Text Inc. et al.*, IPR2023-00633 (Paper 12, May 2, 2023)
- *Sophos Inc. v. Open Text Inc. et al.*, IPR2023-00699 (Paper 12, May 25, 2023)
- *Sophos Inc. v. Open Text Inc. et al.*, IPR2023-00731 (Paper 12, July 12, 2023)
- *Sophos Inc. v. Open Text Inc. et al.*, IPR2023-00732 (Paper 12, July 12, 2023)
- *Sophos Inc. v. Webroot Inc.*, IPR2023-00528 (Paper 12, May 2, 2023)
- *Cellco Partnership d/b/a Verizon Wireless v. General Access Solutions, Ltd.*, IPR2023-00978 (Paper 38, September 13, 2024)
- *Cellco Partnership d/b/a Verizon Wireless v. General Access Solutions, Ltd.*, IPR2023-01147 (Paper 30, September 24, 2024)
- *SharkNinja, Inc. et al v. Dyson Tech. Ltd.*, IPR2023-01324 (Paper 17, April 22, 2024)
- *SharkNinja, Inc. et al v. Dyson Tech. Ltd.*, IPR2023-01322 (Paper 19, April 22, 2024)

Mr. Rosenthal attests to satisfying all requirements set forth by the Board for *pro hac vice* recognition of a provisionally recognized PTAB attorney and agrees to be subject to the USPTO Rules of Professional Conduct set forth in 37 CFR 11.101 *et seq.* and disciplinary jurisdiction under 37 CFR 11.19(a). Mr. Rosenthal submits the accompanying Affidavit in Support of Petitioner's Notice of Intent to Designate

a Provisionally Recognized PTAB Attorney as Back-Up Counsel Pursuant to 37 C.F.R. § 42.10(c) (Ex. 1075).

Mr. Rosenthal is an experienced litigator with extensive familiarity with the subject matter at issue in this post grant review. Mr. Rosenthal is admitted to practice in New York with no disciplinary actions or denials of admission.

This notice was made no sooner than twenty-one (21) days after service of the petition.

DATED: April 29, 2026

Respectfully Submitted,

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CERTIFICATE OF SERVICE

A copy of the foregoing document were served via electronic mail on Patent Owner's counsel of record at the following email addresses as indicated in Patent Owner's Amended Mandatory Notices, dated November 3, 2025:

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