

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WHOOOP, INC.,
Petitioner,

v.

OMNI MEDSCI, INC.,
Patent Owner.

Patent No. 12,193,790

Post Grant Review No. PGR2026-00003

**DECLARATION OF BRIAN A. ROSENTHAL 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)**

1. I, Brian A. Rosenthal, am competent to present this affidavit submitted 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) and have personal knowledge of the facts set forth herein.

2. I am a provisionally recognized Patent Trial and Appeal Board attorney under 37 CFR § 42.10(c)(2). I have been previously recognized *pro hac vice* before the PTAB, and I have not subsequently been denied permission to appear *pro hac vice* in a PTAB proceeding.

3. I am a member in good standing of the New York Bar (2001) and the District of Columbia Bar (2002).

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

5. I have never been denied for admission to practice before any court or administrative body.

6. I have never had any sanctions or contempt citations upon me by any court or administrative body.

7. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set for in 37 C.F.R. § 42.

8. I understand I will be subject to the USPTO 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).

9. In the past three years, I applied for, and was granted, *pro hac vice* status in the following *inter partes* review 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)

10. I have an established familiarity with the subject matter at issue in the proceeding. I have been a practicing attorney for over 24 years in the area of patent litigation. I am presently counsel in the related district court litigation, *Omni MedSci, Inc. v. WHOOP, Inc.*, No. 1:25-cv-00140-WCB (D. Del.), specifically with respect to the patent, and its disclosed technology, that is the subject of the instant petition. In preparation for my representation of WHOOP, Inc. in the district court litigation and before the Board in this post grant review, I have studied and analyzed the field of technology relevant to U.S. Patent No. 12,193,790 (the “’790 Patent”), as well as the claims, specification, and prosecution history of the ’790 Patent. I have become very familiar with the particular subject matter and substantive issues concerning the ’790 Patent and the asserted prior art references.

11. I therefore satisfy all requirements set forth by the Board for *pro hac vice* recognition of a provisionally recognized PTAB attorney.

12. I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001).

DATED: April 29, 2026

Respectfully Submitted,


Brian A. Rosenthal