

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETSKOPE, INC.,
Petitioner,

v.

FORTINET, INC.,
Patent Owner.

IPR2023-00456 (Patent 11,036,856 B2)
IPR2023-00457 (Patent 9,231,968 B2)
IPR2024-00458 (Patent 9,280,678 B2)
IPR2023-00459 (Patent 10,084,825 B1)¹

Before JAMES P. CALVE, THOMAS L. GIANNETTI, and
STEPHEN E. BELISLE, *Administrative Patent Judges*.

PER CURIAM.

ORDER
Granting Petitioner's Motions for
Pro Hac Vice Admission of Andrew N. Klein
37 C.F.R. § 42.10

¹ This Order addresses issues that are the same in each of these proceedings. We issue one Order to be entered in each proceeding. The parties are not authorized to use this style caption unless later permitted.

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On July 18, 2023, Petitioner filed motions for admission *pro hac vice* of Andrew N. Klein (Paper 8²) in each of the above-captioned proceedings (collectively, “Motions”). The Motions are supported by Declarations of Mr. Klein. Ex. 1011. Patent Owner has not opposed the Motions.

In accordance with 37 C.F.R. § 42.10(c), we may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause. In authorizing a motion for *pro hac vice* admission, the Board requires the moving party to provide 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 the proceeding. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (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. Klein has sufficient legal and technical qualifications to represent Petitioner in these proceedings, that Mr. Klein has demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and that Mr. Klein meets all other requirements for admission *pro hac vice*. *See* Ex. 1011 ¶¶ 1–10, IPR2023-00456; *see also* Ex. 1022, IPR2023-00457; Ex. 1024, IPR2023-00458, Ex. 1012, IPR2023-00459. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Klein.

² Paper and exhibit numbers refer to IPR2023-00456. Corresponding papers and exhibits were filed in IPR2023-00457 (Paper 8; Ex. 1022), IPR2023-00458 (Paper 8; Ex. 1024), and IPR2023-00459 (Paper 8; Ex. 1012).

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Accordingly, it is:

ORDERED that Petitioner's Motions for *Pro Hac Vice* Admission of Andrew N. Klein are granted; Mr. Klein is authorized to act as back-up counsel in the above-identified proceedings;

FURTHER ORDERED that Petitioner will continue to have a registered practitioner represent it as lead counsel in the above-identified proceedings;

FURTHER ORDERED that Mr. Klein shall comply with the Consolidated Trial Practice Guide³ (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 Mr. Klein is subject to the USPTO's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

³ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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