UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETSKOPE, INC.,

Petitioner,

v.

FORTINET, INC.,

Patent Owner.

PTAB Case No. IPR2023-00458

Patent No. 9,280,678

PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION OF ANDREW N. KLEIN UNDER 37 C.F.R. § 42.10(c)

Petitioner's Motion for *Pro Hac Vice* Admission of Andrew N. Klein

Petitioner Netskope, Inc. ("Petitioner") respectfully requests that the Board admit Andrew N. Klein as backup counsel *pro hac vice* in this proceeding. Petitioner seeks the counsel of Mr. Klein due to his experience in representing Petitioner in patent-related matters and particularly due to his familiarity with the substantive and technical issues involved in this proceeding and the related district court litigation. Therefore, Mr. Klein meets the requirements of "an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding" under 37 C.F.R. § 42.10(c).

1. Time for Filing

This Motion for *Pro Hac Vice* Admission has been authorized by the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response that was mailed on March 20, 2023 (Paper 5). This Motion is filed no sooner than twenty-one (21) days after service of the petition.

2. Statement of Facts

In this proceeding, lead counsel for Petitioner is Thomas N. Millikan, a registered practitioner. The following statement of facts shows that there is good cause for the Board to admit Mr. Klein *pro hac vice*.

Mr. Klein is a patent litigation attorney with more than 7 years of experience representing clients in cases involving patents or other intellectual property

interests. (Declaration of Andrew N. Klein ("Klein Declaration"), ¶ 8 in Exhibit 1024.)

Mr. Klein regularly litigates patent cases in various forums, including federal district courts across the United States. (*Id.*) He has experience representing clients in many phases of litigation including discovery, *Markman* hearings, dispositive motions, jury trials, and appeals. (*Id.*) Mr. Klein's biography is attached to the Klein Declaration as Appendix A.

Mr. Klein has an established familiarity with the subject matter at issue in this proceeding because he represents Petitioner in a parallel district court proceeding against Patent Owner involving U.S. Patent No. 9,280,678 and related patents (*Netskope, Inc. v. Fortinet, Inc.*, 3:22-CV-01852-TLT (N.D. Cal.)). Mr. Klein, thus, is familiar with the subject matter at issue in this proceeding. Mr. Klein is also familiar with the prior art references cited in PTAB Case Nos. IPR2023-00456, IPR2023-00457, IPR2023-00458 and IPR2023-00459 and the associated invalidity grounds before the PTAB.

Petitioner has invested significant financial resources in the related matters in which Mr. Klein serves as counsel. Therefore, Petitioner respectfully submits that there is good cause for the Board to recognize Andrew Klein as counsel *pro hac vice* during this proceeding.

3. Affidavit or Declaration of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is accompanied by a Declaration of Mr. Klein (Exhibit 1024), which attests to the requirements for *pro hac vice* admission set forth in IPR2013-00639, Paper 7, dated Oct. 15, 2013.

4. *Pro Hac Vice* Admission Fee

The required fee under 37 C.F.R. § 42.15(e) in the amount of $250 is being paid by credit card.

5. Conclusion

Accordingly, Petitioner submits that there is good cause under 37 C.F.R. § 42.10(c) for the Board to admit Andrew N. Klein as counsel *pro hac vice* and to authorize Mr. Klein to represent Petitioner as back-up counsel in this proceeding.

Dated: July 18, 2023

Respectfully submitted,

/Thomas N. Millikan/

Lead Counsel
Thomas N. Millikan, Reg. No. 72,316

Back-up Counsel
Babak Tehranchi (Reg. No. 55,937)
Andrew N. Klein (*pro hac vice* requested)

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION UNDER 37 C.F.R. § 42.10(c) and Exhibit 1024 were served in their entirety this 18th day of July 2023 by electronic mail on the Patent Owner via its attorneys of record:

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Dated: July 18, 2023

Respectfully submitted,

/Thomas N. Millikan/

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