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

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

I, Andrew N. Klein, declare to the following in support of my application to appear *pro hac vice* before the Office in the PTAB review proceedings under the following Case Nos: IPR2023-00456, IPR2023-00457, IPR2023-00458 and IPR2023-00459:

1. I am a member in good standing of the State Bar of California.

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

3. I have never had an application for admission to practice before any court or administrative body denied.

4. No sanction or contempt citation has been imposed against me by any court or administrative body.

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

6. 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).

7. I have applied, and have been admitted by the Office, to appear *pro hac vice* before the Office in the last three (3) years. I have applied to appear before the PTAB in the following PTAB proceedings:

i. *Adobe Inc. v. RAH Color Technologies LLC*
Cases: IPR2019-00627
IPR2019-00628
IPR2019-00629
IPR2019-00646

ii. *H-E-B, LP v. Digital Retail Apps, Inc.*
Cases: IPR2020-00148
IPR2020-00149
IPR2020-00347
IPR2020-00348

iii. *Netskope, Inc. v. Bitglass, Inc.*
Cases: IPR2021-01045
IPR2021-01046
PGR2021-00091
PGR2021-00092

iv. *Netskope, Inc. v. Fortinet, Inc.*
Cases: IPR2023-00030
IPR2023-00175
IPR2022-01587

8. I am an experienced litigation attorney with more than 7 years of experience representing clients in cases involving patents or other intellectual property interests. I regularly litigate patent cases in various forums including federal district courts across the United States. Through my experience in patent litigation matters, I have represented clients in many phases of litigation including discovery, *Markman* hearings, dispositive motions, jury trials, and appeals. My biography is attached hereto as Appendix A.

9. I have an established familiarity with the subject matter at issue in this proceeding, having represented Petitioner in a parallel 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.)). Thus, I am familiar with the subject matter at issue in this proceeding.

10. I am familiar with the technologies and issued claims in the 11,036,856, 9,231,968, 9,280,678 and 10,084,825 Patents. I am 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.

I hereby declare 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 further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of the Title 18 of the United States Code.

Respectfully submitted,

Dated: July 18, 2023

/Andrew N. Klein/

Andrew N. Klein
Perkins Coie LLP
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Appendix A

Netskope Exhibit 1024

PERKINSCOIE

Professional Biography

ANDREW KLEIN | COUNSEL

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Andrew Klein litigates complex intellectual property disputes across the country, focusing on patent litigation. Andrew represents *Fortune* 500 and emerging companies in all phases of litigation, from initial case assessment to settlement. His practice also includes appeals, in the Federal Circuit for patent cases and elsewhere.

In the early stages of a dispute, Andrew advises clients on early case assessment, infringement, validity, strategy and settlement issues. As disputes progress into litigation, he continues to serve clients using his skills as a trained litigator. He pens and argues successful motions, manages discovery, prepares witnesses for deposition, and takes and defends depositions of party, third-party and expert witnesses. As a case approaches trial, he strategizes on making an effective trial presentation, works closely with expert and party witnesses, collaborates with graphics vendors and drafts pretrial briefs and motions. Andrew's patent litigation experience covers a wide range of technologies, including acoustics, software, color management, surveillance technology and telecommunications.

Prior to working at Perkins Coie, Andrew externed for Chief Justice Tani G. Cantil-Sakauye of the California Supreme Court and Judge John E. Munter of the complex litigation division in San Francisco Superior Court. In addition to his intellectual property work, Andrew maintains an active pro bono practice. He represents nonprofits and indigent clients in a variety of matters, including intellectual property issues. He is also actively involved in seeking habeas relief for a wrongfully convicted prisoner.

RELATED EMPLOYMENT

- Perkins Coie LLP, Law Clerk, 2014
- California Supreme Court, San Francisco, CA, Judicial Extern, 2013
- San Francisco Superior Court, Complex Litigation, San Francisco, CA, Judicial Extern, 2012

EXPERIENCE

PATENT LITIGATION RELATING TO COLOR REPRODUCTION
Representing defendant in patent litigation involving color management systems.

PATENT LITIGATION RELATING TO SPEAKER ASSEMBLIES
Representing plaintiff in patent litigation against hardware and software company relating to speaker assemblies in desktop and mobile devices.

COMMERCIAL LITIGATION RELATING TO AUTOMATED BOTS
Representing plaintiff in commercial litigation alleging trademark and copyright infringement, among other things.

COMMERCIAL LITIGATION RELATING TO VIDEO GAMES
Represented owner of copyright in video game in commercial litigation alleging, among other things, copyright infringement.

NEWS

01.13.2021

Perkins Coie Announces 2021 Counsel Promotions
Press Releases
Perkins Coie is pleased to announce that 62 attorneys have been promoted to the firm's counsel position, effective January 1, 2021.

04.26.2019

Perkins Coie Attorneys and New Patent Law Blog Mentioned in General Counsel News - Perkins Coie Launches North California Patent Law Blog
General News
General Counsel News
In the *General Counsel News* article, "Perkins Coie Launches North California Patent Law Blog," the firm's new Northern District of California Patent Law Blog (N.D.Pa.L. Blog) was featured, as well as the attorneys who are its primary authors: Jim Valentine, Dan Shvodian, Chris Kelley, Victoria Smith, Wing Liang, Nancy Cheng, Sarah Stahnke, Crystal Canterbury, Andrew Klein, Amisha Manek and Adam Hester.

06.17.2016

Perkins Coie Attorneys' 35-page complaint featured in The Hollywood Reporter - Video Game Streamer Twitch Sues Over Bots Artificially Inflating Broadcasters' Popularity
General News
The Hollywood Reporter
Joseph Cutler, Judith Jennison, Andrew Klein and Sunita Bali's complaint were featured in *The Hollywood Reporter* article, "Video Game Streamer Twitch Sues Over Bots Artificially Inflating Broadcasters' Popularity," regarding the use of bot services to falsely boost statistics. To read the full article, click here.

PUBLICATIONS

03.02.2017

Perkins Coie Recognized in Law360 Article - Amazon Unit Twitch Gets A Win In IP War Against Bots
Articles
Law360
Perkins Coie attorneys Judy Jennison, Joseph Cutler, Holly Simpkins and Andrew Klein were mentioned in the *Law360* article, "Amazon Unit Twitch Gets A Win In IP War Against Bots" as counsel to Twitch in their current Intellectual Property case.

09.2016

Inter Partes Review Proceedings: A Fourth Anniversary Report
IPR@4
An In-Depth Look at Factors Affecting Your IPR Strategy
Perkins Coie is marking the fourth anniversary of *inter partes* review (IPR) with a report focused on the changes and progress of IPR proceedings, particularly since September 2015. As IPR proceedings have become more familiar during the past four years, growing clarity on many issues has resulted from decisions by the U.S. Court of Appeals for the Federal Circuit and U.S. Supreme Court. Click here to read the full report.

AREAS OF FOCUS

PRACTICES

- Intellectual Property Law
- Litigation
- Business Litigation
- Patent Litigation
- Trade Secrets
- Trademark, Copyright, Internet & Advertising

INDUSTRIES

- Food Litigation

BAR AND COURT ADMISSIONS

- California
- U.S. District Court for the Northern District of California

- U.S. District Court for the Central District of California

EDUCATION

- UC Law San Francisco, J.D., *cum laude*, 2014, Staff Editor; Articles Editor, *Hastings Law Journal*
- California State University, Long Beach, B.A., Communications; Culture and Public Affairs, *magna cum laude*, 2011

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