UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Netskope, Inc.,
Petitioner

v.

Fortinet, Inc.,
Patent Owner

Case No. IPR2023-00459
U.S. Patent No. 10,084,825

PATENT OWNER'S NOTICE OF OBJECTIONS TO EVIDENCE

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Fortinet, Inc. ("Patent Owner"), submits the following objections to Petitioner Netskope, Inc.'s ("Petitioner") Exhibits 1002 and 1009. As required by 37 C.F.R. § 42.62, Patent Owner's objections below apply the Federal Rules of Evidence ("FRE").

II. OBJECTIONS

A. Objections to Exhibit 1002 – Declaration of Michael Franz, Ph.D.

Grounds for Objection: FRE 401-403, 801-803, 901

Patent Owner objects to the admissibility of certain portions of Exhibit 1002 under FRE 401, 402, and 403. Patent Owner objects to Exhibit 1002 to the extent that is not cited by the petition, including but not limited to paragraphs 29, 35, 38-64, 71-75, 80-81, 84, 86-88, 91-92, 94, 97-99, 102-106, 108-120, 123-126, 131-133, 135-136, 138-139, 142, 146-148, 150, 152-159, 162, 165-166, 168-170, 172, 175-179, 181-184, 188-190, 193-195, 198-199, 201-202, 205-209, 211-221, 224-225, 227-230, 232, 234-235, 238-240, and 242. Because the petition does not rely on those portions of Exhibit 1002, they are not relevant to the instituted grounds of review. Further, to the extent the uncited portions of Exhibit 1002 are deemed relevant, their admission

would be unduly prejudicial, misleading, and a waste of time in view of the fact that they are not cited in the petition.

Patent Owner further objects to Appendices B and C of Exhibit 1002 because Petitioner has not established the documents therein are authentic copies. Patent Owner further objects to Appendices B and C of Exhibit 1002 to the extent they are hearsay. Petitioner further objects to Appendices B and C of Exhibit 1002 as Petitioner has made no attempt to establish the documents therein are printed publications.

B. Objections to Exhibit 1009 – Microsoft Computer Dictionary, Fifth Edition (2002)

Grounds for Objection: FRE 801-803, 901

Patent Owner objects to the admissibility of Exhibit 1009 under FRE 801-803 and 901. Petitioner has not established that Exhibit 1009 is an authentic copy. Patent Owner further objects to Exhibit 1009 as hearsay. Patent Owner further objects to Exhibit 1009 as Petitioner has not established it is a printed publication.

Date: September 24, 2023

By: */s/ James Glass*

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CERTIFICATE OF SERVICE (37 C.F.R. §§ 42.6(E), 42.105(A))

The undersigned hereby certifies that the foregoing document was served in its entirety on September 24, 2023 upon the following parties via Electronic Mail:

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