UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Sophos Ltd. and Sophos Inc.,
Petitioners

v.

Webroot Inc.,
Patent Owner.

Case No. IPR2023-00633

U.S. Patent No. 8,726,389

DECLARATION OF BRIAN A. ROSENTHAL IN SUPPORT OF PETITIONERS' MOTION FOR *PRO HAC VICE* ADMISSION

Pursuant to 37 C.F.R. § 1.68, I, Brian Rosenthal, hereby attest to the following:

1. I am a member in good standing of the New York Bar (2001) and the District of Columbia Bar (2002), and I am admitted to practice before the following Federal Courts:

   a. United States Court of Appeals for the Federal Circuit;
   b. United States Court of Federal Claims;
   c. United States District Court for the Southern District of New York;
   d. United States District Court for the Eastern District of Texas;
   e. District of Columbia; and
   f. United States District Court for the Western District of Texas;

2. I have not 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. I have never had sanctions or contempt citations imposed by any court or administrative body imposed against me;

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 part 42 of 37 C.F.R.;

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. In the last three years, I have applied for, and been granted, *pro hac vice* status in *inter partes* review IPR2021-00272 (Paper 10), IPR2021-00544 (Paper 36), and IPR2023-00370 (Paper 10); and I have one application for *pro hac vice* status pending in IPR2023-00464 (Paper 10).

8. I am an experienced litigation attorney and have been involved in numerous patent-infringement cases in Federal Courts across the country. I have experience in various aspects of patent-infringement matters including jury and bench trials, *Markman* hearings, and summary judgment hearings. I am counsel for the Petitioners in a co-pending litigation, *Webroot, Inc. et al v. AO Kaspersky Lab*, No. 6:22-cv-00243-ADA-DTG, pending in the United States District Court for the Western District of Texas. That litigation involves U.S. Patent No. 8,726,389 ("the '389 Patent"), the same patent at issue in this proceeding. In my role as counsel in the co-pending litigation, I have reviewed and am familiar with the '389 Patent and the asserted prior-art references and invalidity claim charts. Further, I have been involved, and am familiar, with the factual and legal arguments at issue in that case,

including the claim-construction issues presented in the co-pending litigation. As such, I have established familiarity with the subject matter at issue in this proceeding.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: April 26, 2023 Respectfully Submitted,

By: */s/ Brian A. Rosenthal*

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