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

PETITIONERS' MOTION FOR *PRO HAC VICE* ADMISSION OF JOSHUA A. KREVITT UNDER 37 C.F.R. § 42.10

Pursuant to 37 C.F.R. § 42.10 and in response to the authorization provided by the United States Patent and Trademark Office's Patent Trial and Appeal Board ("Board") in the Notice of Filing date Accorded to Petitioner (Paper Number 3, entered March 16, 2023) ("the Notice") Petitioners Sophos Ltd. and Sophos Inc. submit this motion for Joshua A. Krevitt to appear *pro hac vice*. Petitioners respectfully request the Board recognize Mr. Krevitt as counsel *pro hac vice* in this proceeding.

I. TIME FOR FILING

Pursuant to the "Order – Authorizing Motion for Pro Hac Vice Admission" in Case IPR 2013-00639, this motion for *pro hac vice* admission is being filed no sooner than twenty-one (21) days after service of the petition.

II. STATEMENT OF FACTS

Pursuant to the Order, the following statement of facts shows that there is good cause for the Board to recognize Mr. Krevitt *pro hac vice*.

Lead counsel for this proceeding, Ryan Iwahashi, is a registered practitioner (Reg. No. 63,378).

Mr. Krevitt is an experienced litigation attorney, and has been involved in numerous patent-infringement cases in Federal Courts across the country. He has experience in various aspects of patent-infringement matters including jury and bench trials, *Markman* hearings, and summary judgment hearings. Mr. Krevitt is a

member in good standing of the New York Bar and the California Bar, and he is admitted to practice before the Supreme Court of the United States, the Court of Appeals for the Second Circuit, the Court of Appeals for the Federal Circuit, and the United States District Courts for the Southern District of New York, the Eastern District of Texas, the Northern District of California, and the Central district of California. Mr. Krevitt has not been suspended or disbarred from practice, has never had any application for admission to practice denied, and has never had any sanctions or contempt citations imposed against him.

III. GOOD CAUSE EXISTS FOR THE *PRO HAC VICE* ADMISSION OF JOSHUA A. KREVITT

Mr. Krevitt is counsel for the Petitioner 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 his role as counsel in the co-pending litigation, Mr. Krevitt has reviewed and is familiar with the '389 Patent and the asserted prior-art references and invalidity claim charts. Further, Mr. Krevitt has been involved, and is 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, Mr. Krevitt has established familiarity with the subject matter at issue in this proceeding.

Mr. Krevitt has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules for Practice for Trials set forth in part 42 of the C.F.R., and he agrees to 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). In the last three (3) years, Mr. Krevitt has not applied for *pro hac vice* status in any *inter partes* reviews.

Petitioners have expended significant financial resources in the co-pending litigation with Mr. Krevitt as counsel, and Petitioners wish to continue using Mr. Krevitt in this proceeding.

As such, Petitioners respectfully submit that there is good cause for the Board to recognize Mr. Krevitt as counsel *pro hac vice* in this proceeding.

IV. CONCLUSION

Petitioners respectfully request that the Board admit Mr. Krevitt *pro hac vice* in this proceeding.

DATED: April 26, 2023 Respectfully Submitted,

By: Ryan Iwahashi

Ryan Iwahashi
(Reg. No. 63,378)
Gibson, Dunn & Crutcher LLP
1881 Page Mill Road
Palo Alto, CA 94304-1211
Tel: (650) 849-5367
RIwahashi@gibsondunn.com

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e), the undersigned certifies that on April 24, 2023, a complete copy of Petitioners' Motion for *Pro Hac Vice* Admission of Joshua A. Krevitt Under 37 C.F.R. § 42.10 was served on the Patent Owner's counsel of record by email to:

Brian Eutermoser (Reg. No. 64,058)
Email: beutermoser@kslaw.com
KING & SPALDING LLP

Russell E. Blythe (Reg. No. 58,440)
Email: rblythe@kslaw.com
KING & SPALDING LLP

Mikaela Stone (Reg. No. 70,404)
Email: mikaela.stone@kslaw.com
KING & SPALDING LLP

DATED: April 26, 2023

By: /s/ Ryan Iwahashi
Ryan Iwahashi
(Reg. No. 63,378)
Gibson, Dunn & Crutcher LLP
1881 Page Mill Road
Palo Alto, CA 94304-1211
Tel: (650) 849-5367
RIwahashi@gibsondunn.com