UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORTINET, INC.,

Petitioner,

v.

NETSKOPE, INC.,

Patent Owner.

U.S. Patent No. 8,117,639

PTAB Case No. IPR2026-00025

PATENT OWNER'S PRELIMINARY RESPONSE

TABLE OF CONTENTS

I. INTRODUCTION 1

II. LEVEL OF ORDINARY SKILL IN THE ART 3

III. PETITION'S CLAIM CONSTRUCTION CONTRADICTS DISTRICT COURT POSITIONS 3

IV. GROUNDS 1-2: RICHMOND DOES NOT ANTICIPATE NOR RENDER OBVIOUS THE CHALLENGED CLAIMS 5

A. Grounds 1-2 Fail to Delineate Between § 102 And § 103 Arguments Or Properly Assert Either Category 7

B. Petitioner Improperly Relies On POSITA's Knowledge Instead Of Disclosure Or Teaching In The Prior Art References 9

1. POSITA's Knowledge—Not Richmond—Used To Allege Disclosure Or Teaching Of Claimed "*associating the packet with user specific … rules*" 10

2. POSITA's Knowledge—Not Richmond—Used To Allege Disclosure Or Teaching Of Claimed "*user specific traffic control rules and user specific firewall rules*" 12

3. POSITA's Knowledge Impermissibly Relied On For All Independent Claims Of The '639 Patent 14

V. GROUND 3: THE COMBINATION OF RICHMOND AND WOOD DOES NOT RENDER THE CHALLENGED CLAIMS OBVIOUS 14

A. Ground 3 Necessarily Fails Because There Is No Motivation To Combine Richmond And Wood 14

VI. CONCLUSION 18

EXHIBIT LIST

No.	Exhibit Description
Ex. 2001	Scheduling Order for *Netskope, Inc. v. Fortinet, Inc.*, Case No. 4:25-cv-02360-HSG, pending in the United States District Court for the Northern District of California.
Ex. 2002	Fortinet Inc.'s Preliminary Invalidity Contentions in *Netskope, Inc. v. Fortinet, Inc.*, Case No. 4:25-cv-02360-HSG, pending in the United States District Court for the Northern District of California.
Ex. 2003	Exhibit E-1 of Fortinet Inc.'s Preliminary Invalidity Contentions in *Netskope, Inc. v. Fortinet, Inc.*, Case No. 4:25-cv-02360-HSG, pending in the United States District Court for the Northern District of California.
Ex. 2004	Exhibit E-5 of Fortinet Inc.'s Preliminary Invalidity Contentions in *Netskope, Inc. v. Fortinet, Inc.*, Case No. 4:25-cv-02360-HSG, pending in the United States District Court for the Northern District of California.
Ex. 2004	Exhibit Appendix C of Fortinet Inc.'s Preliminary Invalidity Contentions in *Netskope, Inc. v. Fortinet, Inc.*, Case No. 4:25-cv-02360-HSG, pending in the United States District Court for the Northern District of California.
Ex. 2005	Plot from Docket Navigator – Profile of Judge Haywood S. Gilliam Motion Success To Stay Pending IPR
Ex. 2006	Plots from Docket Navigator – Profile of Judge Haywood S. Gilliam Time to Milestones (annotated)
Ex. 2007	Website blog on Fortinet.com, titled: "Fortinet is Leading Innovation in the Security Industry with More Than 1,500 Patents" https://www.fortinet.com/blog/business-and-technology/fortinet-is-the-security-innovation-leader-more-than-1500-patents-either-awarded-or-pending

Ex. 2008	Website article on Wikipedia.org, titled: "Fortinet" https://en.wikipedia.org/wiki/Fortinet
NEW EXHIBIT	
Ex. 2009	Declaration of Dr. Michael Franz, Sc.D.

I. INTRODUCTION

Fortinet, Inc. ("Fortinet" or "Petitioner") filed a petition for *Inter Partes* Review ("IPR") against Claims 1-27 ("Challenged Claims") of U.S. Patent No. 8,117,639 B2 (the "'639 patent") based on three grounds. As this Patent Owner Preliminary Response shows, Petitioner has failed to show a reasonable likelihood that any of the Challenged Claims is invalid.

The '639 patent is directed to systems and methods for controlling network access on a shared network. *See* Ex. 1001, title, abstract, 1:14-16. The devices, computer program products, and methods described in the '639 patent provide a user-specific technique for provisioning network access control for users' ability to access one or more networks. *Id*., Abstract. For instance, the technique processes data packets, which originate from a user device, that involves two stages: a client discrimination stage and a user specific rule stage. *Id*., 16:19-38. At the client discrimination stage, information associated with the user device is extracted and the data packet is associated with user specific traffic control rules and firewall rules; and at the user specific rule stage, these user specific traffic control rules and firewall rules are applied to the data packet governed by at least one user specific class of service rule that is associated with the user on the user device. *Id*. This technique provides several advantages over other methods at the time of the '639 patent, including enabling its users "to physically roam without requiring reauthentication

on different subnets" (*id*., 3:25-29, 13:41-43), which was a known problem prior to the technology of the '639 patent. *Id*., 2:5-16.

Petitioner's invalidity challenges to the '639 patent fall woefully short due to the Petition's inadequate mapping of each claim feature to the cited references, particularly Richmond, and complete disregard for the legal standards of anticipation and obviousness. Petitioner fails its burden to show that Richmond discloses, teaches, suggests, or otherwise renders obvious each claimed feature and the claims as a whole. This failure is exemplified by the Petition's impermissible reliance on the knowledge of a person of ordinary skill in the art ("POSITA"), which itself is not substantiated in the Petition. Moreover, Petitioner's secondary references, such as Wood, do not compensate for the Petition's deficiencies with respect to Richmond; and a POSITA would have no motivation to combine Richmond and Wood in the first place. Petitioner's failure to make a sound case, much less a compelling one, should not disrupt Patent Owner's strong settled expectations or waste the Patent Office's valuable resources to redundantly adjudicate patentability alongside the U.S. district court in the ongoing, active case of *Netskope, Inc. v. Fortinet, Inc.* ("Parallel Litigation"). *See* Patent Owner's Brief for Discretionary Denial (Paper 7), 3-9.

Because Petitioner does not show that any of the grounds demonstrate a reasonable likelihood of invalidating any of the Challenged Claims, institution

should consequently be denied under 35 U.S.C. § 314.

II. LEVEL OF ORDINARY SKILL IN THE ART

The Petition describes a POSITA as a person, as of October 10, 2002, having "at least a bachelor's degree in computer science, computer engineering, or related field, with two to three years working with computer networking," further adding that "[a]dditional graduate education could substitute for professional experience, while significant experience in the field might substitute for formal education." Petition, 8, citing Ex. 1002, ¶56.

For the purposes of this Preliminary Response, Patent Owner relies on the definition proposed by Petitioner because Petitioner has not shown that any challenged claim is unpatentable even under this level of skill. Ex. 2009, ¶33.

III. PETITION'S CLAIM CONSTRUCTION CONTRADICTS DISTRICT COURT POSITIONS

In the Petition, Petitioner contends that all claims should be construed according to the plain an ordinary meaning standard of *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005), and "no claim construction is required for [the] petition." Petition, 9. Yet, this is an inconsistent position with Petitioner's preliminary invalidity contentions filed in the Parallel Litigation that list four claim terms (reproduced below) as allegedly being indefinite. Ex. 2002, 61. Petitioner's

district court position states:

> [v]arious Asserted Claims identified below do not comply with the requirements pre-AIA 35 U.S.C. § 112, ¶ 2, for failing to particularly point out and distinctly claim "the subject matter which the applicant regards as his invention" for the following reasons…. The following chart identifies the claims in which the identified terms and phrases explicitly appear, although those identified terms and phrases are also incorporated into additional dependent Asserted Claims.

Id., 60.

Petitioner, however, fails to mention any such assertions of indefiniteness in its IPR filing and instead explains how the cited references in the grounds disclose or render obvious all limitations of the claims including all of the terms that Petitioner deemed indefinite in the Parallel Litigation. *See* Petition *passim*, e.g., 18, 68, 73.

Patent	Claim(s)	Indefinite Term and/or Phrase
'639	4, 13, 20, 22, 23	"provisioning module"
'639	13, 20, 21	"traffic conditioning model [for user specific allocation of bandwidth]"
'639	22	"firewall module for associating the packet with the user specific firewall rules."
'639	23	"authentication module for authenticating the user."

Petitioner's inconsistent claim constructions provide yet another reason for denying the Petition in addition to those discussed below. The Office has made its

position regarding this issue clear in both *Revvo Technologies, Inc. v. Cerebrum Sensor Technologies, Inc.*, IPR2025-00632, Paper 20 (Precedential) and *Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00340, Paper 18 (Informative). Similar to *Revvo* and *Tesla*, Petitioner has decided to pursue differing claim construction positions without any explanation whatsoever in the Petition about the reasons for such divergent constructions.

For the purposes of this Preliminary Response, Patent Owner agrees with Petitioner's position in the Petition that no specific claim constructions are needed. Ex. 2009, ¶38.

IV. GROUNDS 1-2: RICHMOND DOES NOT ANTICIPATE NOR RENDER OBVIOUS THE CHALLENGED CLAIMS

Ground 1 of the Petition is purported as an anticipation ground of invalidity against Claims 1-3, 5-20, 22-27[1] of the '639 patent. Petition, 18 (heading of § VII). However, the Petition lacks an earnest effort to articulate the reasonings and show

[1] The Petition lists dependent Claim 4 in its obviousness Ground 2 only (Petition, 46), and Grounds 1-2 of the Petition allege Claims 9, 16, 26, and 27 are anticipated and obvious (*id*., 56, 61, 66) despite Ground 1-2's heading excluding them from this hybrid ground. *Id*., 18.

support for its anticipation allegations. Instead, Ground 1 is melded with an obviousness-based ground (Ground 2) in a single section of the Petition, i.e., § VII. *See id*. This mixed ground mischaracterizes both the '639 patent claims and the cited reference (Richmond) that ultimately results in a failed showing for both anticipation and obviousness and an impermissible reliance on alleged POSITA knowledge instead of reliance on Richmond (discussed in **Section IV.B**).

To prove anticipation "a prior art reference must disclose all elements of the claim within the four corners of the document, ***and it must disclose those elements arranged as in the claim***." *Microsoft Corp. v. Biscotti, Inc.*, 878 F.3d 1052, 1068 (Fed. Cir. 2017) (emphasis added). *See also*, *In re Bond*, 910 F.2d 831, 832 (Fed. Cir. 1990). The law further requires that the "prior art reference must ***clearly and unequivocally disclose*** the claimed invention or direct those skilled in the art to the invention ***without any need for picking, choosing, and combining various disclosures not directly related to each other*** by the teachings of the cited reference." *Net MoneyIN, Inc. v. Verisign, Inc.*, 545 F.3d 1359, 1371 (Fed. Cir. 2008) (emphasis added).

To establish a prima facie case of obviousness, the Petitioner must support the allegations with fact and reasoning for why any claimed feature(s) **and** the claim as a whole would have been obvious. *See KSR International Co. v. Teleflex Inc*., 550 U.S. 398, 418 (2007), holding a determination of unpatentability on a ground of

obviousness must include "articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Also see In re Kahn*, 441 F.3d 977, 986 (Fed. Cir. 2006), "mere identification in the prior art of each element is insufficient to defeat the patentability of the combined subject matter as a whole."

As demonstrated below, Petitioner completely failed to meet the requisite standard for both anticipation and obviousness of any claims of the '639 patent.

A. Grounds 1-2 Fail to Delineate Between § 102 And § 103 Arguments Or Properly Assert Either Category

Grounds 1 and 2 of the Petition assert unpatentability under the anticipation standard of § 102 and the obviousness standard of § 103, respectively, but are presented together in a manner that fails to fully or clearly articulate either theory. *See* Petition, 18 ("VII. Grounds 1 & 2 – Claims … are anticipated or rendered obvious by Richmond"). Due to this lack of clarity, the grounds of the Petition are substantively deficient and noncompliant with 35 U.S.C. § 312(a)(3),[2] thereby favoring its dismissal and non-institution of the IPR.

[2] 35 U.S. Code § 312(a) Requirements of Petition.—A petition filed under section 311 ***may be considered only if***— . . . (3) the petition identifies, in writing ***and with particularity***, each claim challenged, ***the grounds on which the challenge to each claim is based***, and the evidence that supports the grounds for the challenge to each

First, it is unclear whether the Petition intends to raise both pre-AIA 35 U.S.C. § 102 and § 103 arguments. Within this combined hetero-ground, the Petition uses boilerplate language to assert both anticipation and obviousness theories, e.g., alleging "Richmond discloses and renders obvious all limitations of claim 1." *Id*. Yet, for anticipation under § 102, Petitioner fails to map each element of the claim to the disclosures in the cited prior art reference, as described above, so any § 102 argument fails from the start. And, for obviousness under § 103, not only does Petitioner fail to show the requisite teaching or suggestion in the prior art of each claimed feature, Petitioner fails to explain any reasoning for why any claim would be obvious within the framework for objective analysis articulated in *Graham v. John Deere Co.*, 383 U.S. 1 (1966) and reiterated in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398 (2007). The court has "repeatedly emphasized that an obviousness inquiry requires examination of all four *Graham* factors and that an obviousness determination can be made only after consideration of each factor." *Nike, Inc. v. Adidas AG*, 812 F.3d 1326, 1335 (Fed. Cir. 2016).

Here, for every claim element of the challenged claims, the Petition lacks any articulation of the second *Graham* factor (ascertaining the differences between the claimed invention and the prior art). While arguing such differences risks

---

claim, ... (emphasis added).

undercutting one's anticipation arguments, Petitioner in this case chose to avoid taking the risk at the expense of ignoring the legal standard of obviousness.

The improper ground not only requires Patent Owner to respond to multiple incomplete arguments but also would impel the Board, if the Petition is instituted, to analyze multiple unarticulated invalidity grounds under multiple legal standards. Furthermore, gaps in Petitioner's claim mapping (discussed briefly below) raise doubts that any § 102 argument was made in good faith. Yet Patent Owner is forced to respond to both anticipation and obviousness arguments, despite neither theory being sufficiently explained for Patent Owner to appropriately rebut.

Petitioner has improperly shifted the burden to the Board and to Patent Owner, which warrants dismissal of the Petition for its lack of merit in establishing a "reasonable likelihood" of its invalidity challenges to prevail on §§ 102 and 103 grounds. Institution is thus not warranted under 35 U.S.C. § 314.

B. Petitioner Improperly Relies On POSITA's Knowledge Instead Of Disclosure Or Teaching In The Prior Art References

On July 31, 2025, the Director's office issued a memorandum (the "July Memorandum") putting all practitioners on notice that the Office "will enforce and no longer waive the requirement of 37 C.F.R. § 42.104(b)(4) (Rule 104(b)(4)) that a petition for inter partes review (IPR) "must specify where each element of the claim is found in the prior art patents or printed publications relied upon"" and prohibiting

reliance on "applicant admitted prior art (AAPA), expert testimony, common sense, and other evidence that is not "prior art consisting of patents or printed publications" … to supply a missing claim limitation." July Memorandum, 1. The July Memorandum makes clear that reliance on a "general knowledge," such as by a POSITA, to fill in missing claim limitations from prior art reference(s) was impermissible and is limited to supporting motivation to combine and demonstrating the knowledge of a POSITA. *Id*., 1-2. This change applies to any petition filed on or after September 1, 2025 (*id*., 3) and, thus, applies to the instant Petition.

Petitioner disregarded the Director's instructions. The Petition impermissibly relies on the knowledge of a POSITA to substitute for missing '639 patent claim limitations in the cited references, namely Richmond.

1. POSITA's Knowledge—Not Richmond—Used To Allege Disclosure Or Teaching Of Claimed "*associating the packet with user specific … rules*"

In a first instance, the Petition fails to show that Richmond discloses, teaches or suggests Claim 1's limitation of "***associating*** *the packet with* ***user specific traffic control rules and user specific firewall rules***" and, instead, argues an assumption that "*a POSITA would understand*" Richmond's network control technique to perform the claimed "*associating*" step. Petition, 30.

The Petition's failed showing of the claimed feature "*associating the packet with* ***user specific … rules***" is grounded to Richmond's teaching of assigning "roles"

for users and associating these predetermined "roles" with particular "rules." *See* Ex. 1003, ¶[0267], *see also id*., ¶¶[0211], [0214], [0223], [0277]-[0279] and FIGS. 13A(1)-13(B). Petitioner refers to this multiple times in the Petition. First, this is acknowledged in the Petition's "Overview of Richmond." Petition, 13-14. Next, under the Petition's subheading "[u]ser-specific rule stage," the Petitions characterizes Richmond's method 1300, which requires "after determining the identity **and role** of the authenticated user, "configur[ing] the entry port module **with the packet rules associated with the determined role**" (act 1320)," citing Richmond at ¶¶[0225], [0227], [0278], and Fig. 13B. Petition, 25-26 (emphasis added). And next, in the Petition's actual discussion of Richmond and the '639 patent's "*associating*" feature, the Petition states: "[g]iven a role ID of a valid user, the network entry device then associates the packet with user-specific traffic control rules and user-specific firewall rules **by using the role associated with that user to search for matching user-based rules in a rule database 1514**." *Id*., 30 (emphasis added).

Yet, the Petition does not explain **how** "using the role associated with that user" to match to role-based rules is the same or similar to "*associating the packet with **user specific … rules***" as claimed or why a POSITA would understand it to be so. Instead, the Petition at p. 30 cites Richmond's disclosure (about extraction of a rule set using the role ID, i.e., Ex. 1003, ¶[0267]) and makes a conclusory statement

about a POSITA's understanding without support in Richmond or any other reference—and without a supporting analysis by Petitioner's expert, Dr. Almeroth, which merely parrots substantively same statements in the Petition. *Compare* Petition, 30 *to* Ex. 1002, ¶93.

Thus, the Petition does not demonstrate the "associating" feature in Richmond, nor does the Petition explain why a POSITA would understand it to be obvious. Petitioner's reliance on the POSITA in this instance is precisely what the July Memorandum admonished against.

2. POSITA's Knowledge—Not Richmond—Used To Allege Disclosure Or Teaching Of Claimed "*user specific traffic control rules and user specific firewall rules*"

In addition to the "*associating*" feature, Petitioner also impermissibly relies on a POSITA, not Richmond, for the particular claimed limitations of "*user specific traffic control rules*" and "*user specific firewall rules*" recited in Claim 1. *See* Petition, 33, stating: "[a] POSITA would understand Richmond's user-based packet rules to include both "user specific traffic control rules" and "user specific firewall rules."" Petitioner supports this statement by only citing Petitioner's expert's declaration at ¶¶98-99 (*id*.), which notably mirrors the Petition without any further insight or analysis from Petitioner's expert. *See* Ex. 1002, ¶¶98-99.

After this unsupported conclusory statement about what a POSITA would understand, the Petition then points to examples of "*user-specific traffic control*

rules" from the '639 patent—not Richmond. Petition, 33. The only citations to Richmond on this topic of "user-specific traffic control rules" first include Richmond's Background section at ¶[0010] about admitted known techniques for controlling usage of network resources like regulating bandwidth (*id*.), followed by citations to Richmond at ¶¶[0158] and [0159] about rate limit field 520 of Richmond's data structure 500 (*see* Ex. 1003, FIG. 5), noting that bandwidth can be limited to users. Importantly, Petitioner's terse discussion of Richmond's disclosure on bandwidth limiting fails to provide any explanation or make any connection to "user-specific … rules." Thus, the Petition makes no demonstration of the claimed "*user-specific traffic control rules*" in Richmond and relies solely on a vacuous POSITA statement.

The same pattern is repeated for the claimed "*user-specific firewall rules*" on p. 34. Rather than support its POSITA reliance, Petitioner again points to the '639 patent to describe "*user-specific firewall rules*," followed by citations in Richmond to admitted prior art (e.g., firewall intercepting data packets (Ex. 1003, ¶¶[0035]-[0036]) and unrelated disclosure about Richmond's deny field 518 of data structure 500. *See* Petition, 34-35. Again, the Petition makes no demonstration of the claimed "*user-specific firewall rules*" in Richmond and relies solely on unsupported assertions of the knowledge of a POSITA.

3. POSITA's Knowledge Impermissibly Relied On For All Independent Claims Of The '639 Patent

This fatal flaw in the Petition applies to all of the independent claims of the '639 patent for mixed Ground 1/2, as the Petition merely cites the same deficient arguments from Claim 1 for Claims 10, 17, and 27. *See* sections VII.J.2 (Claim 10), VII.Q.4 (Claim 17), and VII.Z (Claim 27) of Petition, each stating "*[s]ee* Section VII.A.2-VII.A.5 (corresponding limitations for claim 1)." Petition, 59, 64, and 67, respectively.

Notably, this is also repeated for the only independent claim in Ground 3 (Claim 27), where Petitioner again refers to the same faulty arguments made in Claim 1. *Id*. at 73.

In view of the above, Petitioner's disregard for Rule 104(b)(4) should not be disregarded and warrants denial of the Petition for IPR.

V. GROUND 3: THE COMBINATION OF RICHMOND AND WOOD DOES NOT RENDER THE CHALLENGED CLAIMS OBVIOUS

A. Ground 3 Necessarily Fails Because There Is No Motivation To Combine Richmond And Wood

There is no motivation to combine Richmond and Wood because their respective network access control systems and methods are substantially different. *See* Ex. 2009, ¶45.

Richmond describes a system for controlling the usage of network resources for multiple users at the entry points to that network "without using any network resources beyond the user's entry point to the network." Ex. 1003, Abstract, ¶[0108], ¶[0109] (emphasis added). This is Richmond's core principle, i.e., not using any internal network resources beyond the entry point, which preserves network efficiencies. *Id*., ¶[0109]. *See also* Ex. 2009, ¶46.

47. Richmond uses "network entry devices" to strictly control entry into the network, i.e., through an entry port module. Ex. 1003, ¶[0016]. Richmond configures the network entry devices at "an edge or boundary of the communications network[, which] provide connectivity between network resources of the communications network and devices located external to the communications network." *Id*. In other words, these network entry devices are at the 'perimeter' of the network that they are designed to effectively protect by acting as gatekeepers. *See* Ex. 2009, ¶47.

Richmond's principle is antithetical to Wood. *Id*., ¶54.

Wood is directed to single sign-on access management using the traditional federated network system. Ex. 1004, 2:15.[3] Wood's system architecture necessarily

[3] Patent Owner's citation notation for cites in Wood are shown as *x:y-z*, where *x* is the page number and *y-z* are the line numbers on page *x*.

utilizes network resources, particularly authentication resources 120, 130, 140 and session management resources 160, to decide access to the desired information resources 191, 192, 193. *Id*., 5:15-18 ("[u]sing facilities provided by a session management component 160, an authorization component 140, an authentication component 130, an identification component 150, and login component 120, the gatekeeper/entry handler component 110 allows, redirects or refuses access requests in accordance with a security policy"). *See* Ex. 2009, ¶¶51-52.

Moreover, Wood's single sign-on technique requires communications between multiple resources across a network because Wood's authentication approach is based on "trust level requirement(s)." *See* Ex. 1004, 5:30-36, describing login component 120 "operating in conjunction" with gatekeeper 110 to authenticate a user to a particular trust level. *See also id.*, 6:3-18, describing the gatekeeper 110 "queries" authorization component 140 to obtain the authorization, which itself may indicate redirection back to the login component 120. *See* Ex. 2009, ¶53.

There is no motivation to combine Richmond and Wood. *Id*., ¶54. For a POSITA to be motivated to combine the technologies of Richmond and Wood, the POSITA would need to make significant changes to one or both systems to even attempt to harmonize their differences. That is, to combine Richmond and Wood, a POSITA would have had to modify the core architecture of Richmond's system to integrate Wood's single sign-on approach, which would constitute a change in its

principle of operation. This is contrary to obviousness. As MPEP 2143.01.VI states, "[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious," citing *In re Ratti*, 270 F.2d 810, 813 (CCPA 1959).

Furthermore, Petitioner posits no meaningful reasons why a POSITA would combine the teachings of Richmond and Wood. Petitioner's arguments can be distilled to a series of mirrored conclusory statements between the Petition and the Almeroth declaration arguing a POSITA's motivation to combine would be "to achieve the benefits of Richmond's system … along with Wood's user-friendly authentication method." *See* Petition, 70-71; *see also* Ex. 1002, ¶¶191-192. Petitioner contends it would be "simple" because of the availability of web pages and servers. *Id*. Petitioner proposes this "simple" combination would be through software, i.e., "a network administrator could use existing tools to design a login page, and existing web servers to provide the page." Petition, 71. This is wrong because Petitioner completely ignores the different network hardware system configuration changes and communication scheme alterations that would need to be done to the respective systems of Richmond and Wood, which would counter their primary aims and principles of operation. When considering these critical factors, a

POSITA would be completely discouraged from attempting the combination. *See* Ex. 2009, ¶55.

All in all, a POSITA would have no motivation to combine Richmond and Wood if attempting to create any network access control system, much less one with the claimed method, computer program product, and control device of Claims 9, 16, 26, and 27 of the '639 patent. Because there is no motivation to combine, Ground 3 resultantly fails.

VI. CONCLUSION

For the reasons discussed above, Patent Owner respectfully requests that the Director deny Petitioner's Petition for *Inter Partes* Review of the '639 patent.

Dated: January 9, 2026

Respectfully submitted,

/Babak Tehranchi/

Lead Counsel
Babak Tehranchi, Reg. No. 55,937

Back-Up Counsel
Fareid Asphahani, Reg. No. 72,217
Kyle Canavera, Reg. No. 72,167
Thomas Millikan, Reg. No. 72,316
Ashlee Sherman, (To be admitted – *Pro Hac Vice*)

Attorneys for Netskope, Inc.

PERKINS COIE LLP
11452 El Camino Real, Ste. 300
San Diego, CA 92130

CERTIFICATE OF WORD COUNT UNDER 37 CFR § 42.24(d)

Under 37 C.F.R. § 42.24(d), the undersigned certifies that the word count for this Patent Owner's Preliminary Response to the Petition for *inter partes* review totals 3,804 words, excluding the parts exempted by 37 C.F.R. § 42.24(a). The word count was made using the built-in word count function in the Microsoft® Word software used to prepare this document.

Dated: January 9, 2026

Respectfully submitted,

/Babak Tehranchi/

Lead Counsel
Babak Tehranchi, Reg. No. 55,937

Back-Up Counsel
Fareid Asphahani, Reg. No. 72,217
Kyle Canavera, Reg. No. 72,167
Thomas Millikan, Reg. No. 72,316
Ashlee Sherman, (To be admitted – *Pro Hac Vice*)

Attorneys for Netskope, Inc.

PERKINS COIE LLP
11452 El Camino Real, Ste. 300
San Diego, CA 92130

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that I caused to be served a true and correct copy of the foregoing PATENT OWNER'S PRELIMINARY RESPONSE and accompanying exhibit by email to the electronic service addresses for Petitioner on the date indicated below:

Andrew D. Gish (Reg. # 67,562)
andrew@gishpllc.com
Ryan Iwahashi (Reg. # 63,378)
ryan@gishpllc.com

Dated: January 9, 2026

Respectfully submitted,

/Anita Chou/
Anita Chou
Patent Paralegal

PERKINS COIE LLP
1888 Century Park East, 17th Floor
Los Angeles, CA 90067