

1 Ryan Iwahashi (CA SBN 284766)
ryan@gishpllc.com
2 **GISH PLLC**
50 California Street, Suite 1500
3 San Francisco, CA 94111
Phone: (415) 630-2000
4

Andrew D. Gish (NY SBN 4918454) (*pro hac vice*)
5 andrew@gishpllc.com
Christopher Gerson (NY SBN 4595708) (*pro hac vice*)
6 Chris.Gerson@gishpllc.com
GISH PLLC
7 41 Madison Avenue, Floor 31
New York, NY 10010
8 Phone: (212) 518-7380

9 *Attorneys for Fortinet, Inc.*

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION
13

14 NETSKOPE, INC.,
15 Plaintiff,
16 v.
17 FORTINET, INC.,
18 Defendant.
19

Case No. 4:25-cv-02360-HSG

**FORTINET'S PRELIMINARY CLAIM
CONSTRUCTIONS AND EXTRINSIC
EVIDENCE**

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FORTINET'S PRELIMINARY
CLAIM CONSTRUCTIONS AND
EXTRINSIC EVIDENCE
CASE No. 4:25-CV-02360-HSG

Pursuant to the controlling Patent Rule 4-2, Fortinet, Inc. (“Fortinet”) serves this list of preliminary claim constructions for asserted U.S. Patent Nos. 8,356,336 (the “’336 Patent”), 8,543,710 (the “’710 Patent”), 8,117,639 (the “’639 Patent”), 8,224,983 (the “’983 Patent”), 8,327,426 (the “’426 Patent”), 7,593,936 (the “’936 Patent”), 8,397,282 (the “’282 Patent”), 8,661,153 (the “’153 Patent”), and 8,635,697 (the “’697 Patent”).

Fortinet reserves the right to amend, modify, supplement, or reduce this list as necessary in response to Netskope, Inc.’s (“Netskope”) proposed constructions or based on further discovery, analysis, investigation, review of newly or yet-to-be produced documents, and the disclosures of witnesses. Fortinet reserves the right to amend, modify, or supplement its proposed constructions and the underlying intrinsic and extrinsic evidence supporting those constructions. Fortinet also reserves the right to propose constructions for any terms identified by Netskope or to contend that no construction is required for those terms.

In addition, to the extent Netskope intends to offer expert testimony on any claim terms, Fortinet intends to proffer expert testimony on the proper interpretation and reasonable certainty of claim scope.

Subject to these reservation, Fortinet’s disclosure pursuant to Patent Rule 4-2 follows:

’336 Patent Terms

Term (Claim(s))	Proposed Construction, Intrinsic Evidence, and Extrinsic Evidence
“shared network” (claims 1-2, 4, 6-9, 11, 13-17, 20)	“a local network to which an unauthenticated user has access” <u>Intrinsic Evidence</u> Provisional application 60/551,705. ’336 Patent FIGs. 1 and 2 and corresponding portions of the specification; 1:34-47; 1:56-62; 2:7-19; 2:24-

Term (Claim(s))	Proposed Construction, Intrinsic Evidence, and Extrinsic Evidence
	31; 2:47-59; 4:15-22; 4:38-5:39; 5:40-6:16; 6:29-39; 7:24-26; 7:30-41; 8:27-33; 8:39-48.
“authentication token” (claims 5-7, 12-14, 19-20)	“unique sequence of characters that are valid for use within the query portion of a URL to redirect a client to an authentication screen” <u>Intrinsic Evidence</u> US 7,665,130 at 6:34-40 US Provisional Appl. 60/551,705 '336 Patent, 2:31-40; 6:1-16; 7:4-23; 8:1-26; 9:13-10:15
“redirecting the browser application running on the client device associated with the anonymous user back to the pre-authentication capture destination hosted on the first server computer in the shared network” (claims 6, 13)	plain and ordinary meaning <u>Intrinsic Evidence</u> '336 Patent 2:20-40; 5:7-29
“second request” (claims 5-6, 12-14, 19-20)	plain and ordinary meaning <u>Intrinsic Evidence</u> claims 5-6, 12-14, 19-20

'710 Patent Terms

Term (Claim(s))	Proposed Construction, Intrinsic Evidence, and Extrinsic Evidence
“subordinate to” (claims 1, 6, 8, 13, 15, 20)	indefinite <u>Intrinsic Evidence</u> '710 Patent 3:40-55; claims 1, 6, 8, 13, 15, 20
“A network gateway device” (claim 15)	preamble is limiting <u>Intrinsic Evidence</u>

Term (Claim(s))	Proposed Construction, Intrinsic Evidence, and Extrinsic Evidence
	'710 Patent, 5:65-6:4, May 15, 2013 Applicant Arguments/Remarks Made in an Amendment, '710 Prosecution History.
“network packet traversal” (claim 19)	“the network routes (or hops) available” <u>Intrinsic Evidence</u> '710 Patent 6:8-16; claim 19.
“network segment” (claims 1, 6, 13, 15, 20)	“a portion of the network” <u>Intrinsic Evidence</u> '710 Patent 3:41-55; claims 1, 6, 13, 15, 20.
“evaluating network traffic emanating from the client device after the client device has been scanned and abnormal behavior has been removed, mitigated or rendered inert” (claim 17)	plain and ordinary meaning <u>Intrinsic Evidence</u> '710 Patent 5:54-6:28.

'639 Patent Terms

Term (Claim(s))	Proposed Construction, Intrinsic Evidence, and Extrinsic Evidence
“global stage” (claims 3, 12, 19)	“one or more rules applied to all packets processed by the network gateway device” OR plain and ordinary meaning <u>Intrinsic Evidence</u> 10:52-55.

'983 Patent Terms

Term (Claim(s))	Proposed Construction, Intrinsic Evidence, and Extrinsic Evidence
N/A	N/A

'426 Patent Terms

Term (Claim(s))	Proposed Construction, Intrinsic Evidence, and Extrinsic Evidence
“principal believing interactions are with the external service” (claim 1)	indefinite <u>Intrinsic Evidence</u> '426 Patent at 4:11-16, cls. 1, 14. <u>Extrinsic Evidence</u> N/A
“proxy for access sessions to the other services” (claim 1)	“proxy for all communications to the other services” <u>Intrinsic Evidence</u> '426 Patent at Abstract, 1:11-25, 2:22-26, 2:36-39, 3:17-21, 3:54-61, 5:4-7, 5:43-47, 5:63-6:3, 6:11-14, 10:12-11:10; cl. 1-2, 8, 10, 12-14, 16-17, FIGs. 1-3, 5 November 24, 2009 Applicant Remarks, '426 Patent File History, at 1-2. March 25, 2010 Final Rejection, '426 Patent File History, at 7-8 <u>Extrinsic Evidence</u> N/A
“target service” (claims 2, 5)	plain and ordinary meaning <u>Intrinsic Evidence</u> '426 Patent at 5:47-6:3, 7:30-52, cls. 2, 5, 8, 13-14, FIGs. 1, 2 <u>Extrinsic Evidence</u> N/A
“second redirection” (claim 5)	plain and ordinary meaning <u>Intrinsic Evidence</u> '426 Patent at 4:53-60, 8:17-21, 10:20-24, 10:28-32, 10:45-61, cls. 3-5, 15, FIGs. 1, 3. <u>Extrinsic Evidence</u> N/A
“authentication response”	plain and ordinary meaning <u>Intrinsic Evidence</u>

Term (Claim(s))	Proposed Construction, Intrinsic Evidence, and Extrinsic Evidence
(claims 1, 3-4, 6)	'426 Patent at Abstract, 1:62-2:3, 4:34-48, 4:60-5:20, 5:35-39, 6:45-61, 9:31-40, 10:50-55, cls. 1, 3-4, 6, 8 <u>Extrinsic Evidence</u> N/A

'936 Patent Terms

Term (Claim(s))	Proposed Construction, Intrinsic Evidence, and Extrinsic Evidence
“snapshots” (claims 1, 7-8, 12, 21-22)	“the state of a machine based on an examination of all system files, designated application files, the registry, performance counters, processes, services, communication ports, hardware configuration, and log files at a given point in time” <u>Intrinsic Evidence</u> 5:36-48; 6:22-32, 41-44; 8:63-9:9; 13:31-38 <u>Extrinsic Evidence</u> <i>Dictionary of Computing</i> , S.M.H Collin, Fifth Edition, pg. 308 <i>McGraw-Hill Dictionary of Scientific and Technical Terms</i> , Sixth Edition at pg. 1958. <i>Wiley Electrical and Electronics Engineering Dictionary</i> , Steven M, Kaplan, IEEE Press, pg. 720.
“normal state” (claims 1, 12)	“a state of the computers within the population that is absent undesirable changes or an unexpectedly present asset, an unexpectedly absent asset, or an asset that has an unknown value” <u>Intrinsic Evidence</u> 7:15-21; 22:11-20 Decision on Appeal Before The Board of Patent Appeals and Interferences, dated July 14, 2009, at pgs. 6, 9 <u>Extrinsic Evidence</u>
“abnormal system states”	“a state of the computers within the population that contains undesirable changes or an unexpectedly

Term (Claim(s))	Proposed Construction, Intrinsic Evidence, and Extrinsic Evidence
(claim 1)	present asset, an unexpectedly absent asset, or an asset that has an unknown value” <u>Intrinsic Evidence</u> 7:15-21; 22:11-20 Decision on Appeal Before The Board of Patent Appeals and Interferences, dated July 14, 2009, at pgs. 6, 9. <u>Extrinsic Evidence</u>
“anomaly” (claims 1-2, 10, 12-13, 18)	“an undesirable changes or an unexpectedly present asset, an unexpectedly absent asset, or an asset that has an unknown value” <u>Intrinsic Evidence</u> 7:60-8:29 Decision on Appeal Before The Board of Patent Appeals and Interferences, dated July 14, 2009, at pg. 6. <u>Extrinsic Evidence</u>
“value layer” (claim 9)	“component of the adaptive reference model that tracks the values of assets and determines whether any asset value in the snapshot violates a violates a statistically significant pattern of asset values within the managed population” <u>Intrinsic Evidence</u> 10:33-67 <u>Extrinsic Evidence</u>
“cluster layer” (claim 10)	“component of the adaptive reference model that tracks the relationship between the name of an asset and detects an anomaly based on asset name” <u>Intrinsic Evidence</u> 10:33-36; 11:57-12:6

Term (Claim(s))	Proposed Construction, Intrinsic Evidence, and Extrinsic Evidence
	<u>Extrinsic Evidence</u>
“profile layer” (claim 11)	“component of the adaptive reference model that detects anomalies based on strong associative and exclusionary relationships between clusters, that would not otherwise be detectable by other layers or lower levels” <u>Intrinsic Evidence</u> 10:33-36; 12:7-28 <u>Extrinsic Evidence</u>
“inserting rules into the rule set of the adaptive reference model to augment or override rules of the rule set automatically generated from the snapshots” / “insert rules into the rule set of the adaptive reference model to augment or override rules of the rule set automatically generated from the snapshots” (claims 8, 22)	“combinations of attributes and values that are manually inputted by a service provider, that when applied to a model override a portion of the statistically generated information in the model” <u>Intrinsic Evidence</u> 7:60-8:3, 14:52-67; <u>Extrinsic Evidence</u>
“generic response” (claims 3-4, 14-15)	Indefinite <u>Intrinsic Evidence</u> Claims 3-4, 14-15 <u>Extrinsic Evidence</u>

’282 Patent Terms

Term (Claim(s))	Proposed Construction, Intrinsic Evidence, and Extrinsic Evidence
“A method for controlling data through a firewall performed on at least one data controlling computer having computer instructions stored	preamble is limiting <u>Intrinsic Evidence</u> 4:48-65

Term (Claim(s))	Proposed Construction, Intrinsic Evidence, and Extrinsic Evidence
on at least one non-transitory computer readable medium” (claim 1)	Applicant Arguments/Remarks made in an Amendment, dated Sept. 7, 2012, at pgs. 9-12 Applicant Arguments/Remarks made in an Amendment, dated Dec. 6, 2012, at pgs. 9-10 <u>Extrinsic Evidence</u>
“wherein the set of firewall rules is dynamically self-configurable during runtime” (claims 1, 12, 24)	“a set of firewall rules that are configured without any human operator interaction while the node is evaluating whether to accept or deny the packet” <u>Intrinsic Evidence</u> 5:13-43; Applicant Arguments/Remarks made in an Amendment, dated Sept. 7, 2012, at pgs. 9-12 Applicant Arguments/Remarks made in an Amendment, dated Dec. 6, 2012, at pgs. 9-10 <u>Extrinsic Evidence</u>
“chains of rules forming various paths through a hierarchical structure” (claims 1, 12, 24)	“a list of one or more linear and serialized sequence of firewall rules forming various paths through a hierarchical structure” <u>Intrinsic Evidence</u> 5:6-12; 5:24-28; 6:44-59 <u>Extrinsic Evidence</u>
“defined places for dynamically updating the set of firewall rules during runtime” (claims 1, 12, 24)	“one or more isolated locations within the sequence of firewall rules to add, remove, or change a rule while the node is evaluating whether to accept or deny the packet” <u>Intrinsic Evidence</u> 5:5-35; 7:62-8:4 <u>Extrinsic Evidence</u>

Term (Claim(s))	Proposed Construction, Intrinsic Evidence, and Extrinsic Evidence
“conditioning the packet” (claims 7-8, 19, 32)	plain and ordinary meaning <u>Intrinsic Evidence</u> 7:5-29 <u>Extrinsic Evidence</u>

’153 Patent Terms

Term (Claim(s))	Proposed Construction, Intrinsic Evidence, and Extrinsic Evidence
“arbitrary number of attributes” (claims 1, 10, 15)	indefinite <u>Intrinsic Evidence</u> ’153 Patent at 2:36-38, 2:51-53, cls. 1, 10, 15 November 18, 2013 Amendments And Response To Office Action, ’153 Patent File History, at 2-5, 8-9. <u>Extrinsic Evidence</u> N/A
“default value” (claims 3-4, 12)	plain and ordinary meaning <u>Intrinsic Evidence</u> ’153 Patent at 5:34-53, cls. 3-4, 12 <u>Extrinsic Evidence</u> N/A
“programmable user” (claims 7, 14, 24)	plain and ordinary meaning <u>Intrinsic Evidence</u> ’153 Patent at 4:34-45, cls. 7, 14, 24 <u>Extrinsic Evidence</u> N/A

'697 Patent Terms

Term (Claim(s))	Proposed Construction, Intrinsic Evidence, and Extrinsic Evidence
“generating an alert” (claims 1, 15, 24)	“a notification sent by a network sensor ” <u>Intrinsic Evidence</u> 3:57-4:9; 4:29-41; 5:42-6:13; 7:56-8:49; 9:34-52 Claims 3, 12-13, 17-18 Applicant Arguments/Remarks made in an Amendment, dated May 30, 2013, at pgs. 8-14 <u>Extrinsic Evidence</u>
“service provider network” (claims 1, 15, 24)	“internet service provider network” <u>Intrinsic Evidence</u> 3:28-47, 4:10-28, FIG. 1 Applicant Arguments/Remarks made in an Amendment, dated May 30, 2013, at pgs. 8-14 <u>Extrinsic Evidence</u>
“a more reliable OS ID” (claims 9, 21)	Indefinite <u>Intrinsic Evidence</u> 8:50-9:3, FIG. 6 <u>Extrinsic Evidence</u>
“wherein the alert is cleared when all computing devices associated with the access device and the computing device having the at least one of the first OS ID or second OS ID have accessed the remediation portal” (claim 6)	plain and ordinary meaning <u>Intrinsic Evidence</u> 2:1-43; 5:42-62; 6:3-50 <u>Extrinsic Evidence</u>

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Respectfully submitted,

By: /s/ Ryan Iwahashi
GISH PLLC

Ryan Iwahashi (CA SBN 284766)
ryan@gishpllc.com
GISH PLLC
50 California Street, Suite 1500
San Francisco, CA 94111
Phone: (415) 630-2000

Andrew D. Gish (NY SBN 4918454)
(*pro hac vice*)
andrew@gishpllc.com
Christopher Gerson (NY SBN 4595708)
(*pro hac vice*)
Chris.Gerson@gishpllc.com
GISH PLLC
41 Madison Avenue, Floor 31
New York, NY 10010
Phone: (212) 518-7380

Attorneys for Fortinet, Inc.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that counsel of record has been served September 19, 2025, with a copy of the foregoing document via email.

/s/Ryan Iwahashi