

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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FORTINET INC.  
Petitioner

v.

SOPHOS INC.  
Patent Owner

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Case IPR2015-00618  
Patent 8,261,344 B2

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**PETITIONER'S NOTICE OF PROPOSED MOTIONS**

**Mail Stop: Patent Board**  
Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

An initial conference call is scheduled for Sept. 14, 2015, at 2:00 PM (ET) among the Board, Petitioner Fortinet Inc. and Patent Owner Sophos Inc. (collectively, the "Parties"). Pursuant to the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48765–66 (Aug. 14, 2012), Petitioner hereby submits the following notice of proposed motions it may file throughout this proceeding.

Petitioner's list is provided without prejudice to Petitioner's right to seek authorization from the Board to file additional motions or decide not to file any of the listed motions. Petitioner requests the Board to permit it to submit an opposition to any motion(s) filed by Patent Owner.

1. Motions for *Pro Hac Vice* Admissions

Petitioner seeks authorization from the Board to file motions for *Pro Hac Vice* admissions for John M. Neukom and Jordan R. Jaffe. Messrs. Neukom and Jaffe are Petitioner's trial counsel in its co-pending district court litigation against the Patent Owner, *Fortinet Inc. v. Sophos, Inc.*, Case No. 3:13-cv-05831 (Northern District of California). Good cause exists for the *Pro Hac Vice* admissions of Messrs. Neukom and Jaffe in this proceeding.

2. Motion to Submit Supplemental Information

Petitioner reserves its right under 37 C.F.R. § 42.123 to seek authorization from the Board to file a motion to submit supplemental information, including, but not limited to any information or evidence originating in or identified through any

of the related litigations regarding the subject patent, to the extent the Patent Owner takes positions in this proceeding, such as claim interpretation, that are inconsistent with its positions in related litigations, and to the extent the Patent Owner does not comply with its obligation under 37 C.F.R. § 42.51(b)(1)(iii) to provide such inconsistent information.

3. Motion for Additional Discovery

Where such inconsistent positions exist, Petitioner reserves its right under 37 C.F.R. § 42.51(b)(2) to seek authorization from the Board to file a motion for additional discovery.

4. Motion for Observations on Cross-Examination

Petitioner reserves its right to file a Motion for Observations on Cross-Examination. Office Patent Trial Practice Guide, 77 Fed. Reg. at 48767–68.

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Petitioner does not anticipate any additional motions at this time. Petitioner reserves its right to seek authorization from the Board to file motions as appropriate. *See* Office Patent Trial Practice Guide, 77 Fed. Reg. at 48765 (“Submission of a list would not preclude the filing of additional motions not contained in the list.”).

Respectfully submitted,

Date: September 10, 2015

/ Jason Liu /

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*Attorney for Petitioner Fortinet, Inc.*

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. §§ 42.6(e), the undersigned certifies that the above-captioned PETITIONER'S NOTICE OF PROPOSED MOTIONS was served on Patent Owner's lead and backup counsel via electronic mail on September 10, 2015:

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