

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PALO ALTO NETWORKS, INC.,  
Petitioner,

v.

CENTRIPETAL NETWORKS, INC.,  
Patent Owner.

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Case IPR2022-00182  
U.S. Patent No. 9,917,856

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**DECLARATION OF PAUL ANDRE IN SUPPORT OF  
UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION**

I, Paul Andre, being duly sworn and upon oath, hereby attest to the following:

1. I am a member in good standing of the Bar of California (Bar No. 196585), the State Bar of Connecticut (Bar No. 412916), the State Bar of New York (Bar No. 2813442), and the State Bar of District of Columbia (Bar No. 460041). I am also admitted to practice in the following federal courts: U.S. Supreme Court; United States Court of Appeals for the Ninth and Federal Circuits; U.S. District Courts for the Northern, Central, Southern and Eastern Districts of California, Southern, Western and Northern Districts of New York, and District of Colorado.

2. I am a partner at the law firm Kramer Levin Naftalis & Frankel LLP. I have been practicing law for over twenty-five (25) years, including litigating patents cases in district courts.

3. I have never been suspended or disbarred from practice before any court or administrative body.

4. I was denied *pro hac vice* admission in *Everbridge, Inc., Federal Signal Corp., Twitter, Inc. v. Copper Notification, Inc.*, Control No. 95/001,425, Appeal 2013-007396 due to an unintentional procedural error. At the time, my petition was erroneously and unintentionally directed towards complying with Part 42 of Title 37 which governs AIA Trial Proceedings, instead of the proper Part 41.

As Part 42 of Title 37 applies different standards than Part 41 of Title 37, the petition was denied.

5. Specifically, I submitted an application for *pro hac vice* under Part 42 of Title 37 of the C.F.R. in *Everbridge, Inc. et. al. v. Cooper of Notification, Inc.* In so doing, I made the requisite affirmations under Part 42 of Title 37 of the C.F.R. The Board denied my application stating that: (1) patent owner is already represented by patent counsel registered to practice before the USPTO; (2) there was no explanation of the “interrelatedness of [the] proceeding and the district court litigation and appeal”; (3) and Mr. Andre stated that he would comply with the rules of Part 42 of Title 37 of the C.F.R. As shown, I complied with the wrong C.F.R. section which resulted in the petition’s denial. No other applications for admission to practice before any court or administrative body has been denied.

6. The District Court for the Western District of Texas issued an order for sanctions in a case in which I was lead counsel based on a motion filed for a new trial. *Freshub, Inc. v. Amazon.com Inc., et al.*, Case No. 6:21-cv-00511-ADA, Dkt. 297 (W.D. Tex., Dec. 17, 2021). The District Court’s Order was based on a Motion for New Trial under Fed. R. Civ. P. 59(a) asserting that the other party “played on the stereotype of greedy Jewish executives of an Israeli company . . . to trigger religious biases and deepen the ‘us vs. them’ nationalistic divide in the minds of the jurors.” *Id.* at 9. The District Court found that the assertions were unsupported. *Id.*

at 12. The District Court required that I complete 30 hours of legal ethics Continuing Legal Education within six months, which I did. *Id.*

7. I have not in the past three (3) years applied to appear *pro hac vice* before the United States Patent and Trademark Office.

8. 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 Title 37, Code of Federal Regulations.

9. 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).

10. I have extensive experience representing numerous clients in federal courts around the country in intellectual property disputes, including the ITC, involving a wide range of technologies, including e-commerce, computer software, encryption, telecommunications, network architecture, and mobile applications. My intellectual property litigation practice has also involved multiple appeals, including arguing before the United States Court of Appeals for the Federal Circuit.

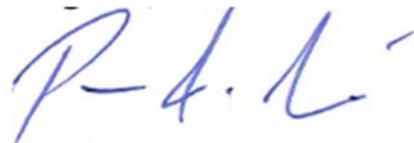
11. I represent the Patent Owner and I am very familiar with U.S. Patent No. 9,917,856 ("the '856 Patent") at issue in this proceeding.

12. In particular, I have been involved in litigation matters pertaining to the '856 Patent at the district court and the Federal Circuit, including *Centripetal*

*Networks, Inc. v. Cisco Systems, Inc.*, Case No. 18-cv-00094-EWH-LRL (E.D. Va.) and *Centripetal Networks, Inc. v. Cisco Systems, Inc.*, 2021-1888 (Fed. Cir.). In *Centripetal Networks, Inc. v. Cisco Systems, Inc.*, Case No. 18-cv-00094-EWH-LRL (E.D. Va.), I have established familiarity with the subject matter of this proceeding, including the '856 Patent, its prosecution history, and have become familiar with the invalidity positions.

13. Counsel for Patent Owner has conferred with counsel for Petitioner Palo Alto Networks, Inc. regarding the accompanying Unopposed Motion for *Pro Hac Vice* Admission, and counsel for Palo Alto Networks, Inc. indicated that Petitioner will not oppose.

I hereby declare under penalty of perjury that the foregoing is true and correct. Executed this 29th day of December 2022, in Scottsdale, AZ.



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Paul Andre

**CERTIFICATE OF SERVICE**

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), and pursuant to agreement by the parties that filing with the Board through the Patent Trial and Appeal Case Tracking System (P-TACTS) constitutes electronic service, that service was made on Petitioner as detailed below.

<i>Date of service</i>	December 29, 2022
<i>Manner of service</i>	Electronic Filing with the Board
<i>Documents served</i>	Declaration of Paul Andre in Support of Unopposed Motion of <i>Pro Hac Vice</i> Admission
<i>Persons Served</i>	ROPES & GRAY LLP: Scott A. McKeown Mark D. Rowland James Batchelder Andrew Radsch Keyna Chow scott.mckeown@ropesgray.com mark.rowland@ropesgray.com james.batchelder@ropesgray.com andrew.radsch@ropesgray.com keyna.chow@ropesgray.com

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