

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WEBROOT, INC. and OPEN TEXT, INC.,	§	
	§	
Plaintiffs	§	
	§	
v.	§	NO. 6:22-cv-239-ADA-DTG
	§	
TREND MICRO INC.,	§	JURY TRIAL DEMANDED
	§	
Defendant.	§	
TREND MICRO INC.,	§	
	§	
Counter-Plaintiff	§	
	§	
v.	§	
	§	
WEBROOT, INC. and OPEN TEXT, INC.,	§	
	§	
Counter-Defendants,	§	
	§	
and	§	
	§	
OPEN TEXT CORP.	§	
	§	
Counter-Defendant.	§	
	§	

DEFENDANT’S PRELIMINARY INVALIDITY CONTENTIONS

Defendant Trend Micro Inc. (“Trend Micro” or “Defendant”), by their attorneys, make these Invalidity Contentions concerning U.S. Patent No. 8,418,250 (the “’250 patent”), U.S. Patent No. 8,726,389 (the “’389 patent”), U.S. Patent No. 9,578,045 (the “’045 patent”), U.S. Patent No. 10,257,224 (the “’224 patent”), U.S. Patent No. 10,284,591 (the “’591 patent”), and U.S. Patent No. 10,599,844 (the “’844 patent”) (collectively, the “Asserted Patents”) to Open Text, Inc. (“Open Text”) and Webroot, Inc. (“Webroot”) (all together “Plaintiffs”) in connection with the

Country	Patent / Publication No.	Filing/Publication/ Issue Date	Inventor (et al.)
		Issued Aug. 11, 2015	
US	7,900,194	Filed Mar. 23, 2005 as a non-provisional application of provisional application filed Mar. 25, 2004 Issued Mar. 1, 2011	<i>Mankins</i>
US	7,080,000	Filed July 23, 2001 as a non-provisional application of provisional application filed Mar. 30, 2001 Issued July 18, 2006	Cambridge (“ <i>Cambridge '000</i> ”)
US	7,434,261	Filed Sep. 27, 2004 Issued Oct. 7, 2008	<i>Costea</i>
US	8,443,449	Filing date: Nov. 9, 2009 Issue Date: May 14, 2013	<i>Fan</i>
US	8,239,668	Filing Date: Apr. 15, 2009 Issue Date: Aug. 7, 2012	<i>Chen</i>
US	9,117,075	Filing Date: Nov. 22, 2010 Issue Date: Aug. 25, 2015	<i>Yeh</i>
US	7,287,278	Filing Date: Oct. 9, 2003 Issue Date: Oct. 23, 2007	<i>Liang '278</i>
US	7,352,280	Filing Date: Sep. 1, 2005 Issue Date: Apr. 1, 2008	<i>Rockwood</i>
US	2005/0044406	Filing Date: Mar. 28, 2003 Pub. Date: Feb. 24, 2005	<i>Stute</i>
US	2004/0034800	Filing Date: Aug. 8, 2003 Pub. Date: Feb. 19, 2004	<i>Singhal</i>
US	2002/0178374	Filing Date: May 25, 2001 Pub. Date: Nov. 28, 2002	<i>Swimmer</i>
US	7,739,739	Filing Date: Jul. 9, 2008 Issue Date: Jun. 15, 2010	<i>Dettinger</i>
US	9,043,903	Filing Date: Jun. 8, 2012 Issue Date: May 26, 2015	<i>Diehl</i>
US	2013/0247190	Filing Date: Jul. 22, 2008 Pub. Date: Sep. 19, 2013	<i>Spurlock</i>
US	9,292,881	Filing Date: Jun. 29, 2012 Issue Date: Mar. 22, 2016	<i>Krasser</i>
US	2010/0077481	Filing Date: Sept. 22, 2008 Issue Date: Mar. 4, 2014	<i>Polakov</i>
US	2011/0083180	Filing Date: Dec. 23, 2009 Pub. Date: Apr. 7, 2011	<i>Mashevsky</i>
US	2011/0321166	Filing Date: Jun. 24, 2010 Pub. Date: Dec. 29, 2011	<i>Capalik</i>
US	2006/0224930	Filing Date: Mar. 31, 2005 Pub. Date: Oct. 5, 2006	<i>Bantz</i>

Country	Patent / Publication No.	Filing/Publication/ Issue Date	Inventor (et al.)
US	7,624,448	Filing Date: Mar. 4, 2006 Pub. Date: Nov. 24, 2009	<i>Coffman</i>
US	2011/0173699	Filing Date: Jan. 13, 2010 Pub. Date: Jul. 14, 2011	<i>Figlin</i>
US	8,839,422	Filing Date: Jun. 30, 2010 Prior Pub. Date: Jul. 1, 2011	<i>Ghosh</i>
US	2006/0070128	Filing Date: Dec. 20, 2004 Pub. Date: Mar. 30, 2006	<i>Heimerdinger</i>
US	2009/0328210	Filing Date: Jun. 30, 2008 Pub. Date: Dec. 31, 2009	<i>Khachaturov</i>
US	2008/0184058	Filing Date: Jan. 26, 2007 Pub. Date: Jul. 31, 2008	<i>McDermott</i>
US	2009/0044024	Filing Date: Aug. 5, 2008 Pub. Date: Feb. 12, 2009	<i>Oberheide</i>
US	2005/0251860	Filing Date: May 4, 2004 Pub. Date: Nov. 10, 2005	<i>Saurabh</i>
US	2007/0016953	Filing Date: Jun. 30, 2006 Pub. Date: Jan. 18, 2007	<i>Morris</i>
US	8,650,648	Filing Date: Mar. 26, 2008 Prior Pub. Date: Oct. 1, 2009	<i>Howard</i>
US	7,707,635	Filed Oct. 6, 2005 Issued Apr. 27, 2010	<i>Kuo</i>
US	7,386,886	Filed Nov. 8, 2000 Issued June 10, 2008	<i>Abrams</i>
US	6,742,123	Filed Sept. 10, 1999 Issued May 25, 2004	<i>Foote</i>
US	8,161,552	Filed Sept. 23, 2009 Issued Apr. 17, 2012	<i>Sun</i>
US	6,578,094	Filed Mar. 2, 2000 Issued June 10, 2003	<i>Moudgill</i>
US	7,992,156	Filed Apr. 3, 2006 Issued Aug. 2, 2011	<i>Wang</i>
US	7,856,538	Filed Dec. 12, 2005 Issued Dec. 21, 2010	<i>Speirs</i>
US	8,943,592	Filed July 15, 2013 Issued Jan. 27, 2015	<i>Mirski</i>
US	9,411,953	Filed May 24, 2013 Issued Aug. 9, 2016	<i>Kane</i>
US	9,465,936	Filed Nov. 6, 2013 Issued Oct. 11, 2016	<i>Tosa</i>
US	8,484,732	Filed Feb. 1, 2012 Issued July 9, 2013	<i>Chen</i>
US	6,412,071	Filed Apr. 28, 2000 Issued June 25, 2002	<i>Hollander</i>

Invalidity Charts
Ex. 045-A-32 – U.S. Patent Application Publication No. 2011/0321166 to <i>Capalik et al.</i> (filed Jun. 24, 2010, published Dec. 29, 2011) (“ <i>Capalik</i> ”)
Ex. 045-A-33 – U.S. Patent Application Publication No. 2004/0143753 to <i>Hernacki et al.</i> (filed Jan. 21, 2003, published July 22, 2004) (“ <i>Hernacki</i> ”)
Ex. 045-A-34 – BackTracker
Ex. 045-A-35 – U.S. Patent Application Publication No. 2006/0224930 to <i>Bantz et al.</i> (filed Mar. 31, 2005, published Oct. 5, 2006) (“ <i>Bantz</i> ”)
Ex. 045-A-36 – U.S. Patent No. 7,624,448 to <i>Coffman</i> (filed Mar. 4, 2006, published Nov. 24, 2009) (“ <i>Coffman</i> ”)
Ex. 045-A-37 – U.S. Patent Application Publication No. 2011/0173699 to <i>Figlin et al.</i> (filed Jan. 13, 2010, published Jul. 14, 2011) (“ <i>Figlin</i> ”)
Ex. 045-A-38 – U.S. Patent No. 8,839,422 to <i>Ghosh et al.</i> (filed Jun. 30, 2010, published Jul. 1, 2011) (“ <i>Ghosh</i> ”)
Ex. 045-A-39 – U.S. Patent Application Publication No. 2006/0070128 to <i>Heimerdinger et al.</i> (filed Dec. 20, 2004, published Mar. 30, 2006) (“ <i>Heimerdinger</i> ”)
Ex. 045-A-40 – U.S. Patent Application Publication No. 2009/0328210 to <i>Khachaturov et al.</i> (filed Jun. 30, 2008, published Dec. 31, 2009) (“ <i>Khachaturov</i> ”)
Ex. 045-A-41 – U.S. Patent Application Publication No. 2008/0184058 to <i>McDermott et al.</i> (filed Jan. 26, 2007, published Jul. 31, 2008) (“ <i>McDermott</i> ”)
Ex. 045-A-42 – U.S. Patent Application Publication No. 2009/0044024 to <i>Oberheide et al.</i> (filed Aug. 5, 2008, published Feb. 12, 2009) (“ <i>Oberheide</i> ”)
Ex. 045-A-43 – U.S. Patent Application Publication No. 2005/0251860 to <i>Saurabh et al.</i> (filed May 4, 2004, published Nov. 10, 2005) (“ <i>Saurabh</i> ”)
Ex. 045-A-44 – CounterTack System
Ex. 045-A-45 – Forensix System
Ex. 045-A-46 – ArcSight
Ex. 045-A-47 – Open Service NerveCenter
Ex. 045-A-48 – Trend Micro Enterprise Security Suites

Invalidity Charts
Ex. 045-A-49 – U.S. Patent Application Publication No. 2007/0016953 to <i>Morris et al.</i> (filed Jun. 30, 2006, published Jan. 18, 2007) (“ <i>Morris</i> ”)
Ex. 045-A-50 – U.S. Patent No. 8,650,648 to <i>Howard et al.</i> (filed Mar. 26, 2008, published Oct. 1, 2009) (“ <i>Howard</i> ”)
Ex. 224-A-1 – Trend Micro OfficeScan (“OfficeScan”)
Ex. 224-A-2 – Trend Micro ServerProtect (“ServerProtect”)
Ex. 224-A-3 – Trend Micro Control Manager (“Control Manager”)
Ex. 224-A-4 – Trend Micro Worry-Free Business Security (“WFBS”)
Ex. 224-A-5 – Trend Micro NeatSuite (“NeatSuite”)
Ex. 224-A-6 – Trend Micro Smart Protection Network (“Smart Protection Network”)
Ex. 224-A-7 – Trend Micro Deep Security (“Deep Security”)
Ex. 224-A-8 – Trend Micro Deep Discovery (“Deep Discovery”)
Ex. 224-A-9 – Trend Micro InterScan Viruswall
Ex. 224-A-10 – Trend Micro Threat Management System
Ex. 224-A-11 – U.S. Patent No. 8,443,449 to <i>Fan et al.</i> (filed Nov. 9, 2009, issued May 14, 2013) (“ <i>Fan</i> ”)
Ex. 224-A-12 – U.S. Patent No. 8,239,668 to <i>Chen et al.</i> (filed Apr. 15, 2009, issued Aug. 7, 2012) (“ <i>Chen</i> ”)
Ex. 224-A-13 – U.S. Patent No. 9,117,075 to <i>Yeh</i> (filed Nov. 22, 2010, issued Aug. 25, 2015) (“ <i>Yeh</i> ”)
Ex. 224-A-14 – U.S. Patent Application Publication No. 2004/0205419 to <i>Liang et al.</i> (filed Apr. 10, 2003, published Oct. 14, 2004) (“ <i>Liang</i> ’419”)
Ex. 224-A-15 – U.S. Patent No. 7,287,278 to <i>Liang</i> (filed Oct. 9, 2003, issued Oct. 23, 2007) (“ <i>Liang</i> ’278”)
Ex. 224-A-16 – U.S. Patent No. 7,352,280 to <i>Rockwood</i> (filed Sep. 1, 2005, issued Apr. 1, 2008) (“ <i>Rockwood</i> ”)

Invalidity Charts
Ex. 224-A-17 – <i>Xie</i> , A Spatiotemporal Event Correlation Approach to Computer Security, Carnegie Mellon University School of Computer Science (Aug. 2005) (“ <i>Xie</i> ”)
Ex. 224-A-18 – U.S. Patent Application Publication No. 2005/0044406 to <i>Stute</i> (filed Mar. 28, 2003, published Feb. 24, 2005) (“ <i>Stute</i> ”)
Ex. 224-A-19 – U.S. Patent Application Publication No. 2004/0034800 to <i>Singhal et al.</i> (filed Aug. 8, 2003, published Feb. 19, 2004) (“ <i>Singhal</i> ”)
Ex. 224-A-20 – U.S. Patent Application Publication No. 2002/0178374 to <i>Swimmer et al.</i> (filed May 25, 2001, published Nov. 28, 2002) (“ <i>Swimmer</i> ”)
Ex. 224-A-21 – Splunk App for Enterprise Security
Ex. 224-A-22 – Symantec Endpoint Protection
Ex. 224-A-23 – McAfee Enterprise Security Manager
Ex. 224-A-24 – Webroot SecureAnywhere Endpoint Protection
Ex. 224-A-25 – Check Point SmartEvent
Ex. 224-A-26 – U.S. Patent No. 7,739,739 to <i>Dettinger et al.</i> (filed Jul. 9, 2008, issued Jun. 15, 2010) (“ <i>Dettinger</i> ”)
Ex. 224-A-27 – U.S. Patent No. 9,043,903 to <i>Diehl et al.</i> (filed Jun. 8, 2012, issued May 26, 2015) (“ <i>Diehl</i> ”)
Ex. 224-A-28 – U.S. Patent Application Publication No. 2013/0247190 to <i>Spurlock</i> (filed Jul. 22, 2008, published Sep. 19, 2013) (“ <i>Spurlock</i> ”)
Ex. 224-A-29 – U.S. Patent No. 9,292,881 to <i>Krasser et al.</i> (filed Jun. 29, 2012, issued Mar. 22, 2016) (“ <i>Krasser</i> ”)
Ex. 224-A-30 – U.S. Patent Application Publication No. 2010/0077481 to <i>Polakov et al.</i> (filed Sept. 22, 2008, issued Mar. 4, 2014) (“ <i>Polakov</i> ”)
Ex. 224-A-31 – U.S. Patent Application Publication No. 2011/0083180 to <i>Mashevsky et al.</i> (filed Dec. 23, 2009, published Apr. 7, 2011) (“ <i>Mashevsky</i> ”)
Ex. 224-A-32 – U.S. Patent Application Publication No. 2011/0321166 to <i>Capalik et al.</i> (filed Jun. 24, 2010, published Dec. 29, 2011) (“ <i>Capalik</i> ”)
Ex. 224-A-33 – U.S. Patent Application Publication No. 2004/0143753 to <i>Hernacki et al.</i> (filed Jan. 21, 2003, published July 22, 2004) (“ <i>Hernacki</i> ”)

Invalidity Charts
Ex. 224-A-34 – BackTracker
Ex. 224-A-35 – U.S. Patent Application Publication No. 2006/0224930 to <i>Bantz et al.</i> (filed Mar. 31, 2005, published Oct. 5, 2006) (“ <i>Bantz</i> ”)
Ex. 224-A-36 – U.S. Patent No. 7,624,448 to <i>Coffman</i> (filed Mar. 4, 2006, published Nov. 24, 2009) (“ <i>Coffman</i> ”)
Ex. 224-A-37 – U.S. Patent Application Publication No. 2011/0173699 to <i>Figlin et al.</i> (filed Jan. 13, 2010, published Jul. 14, 2011) (“ <i>Figlin</i> ”)
Ex. 224-A-38 – U.S. Patent No. 8,839,422 to <i>Ghosh et al.</i> (filed Jun. 30, 2010, published Jul. 1, 2011) (“ <i>Ghosh</i> ”)
Ex. 224-A-39 – U.S. Patent Application Publication No. 2006/0070128 to <i>Heimerdinger et al.</i> (filed Dec. 20, 2004, published Mar. 30, 2006) (“ <i>Heimerdinger</i> ”)
Ex. 224-A-40 – U.S. Patent Application Publication No. 2009/0328210 to <i>Khachaturov et al.</i> (filed Jun. 30, 2008 , published Dec. 31, 2009) (“ <i>Khachaturov</i> ”)
Ex. 224-A-41 – U.S. Patent Application Publication No. 2008/0184058 to <i>McDermott et al.</i> (filed Jan. 26, 2007, published Jul. 31, 2008) (“ <i>McDermott</i> ”)
Ex. 224-A-42 – U.S. Patent Application Publication No. 2009/0044024 to <i>Oberheide et al.</i> (filed Aug. 5, 2008, published Feb. 12, 2009) (“ <i>Oberheide</i> ”)
Ex. 224-A-43 – U.S. Patent Application Publication No. 2005/0251860 to <i>Saurabh et al.</i> (filed May 4, 2004, published Nov. 10, 2005) (“ <i>Saurabh</i> ”)
Ex. 224-A-44 – CounterTack System
Ex. 224-A-45 – Forensix System
Ex. 224-A-46 – ArcSight
Ex. 224-A-47 – Open Service NerveCenter
Ex. 224-A-48 – Trend Micro Enterprise Security Suites
Ex. 224-A-49 – U.S. Patent Application Publication No. 2007/0016953 to <i>Morris et al.</i> (filed Jun. 30, 2006, published Jan. 18, 2007) (“ <i>Morris</i> ”)
Ex. 224-A-50 – U.S. Patent No. 8,650,648 to <i>Howard et al.</i> (filed Mar. 26, 2008, published Oct. 1, 2009) (“ <i>Howard</i> ”)

Dated: September 13, 2022

Respectfully Submitted,

/s/ Yar R. Chaikovsky

Yar R. Chaikovsky

yarchaikovsky@paulhastings.com

Philip Ou

philipou@paulhastings.com

Bruce Yen

bruceyen@paulhastings.com

Radhesh Devendran

radheshdevendran@paulhastings.com

PAUL HASTINGS LLP

1117 S. California Avenue

Palo Alto, CA 94304

Telephone: (650) 320-1800

Facsimile: (650) 320-1900

Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on September 13, 2022, to all counsel of record via e-mail.

/s/ C. Daniel Treviño
C. Daniel Treviño