

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CROWDSTRIKE, INC.

Petitioner,

v.

OPEN TEXT INC.

Patent Owner.

Case No. IPR2023-00124

Patent No. 9,578,045

**PATENT OWNER'S OBJECTIONS TO EVIDENCE
SUBMITTED BY PETITIONER**

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

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Open Text Inc. (“OpenText”) objects to the following exhibits filed by Petitioner CrowdStike, Inc. (“CrowdStike”) with the Petition (Paper No. 1).

Exhibit No.	Objection(s)
1003	FRE¹ 702/703 and 37 C.F.R. § 42.65: Improper expert testimony to the extent it does not rely on the kind of facts or data experts in the relevant field would reasonably rely upon without providing the underlying facts or data on which the opinion is based. FRE 701: Improper lay testimony to the extent testimony is offered outside of Dr. Lee’s areas of expertise or fails to disclose the underlying facts or data on which the opinion is based. Additionally, OpenText objects to this testimony to the extent that it incorporates or cites inadmissible exhibits to which OpenText has objected herein or on which an expert in the field would not reasonably rely.
1012	FRE 801/802: To the extent Petitioner relies on the contents of this exhibit for the truth of the matter asserted, Patent Owner objects to such contents as inadmissible hearsay that does not fall under any exceptions.
1013	FRE 801/802: To the extent Petitioner relies on the contents of this exhibit for the truth of the matter asserted, Patent Owner objects to such contents as inadmissible hearsay that does not fall under any exceptions. FRE 901/902: This exhibit has not been properly authenticated because Petitioner has not presented sufficient evidence that the document is authentic or that the document is self-authenticating.
1014	FRE 801/802: To the extent Petitioner relies on the contents of this exhibit for the truth of the matter asserted, Patent Owner objects to such contents as inadmissible hearsay that does not fall under any exceptions.

¹ Federal Rules of Evidence.

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	FRE 901/902: This exhibit has not been properly authenticated because Petitioner has not presented sufficient evidence that the document is authentic or that the document is self-authenticating.
1015	FRE 801/802: To the extent Petitioner relies on the contents of this exhibit for the truth of the matter asserted, Patent Owner objects to such contents as inadmissible hearsay that does not fall under any exceptions. FRE 901/902: This exhibit has not been properly authenticated because Petitioner has not presented sufficient evidence that the document is authentic or that the document is self-authenticating.
1021	FRE 401/402: This exhibit is undated, and Petitioner fails to establish its relevance to POSITA's knowledge as of the time of the invention, or to whether a POSITA would have considered any challenged claim of the '045 patent obvious in view of the prior art as of the '045 patent's priority date. FRE 801/802: To the extent Petitioner relies on the contents of this exhibit for the truth of the matter asserted, Patent Owner objects to such contents as inadmissible hearsay that does not fall under any exceptions. FRE 901/902: This exhibit has not been properly authenticated because Petitioner has not presented sufficient evidence that the document is authentic or that the document is self-authenticating.
1025	FRE 801/802: To the extent Petitioner relies on the contents of this exhibit for the truth of the matter asserted, Patent Owner objects to such contents as inadmissible hearsay that does not fall under any exceptions. FRE 901/902: This exhibit has not been properly authenticated because Petitioner has not presented sufficient evidence that the document is authentic or that the document is self-authenticating.
1026	FRE 401/402: This exhibit is undated, and Petitioner fails to establish its relevance to POSITA's knowledge as of the time of the invention, or to whether a POSITA would have considered any

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	challenged claim of the '045 patent obvious in view of the prior art as of the '045 patent's priority date. FRE 801/802: To the extent Petitioner relies on the contents of this exhibit for the truth of the matter asserted, Patent Owner objects to such contents as inadmissible hearsay that does not fall under any exceptions. FRE 901/902: This exhibit has not been properly authenticated because Petitioner has not presented sufficient evidence that the document is authentic or that the document is self-authenticating.
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1028	FRE 401/402: This exhibit is undated, and Petitioner fails to establish its relevance to POSITA's knowledge as of the time of the invention, or to whether a POSITA would have considered any challenged claim of the '045 patent obvious in view of the prior art as of the '045 patent's priority date. FRE 801/802: To the extent Petitioner relies on the contents of this exhibit for the truth of the matter asserted, Patent Owner objects to such contents as inadmissible hearsay that does not fall under any exceptions. FRE 901/902: This exhibit has not been properly authenticated because Petitioner has not presented sufficient evidence that the document is authentic or that the document is self-authenticating.
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Respectfully submitted,

KING & SPALDING LLP

BY: /Brian Eutermoser/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **PATENT OWNER'S OBJECTIONS TO EVIDENCE SUBMITTED BY PETITIONER** was served by filing this document through the Patent Trial and Appeal Case Tracking System (P-TACTS) as well as by delivering a copy via electronic mail on June 30, 2023, in the entirety on the following:

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