

From: [Brian Eutermoser](#)
To: [Hunter Horton](#)
Cc: [Adam.Seitz@eriseip.com](#); [Callie.Pendergrass@eriseip.com](#); [Paul.Hart@eriseip.com](#); [Mikaela Stone](#); [Russell Blythe](#); [OpenText-IPR/PGR](#)
Subject: RE: CrowdStrike, Inc. v. Open Text Inc. | IPR2023-00124 - r. Lee deposition
Date: Friday, August 18, 2023 9:10:59 AM

Hi Hunter,

In view of Petitioner's agreement that Dr. Lee's deposition testimony from IPR2023-00126 may be used in the related IPR2023-00124 proceeding, Open Text agrees to forego a deposition in the latter.

Thanks,
Brian

From: Hunter Horton <hunter.horton@eriseip.com>
Sent: Tuesday, August 8, 2023 1:47 PM
To: Brian Eutermoser <BEutermoser@KSLAW.com>
Cc: Adam.Seitz@eriseip.com; Callie.Pendergrass@eriseip.com; Paul.Hart@eriseip.com; Mikaela Stone <Mikaela.Stone@KSLAW.com>; Russell Blythe <RBlythe@KSLAW.com>; OpenText-IPR/PGR <OpenText-IPR-PGR@KSLAW.com>
Subject: Re: CrowdStrike, Inc. v. Open Text Inc. | IPR2023-00124 - r. Lee deposition

CAUTION: MAIL FROM OUTSIDE THE FIRM

Hi Brian,

Given the overlap between these two proceedings, Petitioner conditionally agrees that Dr. Lee's testimony from IPR2023-00126 may be used in the related IPR2023-00124. We anticipate this will obviate the need for Dr. Lee's August deposition. However, as a condition of our agreement, if Patent Owner intends to pursue a deposition related to the '045 Patent, we insist that any cross-examination would be limited to non-overlapping issues in the two proceedings. Should the need arise, Dr. Lee is available within the August 29-31 range.

Best,

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On Aug 4, 2023, at 5:00 PM, Brian Eutermoser <BEutermoser@KSLAW.com> wrote:

Counsel,

Open Text is considering a deposition of Dr. Lee in the -00124 ('045 patent) proceeding. We are available to take that deposition August 22-24 and August 29-31. Please let us know if Dr. Lee is available on those dates by Tuesday, August 8.

Alternatively, given the largely overlapping subject matter in IPR2023-00124 ('045 patent) and IPR2023-00126 ('224 patent), we are considering whether a second deposition of Dr. Lee is necessary. While we believe Dr. Lee's previous testimony is admissible in IPR2023-00124 regardless, to the extent Petitioner confirms it will not oppose Patent Owner's use of Dr. Lee's July 17, 2023 deposition in IPR2023-00124, that may significantly narrow the ground to be covered in (or eliminate the need for) Dr. Lee's deposition in August.

Thanks, and have a great weekend.

Brian

Brian Eutermoser

Partner

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