UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AO KASPERSKY LAB,
Petitioner

v.

OPEN TEXT INC.
Patent Owner

Case IPR2023-00124
Patent No. 9,578,045 B2

PATENT OWNER'S OBJECTIONS TO PETITIONER'S DEMONSTRATIVES

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Patent Trial and Appeal Board
U.S. Patent & Trademark Office
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Pursuant to the Order entered on January 9, 2024 (Paper No. 32 at 4), Patent Owner Open Text Inc. ("Open Text" or "Patent Owner") hereby objects to the following demonstrative exhibits submitted by Petitioner AO Kaspersky Lab ("Petitioner") on March 11, 2024.

Open Text objects to Petitioner's slides 25-29 on the grounds that Petitioner relies on a modified version of Figure 1 from Capalik that does not appear in Petitioner's papers, and the petition does not include an argument based on the modified figure. *See* Paper 1 at 48-49; *see also Intelligent Bio-Systems, Inc. v. Illumina Cambridge Ltd.*, 821 F.3d 1359, 1369-70 (Fed. Cir. 2016) (affirming Board's refusal to consider new rationale raised for first time in reply); *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041 (January 27, 2015) (Paper 65 at 2-3) ("Arguments that have not been made previously cannot be made at the trial hearing, and thus, cannot be in a demonstrative exhibit.").

Date: March 12, 2024

Respectfully submitted,

KING & SPALDING LLP

/Brian Eutermoser/

Brian Eutermoser
Registration No. 64,058

Attorney for Patent Owner
Open Text Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing PATENT OWNER'S OBJECTIONS TO PETITIONER'S DEMONSTRATIVES was served by filing the documents through the Patent Trial and Appeal Case Tracking System (P-TACTS) on March 12, 2024, and courtesy copies were also served via electronic mail, in their entireties on the following:

Joseph T. Miotke, Reg. No. 47,798
Eric H. Chadwick, Reg. No. 41,664
Erin Block, Reg. No. 78,154
DeWitt LLP
901 Marquette Avenue
Suite 2100
Minneapolis, MN 55042
jtm@dewittllp.com;
ehc@dewittllp.com;
eblock@dewittllp.com

Counsel for Petitioner AO Kaspersky Lab

Date: March 12, 2024

KING & SPALDING LLP

/Brian Eutermoser/

Brian Eutermoser
Registration No. 64,058

Attorney for Patent Owner
Open Text Inc.