

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

WEBROOT INC. and OPEN TEXT, INC.,

Plaintiffs,

v.

SOPHOS LTD.,

Defendant.

Case No. 6:22-CV-00243-ADA-DTG
(LEAD CASE)

Case No. 6:22-CV-00240-ADA-DTG
(Consolidated)

SOPHOS LTD.,

Counterclaim-Plaintiff,

v.

Webroot, Inc., Open Text, Inc., and Open Text Corp.,

Counterclaim-Defendants.

**DEFENDANT SOPHOS LTD.’S STIPULATION REGARDING INVALIDITY
CONTENTIONS FOR U.S. PATENT NO. 9,413,721**

On January 20, 2023, Defendant Sophos Ltd. will file petition No. IPR2023-00491 with the Patent Trial and Appeal Board (“the PTAB”), requesting *inter partes* review of U.S. Patent No. 9,413,721 (“the ’721 Patent”).

The petition asserts one ground of invalidity: Claims 1, 8, 9, 14, and 15 of the ’721 Patent are obvious under 35 U.S.C. § 103 by U.S. Patent Pub. No. 2006/0075504 to Liu (“Liu”) in view of U.S. Patent Pub. No. 2008/0086773 to Tuvell (“Tuvell”) and U.S. Patent Pub. No. 2005/0223001 to Kester (“Kester”).

Defendants stipulate that, if the PTAB institutes *inter partes* review on IPR2023-00491 based on the ground asserted in Sophos' petition, Sophos will not pursue in the District Court the specific grounds raised in IPR2023-00491 against Claims 1, 8, 9, 14, and 15 of the '721 Patent. *See Sand Revolution II, LLC v. Continental Intermodal Group – Trucking LLC*, IPR2019-01393, Paper No. 24 (PTAB June 16, 2020).

In so stipulating, Sophos seeks to avoid a situation in which multiple proceedings address the validity of the challenged claims based on the same grounds. Instead, through this Stipulation, Sophos expresses its preference that only the PTAB address the Instituted Grounds of invalidity of these claims.

Notwithstanding this Stipulation, Sophos reserves the right to assert in this litigation any grounds or claims on which the Board declines to institute *inter partes* review. Sophos also reserves the right to assert grounds other than the Instituted Grounds.

Dated: January 20, 2023

Respectfully submitted,

/s/ Brian Rosenthal

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 20, 2023, a copy of the foregoing was served electronically to counsel of record.

/s/ David Lam
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