

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CROWDSTRIKE, INC.
Petitioner

v.

OPEN TEXT INC.
Patent Owner

Case No. IPR2023-00556
Patent No. 8,726,389

NOTICE OF PETITIONER STIPULATION

Responsive to the Board’s July 17, 2023, email authorization to file this Notice, Petitioner CrowdStrike, Inc. hereby submits the following stipulation with respect to the “*Fintiv* factors” outlined in the Petition:

Petitioner stipulates that, if the Board institutes inter partes review, Petitioner will not seek resolution in the District Court of any ground of invalidity for the ’389 Patent that utilizes *Kester*, *Kennedy*, or *Honig*—the prior art references relied upon in the grounds of the instant petition.

Petitioner’s proposal is comprehensive and addresses the concern of narrowing the issues, as this stipulation ensures there is no overlap between the ’389 Patent invalidity theories before the Board and at issue in the District Court. Petitioner’s proposed stipulation is far more restrictive than a *Sand Revolution* stipulation, which excludes only the same grounds advanced in the IPR, allowing the Petitioner to rely on the same references in the two tribunals so long as the reliance is not identical.

Respectfully submitted,

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COUNSEL FOR PETITIONER

CERTIFICATE OF SERVICE ON PATENT OWNER
UNDER 37 C.F.R. § 42.6

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on July 17, 2023, the foregoing *Notice of Petitioner Stipulation* was served via electronic filing with the Board and via Electronic Mail on the following practitioners of record for Patent Owner:

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