UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

SOPHOS LTD. AND SOPHOS INC.

Petitioners,

v.

OPEN TEXT INC.

Patent Owner.

---

Case No. IPR2023-00633
Patent No. 8,726,389

---

**PATENT OWNER OPEN TEXT INC.'S**
**MANDATORY NOTICES PURSUANT TO 37 C.F.R. § 42.8(b)**

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

Patent Owner Open Text Inc.[1] hereby files its Mandatory Notices pursuant to 37 C.F.R. § 42.8(b).

## I. REAL PARTIES-IN-INTEREST (37 C.F.R. § 42.8(b)(1))

The real parties-in-interest are Open Text Inc. ("Patent Owner") and Webroot LLC. Out of an abundance of caution, Patent Owner further identifies the following affiliates: Carbonite, LLC; Open Text Corporation; and Open Text Holdings, Inc.

## II. RELATED MATTERS (37 C.F.R. § 42.8(b)(2))

U.S. Patent No. 8,726,389 ("the '389 Patent") is at issue in the following U.S. District Court cases:

- *Webroot, Inc. et al. v. Trend Micro Inc.*, Case No. 6:22-cv-00239 (W.D. Tex.);
- *Webroot, Inc. et al. v. Sophos Ltd.*, Case No. 6:22-cv-00240 (W.D. Tex.);
- *Webroot, Inc. et al. v. CrowdStrike, Inc. et al.*, Case No. 6:22-cv-00241 (W.D. Tex.);
- *Webroot, Inc. et al. v. AO Kaspersky Lab*, Case No. 6:22-cv-00243 (W.D. Tex.);
- *Webroot, Inc. v. Forcepoint LLC*, Case No. 6:22-cv-00342-ADA-DTG (W.D. Tex.).

U.S. Patent No. 8,726,389, is also at issue in the following PTAB proceeding:

- *CrowdStrike, Inc. v. Webroot Inc.*, IPR2023-00556 (P.T.A.B. Feb. 17, 2023).

[1] The first page heading is updated due to a change in ownership of U.S. Pat. No. 8,726,389.

U.S. Patent No. 8,418,250, which is related to the '389 Patent is also asserted in the related district court litigations and is at issue in the following PTAB proceedings:

- *CrowdStrike, Inc. v. Open Text Inc.*, IPR2023-00289 (P.T.A.B. Dec. 29, 2022);
- *Trend Micro, Inc. v. Open Text Inc.*, IPR2023-00655 (P.T.A.B. Mar. 2, 2023);
- *Sophos Ltd. v. Open Text Inc.*, IPR2023-00699 (P.T.A.B. Mar. 8, 2023).

U.S. Patent No. 10,284,591, which is not related to the '389 Patent, but which is also asserted in the related district court litigations, is at issue in the following PTAB proceeding:

- *CrowdStrike, Inc. v. Webroot Inc.*, IPR2022-01522 (P.T.A.B. Sept. 30, 2022);
- *Trend Micro Inc. v. Open Text Inc.*, IPR2023-00692 (P.T.A.B. Mar. 7, 2023).

U.S. Patent No. 9,578,045, which is not related to the '389 Patent, but which is also asserted in the related district court litigations, is at issue in the following PTAB proceedings:

- *CrowdStrike, Inc. v. Open Text Inc*., IPR2023-00124 (P.T.A.B. Nov. 30, 2022);
- *Trend Micro, Inc. v. Open Text Inc*., IPR2023-00677 (P.T.A.B. Mar. 6, 2023).

U.S. Patent No. 10,257,224, which is not related to the ' 389 Patent, but which is also asserted in the related district court litigations, is at issue in the following PTAB proceedings:

- *CrowdStrike, Inc. v. Open Text Inc.*, IPR2023-00126 (P.T.A.B. Oct. 31, 2022);
- *Trend Micro, Inc. v. Open Text Inc.*, IPR2023-00657 (P.T.A.B. Mar. 3, 2023).

U.S. Patent No. 9,413,721, which is not related to the '389 Patent, but which is also asserted in the related district court litigations, is at issue in the following PTAB proceeding:

- *Sophos Ltd. v. Open Text Inc.*, IPR2023-00491 (P.T.A.B. Jan. 20, 2023).

U.S. Patent No. 10,599,844, which is not related to the '389 Patent, but which is also asserted in the related district court litigations, is at issue in the following PTAB proceedings:

- *Sophos Ltd. v. Open Text Inc.*, IPR2023-00528 (P.T.A.B. Feb. 7, 2023);
- *Trend Micro, Inc. v. Open Text Inc.*, IPR2023-00662 (P.T.A.B. Mar. 3, 2023).

## III. LEAD AND BACK-UP COUNSEL (37 C.F.R. § 42.8(b)(3))

The lead counsel for Patent Owner is:

Brian Eutermoser (Reg. No. 64,058)
Email: beutermoser@kslaw.com
KING & SPALDING LLP
1401 Lawrence Street, Suite 1900

Denver, CO 80202
Telephone: (720) 535-2312

The first backup counsel for Patent Owner is:

Russell E. Blythe (Reg. No. 58,440)
Email: rblythe@kslaw.com
KING & SPALDING LLP
1180 Peachtree Street NE
Atlanta, GA 30309
Telephone: (404) 572-4600

The additional backup counsel for Patent Owner is:

Mikaela Stone (Reg. No. 70,404)
Email: mikaela.stone@kslaw.com
KING & SPALDING LLP
1401 Lawrence Street, Suite 1900
Denver, CO 80202
Telephone: (720) 535-2312

## IV. SERVICE INFORMATION (37 C.F.R. § 42.8(b)(4))

Please address all correspondence to the lead and backup counsel as shown above. Patent Owner consents to electronic service by email at the email addresses provided above and also OpenText_Webroot@KSLAW.com.

Respectfully submitted,

KING & SPALDING LLP

BY: */Brian Eutermoser/*

Brian Eutermoser (Reg. No. 64,058)

*Attorney for Patent Owner*
*Open Text Inc.*

Date: March 24, 2023
1401 Lawrence Street, Suite 1900
Denver, CO 80202
Telephone: (720) 535-2312

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing **PATENT OWNER'S MANDATORY NOTICES AND POWER OF ATTORNEY** were 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 and U.S. Postal Mail on March 24, 2023, in their entirety on the following:

Ryan Iwahashi
(Reg. No. 63,378)
Gibson, Dunn & Crutcher LLP
1881 Page Mill Road
Palo Alto, CA 94304-1211
Tel: (650) 849-5367
RIwahashi@gibsondunn.com

*Counsel for Petitioners*
*Sophos Ltd. and Sophos Inc.*

Josh Krevitt
(*pro hac vice* motion requested)
Gibson, Dunn & Crutcher LLP
1881 Page Mill Road
Palo Alto, CA 94304-1211
Tel: (212) 351-2490
JKrevitt@gibsondunn.com

Brian A. Rosenthal
(*pro hac vice* motion requested)
Gibson, Dunn & Crutcher LLP
200 Park Avenue
New York, NY 10166-0193
Tel: (212) 351-2339
BRosenthal@gibsondunn.com

Timothy P. Best
(*pro hac vice* motion requested)
Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, California 90071-1504
Tel: (213) 229-7659
TBest@gibsondunn.com

KING & SPALDING LLP

BY: */Brian Eutermoer/*

Brian Eutermoser (Reg. No. 64,058)

*Attorney for Patent Owner*
*Open Text Inc.*

Date: March 24, 2023
1401 Lawrence Street, Suite 1900
Denver, CO 80202
Telephone: (720) 535-2312