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

WEBROOT, INC. and OPEN TEXT, INC., **Plaintiffs,** **v.** **CROWDSTRIKE, INC., and CROWDSTRIKE HOLDINGS, INC.,** **Defendants.**	**Case No. 6:22-cv-00241-ADA-DTG** **JURY TRIAL DEMANDED**
CROWDSTRIKE, INC., **Counterclaim-Plaintiff,** **v.** **WEBROOT, INC. and OPEN TEXT, INC.,** **Counterclaim-Defendants.**	

CROWDSTRIKE'S PRELIMINARY INVALIDITY CONTENTIONS
(PATENTS ASSERTED BY AMENDMENT)

I. INTRODUCTION

Defendants CrowdStrike, Inc. and CrowdStrike Holdings, Inc. (collectively, "CrowdStrike") provide these Preliminary Invalidity Contentions to Plaintiffs Webroot, Inc. and Open Text, Inc. (collectively "Plaintiffs") for the following patents (collectively, "Asserted Patents" or "Patents-in-Suit") and claims (collectively, "Asserted Claims") identified as asserted in Plaintiff's Disclosure of Preliminary Infringement Contentions served on October 25, 2022 ("Infringement Contentions"):

IPR2023-00731
Open Text Inc. EX-2011

- U.S. Patent No. 8,181,244 ("the '244 patent"), claims 1–16 ("the '244 Asserted Claims")
- U.S. Patent No. 8,201,243 ("the '243 patent"), claims 1–14 ("the '243 Asserted Claims");
- U.S. Patent No. 8,719,932 ("the '932 patent"), claims 1–15 ("the '932 Asserted Claims");
- U.S. Patent No. 8,763,123 ("the '123 patent"), claims 1–16 ("the '123 Asserted Claims");
- U.S. Patent No. 8,856,505 ("the '505 patent"), claims 1–20 ("the '505 Asserted Claims"); and
- U.S. Patent No. 11,409,869 ("the '869 patent"), claims 18–59 ("the '869 Asserted Claims").

CrowdStrike addresses the invalidity of the Asserted Claims and concludes with a description of its document production and identification of additional reservations and explanations.

II. PRIORITY DATE OF THE ASSERTED PATENTS AND CLAIMS

In their Infringement Contentions, Plaintiffs allege that the Asserted Patents are entitled to the following priority dates:

- '244 Patent: April 20, 2006;
- '243 Patent: April 20, 2006;
- '932 Patent: April 20, 2006;
- '123 Patent: June 30, 2005;
- '505 Patent: August 7, 2006;
- '869 Patent: May 12, 2015.

It is Plaintiffs' burden to show entitlement to the asserted priority dates, and CrowdStrike asserts that Plaintiffs have failed to meet that burden. For example, Plaintiffs have failed to show that any of the Asserted Claims are entitled to a priority date earlier than the filing of the

applications that issued as the Asserted Patents. Plaintiffs have therefore not demonstrated that the Asserted Patents are entitled to the dates of the provisional applications. Nevertheless, CrowdStrike identifies prior art that predates the priority dates alleged by Plaintiffs. CrowdStrike reserves the right to amend its invalidity contentions with additional prior art and/or with additional invalidity charts if Plaintiffs change their position and allege earlier or later priority dates, or if Plaintiffs do not meet their burden to prove the priority dates they assert. In addition, Plaintiffs have not provided any assertion or evidence that any Asserted Patent or Asserted Claim is entitled to a date of conception earlier than the claimed priority dates listed above. CrowdStrike therefore also reserves its right to amend its Invalidity Contentions if Plaintiffs are permitted to allege earlier dates of conception for the Asserted Patents.

III. PRIOR ART REFERENCES

CrowdStrike identifies the following prior art now known to CrowdStrike to anticipate the Asserted Claims under at least 35 U.S.C. §§ 102(a), (b), (e), and/or (g), either expressly or inherently as understood by a POSITA, and/or to render the Asserted Claims obvious under 35 U.S.C. § 103, either alone or in combination. These prior art references also evidence the level of skill in the art and provide background information regarding the knowledge of a person of skill in the art. CrowdStrike reserves the right to rely on these references to that end.

CrowdStrike additionally incorporates by reference all prior art references cited on the face of the Asserted Patents, related patents, and all foreign counterparts. CrowdStrike further incorporates by reference all prior art references identified in the file histories of the same. CrowdStrike reserves the right to rely upon foreign counterparts of the U.S. Patents identified in these invalidity contentions, U.S. counterparts of foreign patents and foreign patent applications identified in these invalidity contentions, U.S. and foreign patents and patent applications corresponding to articles and publications identified in these invalidity contentions, and any

systems, products, or prior inventions related to any references identified in these invalidity contentions. CrowdStrike also incorporates by reference its invalidity contentions served on September 13, 2022, including the prior art cited therein. CrowdStrike further incorporates by reference the prior art cited in Plaintiffs' invalidity contentions served on November 23, 2022.

In these invalidity contentions, including the exhibits, any citation to a printed publication or other reference describing a prior art system should also be construed to reference to the prior art system itself. Any citation to a prior art system should also be construed to reference all printed publications or other references describing that system.

CrowdStrike has identified systems and products that anticipate and/or render obvious the Asserted Claims. Many of the systems are associated with patents, patent publications, and other written references identified below, and many of the patent references identified below are currently and/or were originally assigned to companies that build products to detect malware, including but not limited to CrowdStrike, Cisco, CounterTack, HP, IBM, HP, McAfee, Microsoft, Forcepoint, Kaspersky, Sophos, and Trend Micro. CrowdStrike has endeavored to use publicly-available materials to explain how these prior art products anticipate and/or render obvious the Asserted Claims. However, discovery in this case has not yet opened, and so CrowdStrike has not had the opportunity to conduct third-party discovery from these (and other) sources. CrowdStrike reserves the right to conduct such discovery and supplement its invalidity contentions to include any additional prior art systems and products that render the Asserted Claims invalid, and to provide additional detail on how these systems and products render the Asserted Claims invalid. CrowdStrike may use physical samples, executable software, source code, testimony, and/or other sources as evidence of the relevant functionality of these prior art systems.

A. Prior Art Patents, Publications, and Systems

1. ’244, ’243, and ’932 Patents

System or Publication	Date of Filing or Publication	Effective Filing Date
Anderson, Computer Security Threat Monitoring and Surveillance	4/15/1980	
Anderson, Detecting Unusual Program Behavior Using the Statistical Component of the Next Generation Intrusion Detection Expert System (NIDES)	May-95	
Asaka, Information gathering with mobile agents for an intrusion detection system	1999	
Asaka, Remote Attack Detection Method in IDA	1/28/2002	
AU2001262958 (Farley)	4/27/2001	
Cloudmark SpamNet	6/24/1905	
CPM_Explorer_Admin-2	9/19/2005	
CPMAdminGuide	5/2/2005	
Denning, An Intrusion-Detection Model	1986	
Goel, Forensix - A Robust, High-Performance Reconstruction Systemn	2005	
Hedberg, Combating computer viruses	Summer 1996	
Inoue, Anomaly Intrusion	September 23-26, 2002	
Javitz, The NIDES Statistical Component	3/7/1994	
Kaplan, API Spying Techniques for Windows 9x, NT and 2000	10/9/2000	

System or Publication	Date of Filing or Publication	Effective Filing Date
Kephart, An Immune System for Cyberspace	1997	
King, Backtracking Intrusions	Feb. 2005	
King, Enriching intrusion alerts through multi-host causality	1/1/2005	
Li, UCLog: A Unified, Correlated Logging Architecture for Intrusion Detection	Jan. 2004	
Mand, A Multiagent Approach to Outbound Intrusion Detection	Dec. 2004	
Prevx Home v20 Shuts the Door on Unknown and Unwanted Internet Security Threats Upgrade to First In	11/5/2004	
PREVX Prevx Home launches Prevx Launches Worlds first free consumer Intrusion Prevention System	6/16/2004	
Prevx Website Capture (Prevx 1)	12/24/2005	
Rivest, rfc1321 MD5 Hashing Algorithm	April 1992	
Sekiguchi (JP2004086241)	3/18/2004	8/22/2002
Shieh, A Pattern-Orientated Intrusion-Detection Model and its Applications	1991	
Shieh, On a Pattern-Oriented Model for Intrusion Detection	Aug-97	
SRI-IDES, A Real-time Intrusion-Detection Expert System	2/28/1992	
US10043008 (Costea, Microsoft)	10/29/2004	
US20020078381A1 (Farley, IBM)	4/27/2001	4/27/2000
US20020147923A1 (Dotan)	1/4/2002	1/19/2001

System or Publication	Date of Filing or Publication	Effective Filing Date
US20030046582 (Black)	8/30/2001	
US20030084349 (Friedrichs)	8/9/2002	10/12/2001
US20030172166A1 (Judge)	3/8/2002	
US20030177394 (Dozortsev)	12/26/2002	12/26/2001
US20040039968A1 (Hatonen, Nokia)	6/6/2001	9/11/2000
US20040078580A1 (Hsu, Trend Micro)	10/18/2002	
US20040111632A1 (Halperin)	5/5/2003	5/6/2002
US20040123145A1 (Baffes, IBM)	12/19/2002	
US20040143753A1 (Hernacki, Symantec)	1/21/2003	
US20040153644A1 (McCorkendale, Symantec Digital Immune System)	2/5/2003	
US20040172557A1 (Nakae)	8/20/2003	8/20/2002
US20040199827A1 (Muttik)	4/1/2003	
US20040225877 (Huang)	3/3/2004	5/9/2003
US20050005160A1 (Bates, IBM)	7/1/2004	9/11/2000
US20050038818A1 (Hooks, IBM)	8/11/2004	8/11/2003
US20050132205A1 (Palliyil, IBM)	12/12/2003	

System or Publication	Date of Filing or Publication	Effective Filing Date
US20050210035A1 (Kester)	5/19/2005	
US20050268112A1 (Wang, Microsoft)	9/28/2004	5/28/2004
US20060031673A1 (Beck, Microsoft)	11/23/2004	7/23/2004
US20060037079A1 (Midgley, IBM)	8/2/2005	8/13/2004
US20060070130 (Costea, Microsoft)	9/27/2004	
US20060075468A1 (Boney)	10/1/2004	
US20060075490A1 (Boney)	10/1/2004	
US20060075502A1 (Edwards, McAfee)	12/13/2004	
US20060095964A1 (Costea, Microsoft)	10/29/2004	
US20060095970A1 (Rajagopal)	11/3/2004	
US20060101520A1 (Schumaker)	11/7/2005	11/5/2004
US20060130141A1 (Kramer, Microsoft)	12/15/2004	
US20060156397A1 (Dai)	1/13/2005	
US20060179484A1 (Scrimsher)	2/9/2005	
US20060206937 (Repasi)	2/24/2006	3/14/2005
US20060230289A1 (Fox, IBM)	3/29/2005	

System or Publication	Date of Filing or Publication	Effective Filing Date
US20060236392A1 (Thomas, Microsoft)	3/31/2005	
US20060259967A1 (Thomas, Microsoft)	5/13/2005	
US20060293777A1 (Breitgand, IBM)	6/7/2005	
US20070016951A1 (Piccard)	7/13/2005	
US20070028304A1 (Brennan, Bit9)	7/29/2005	
US20070050846A1 (Xie, Fortinet)	8/30/2005	
US20070067844A1 (Williamson)	9/16/2005	
US20070150957 (Hartrell)	12/28/2005	
US20070239999A1 (Honig)	5/25/2007	1/25/2002
US20070244877A1 (Kempka)	4/12/2006	
US20070294768A1 (Moskovitch)	1/29/2007	1/31/2006
US20090144826 (Piccard)	6/30/2005	
US5440723 (Arnold, IBM)	1/19/1993	
US5450586 (Kuzara, HP)	4/30/1992	8/14/1991
US5832208 (Chen)	9/5/1996	
US5886699 (Belfiore, Microsoft)	7/21/1997	12/13/1994

System or Publication	Date of Filing or Publication	Effective Filing Date
US5991881A (Conklin)	11/8/1996	
US6092194 (Touboul, Finjan)	11/6/1997	11/8/1996
US6195587 (Hruska, Sophos)	4/28/1994	10/29/1993
US6460060 (Maddalazzo, IBM)	1/26/1999	
US6721721 (Bates, IBM)	6/15/2000	
US6742128 (Joiner)	8/28/2002	
US6775780 (Muttik, Network Associates)	3/16/2000	
US6785732 (Bates, IBM)	9/11/2000	
US6839850 (Campbell, PRC)	3/4/1999	
US6842861 (Cox, Network Associates)	3/24/2000	
US6880110 (Largman, Self Reporting Computers)	5/21/2001	5/19/2000
US6973577B1 (Kouznetsov, McAfee)	5/26/2000	
US7024694 (Ko, McAfee)	6/13/2000	
US7069480 (Lovy)	8/17/2004	3/28/2001
US7080000 (Cambridge, McAfee)	7/23/2001	3/30/2001
US7089428 (Farley, ISS)	4/27/2001	4/28/2000

System or Publication	Date of Filing or Publication	Effective Filing Date
US7093239 (van der Made, ISS)	8/18/2000	7/17/2000
US7093292 (Pantuso, McAfee)	2/8/2002	
US7096500 (Roberts, McAfee)	12/21/2001	
US7134141 (Crosbie)	6/12/2001	6/12/2000
US7152164 (Loukas)	11/26/2001	12/6/2000
US7174566 (Yadav, Intel)	2/6/2007	
US7203962 (Moran, Symantec)	8/30/2000	8/30/1999
US7225343 (Honig)	1/27/2003	1/25/2002
US7231667 (Jordan, Computer Associates)	5/29/2003	
US7237008 (Tarbotton, McAfee)	5/10/2002	
US7263616B1 (Brackett)	9/22/2000	
US7340777 (Szor, Symantec)	3/31/2003	
US7356843 (Kingsford, Symantec)	10/1/2003	
US7376970 (Marinescu, Microsoft)	2/20/2004	
US7398399 (Palliyil, IBM)	12/12/2003	
US7398553 (Li, Trend Micro)	10/29/2001	10/30/2000

System or Publication	Date of Filing or Publication	Effective Filing Date
US7418729 (Szor, Symantec)	10/4/2002	7/19/2002
US7424609 (Kwan, Computer Associates Think)	7/9/2004	7/11/2003
US7434261 (Costea, Microsoft)	9/27/2004	
US7450005 (Anand, IBM)	1/18/2006	
US7475135 (Bantz)	3/31/2005	
US7478431 (Nachenberg, Symantec)	8/2/2002	
US7509680 (Sallam, Symantec)	9/1/2004	
US7558796 (Bromwich)	5/19/2005	
US7565550 (Liang, Trend Micro)	10/9/2003	8/29/2003
US7568233 (Szor, Symantec)	4/1/2005	
US7571482 (Polyakov, Microsoft)	7/28/2005	
US7574741 (Aviani, Cisco)	4/20/2005	
US7587724 (Yeap, Symantec)	7/13/2005	
US7594272 (Kennedy, Symantec)	10/5/2004	
US7603711 (Scheidell, Secnap)	10/30/2003	
US7627898 (Beck, Microsoft)	11/23/2004	7/23/2004

System or Publication	Date of Filing or Publication	Effective Filing Date
US7634806 (Zinda, Microsoft)	5/30/2002	
US7636946 (Verma, Microsoft)	3/15/2006	8/31/2005
US7647636 (Polyakov, Microsoft)	8/24/2005	
US7694150 (Kirby, Cisco)	6/22/2004	
US7735138 (Zhao, Trend Micro)	5/10/2005	1/14/2005
US7756834 (Masters)	11/3/2005	
US7779119 (Ginter, Industrial Defender)	5/30/2007	6/9/2003
US7779472 (Lou)	10/11/2005	
US7784098 (Fan)	7/14/2005	
US7822818 (Desouza, Symantec)	7/1/2005	
US7861303 (Kouznetsov, McAfee)	4/12/2002	8/1/2001
US7865956 (Cambridge, McAfee)	6/10/2005	3/30/2001
US7874001 (Beck, Microsoft)	7/15/2005	
US7899901 (Njemanze, ArcSight)	12/2/2002	
US7900194 (Mankins, Verizon)	3/23/2005	3/25/2004
US7913303 (Rouland, IBM)	3/27/2003	1/21/2003

System or Publication	Date of Filing or Publication	Effective Filing Date
US7930746 (Sheleheda, AT&T)	12/29/2005	
US7934103 (Kidron)	4/15/2003	4/17/2002
US7979889 (Gladstone, Cisco)	1/7/2005	
US8117659 (Hartrell, Microsoft)	12/28/2005	
US8191139 (Heimerdinger, Honeywell)	12/20/2004	12/18/2003
US8321910 (English)	1/20/2006	1/21/2005
US8458797 (Yu, Trend Micro)	3/25/2004	
US8516583 (Thomas)	3/31/2005	
US8627458 (Muttik, McAfee)	1/13/2004	
US9104871 (Tuvell, Juniper)	4/6/2007	4/6/2006
US9129111 (Rothwell)	1/18/2006	1/20/2005
US9171157 (Flores, Blue Coat Systems)	3/28/2006	
Using Management Center for Cisco Security Agents 4.0 (CISCO-CSA)	2003	
WO2001016709 (Moran)	8/30/2000	8/30/1999
WO2003017099A1 (Tseng)	8/14/2001	
WO2005114949A1 (Gassoway)	4/19/2004	

System or Publication	Date of Filing or Publication	Effective Filing Date
Yu, Alert Confidence Fusion in Intrusion Detection Systems	3/18/2005	

2. ’123 Patent

System or Publication	Date of Filing or Publication	Effective Filing Date
Anderson, Computer Security Threat Monitoring and Surveillance	4/15/1980	
Anderson, Detecting Unusual Program Behavior Using the Statistical Component of the Next Generation Intrusion Detection Expert System (NIDES)	May-95	
AU2001262958 (Farley)	4/27/2001	
Burbeck, ADWICE Anomaly Detection	2004	
Cloudmark SpamNet	6/24/1905	
CPM_Explorer_Admin-2	9/19/2005	
CPMAdminGuide	5/2/2005	
Denning, An Intrusion-Detection Model	1986	
EP1335559B1 (Suuronen, Nokia)	1/29/2003	1/31/2002
EP449242A2 (Watson)	3/27/1991	3/28/1990
Hedberg, Combating computer viruses	Summer 1996	
Inoue, Anomaly Intrusion	September 23-26, 2002	
Javitz, The NIDES Statistical Component	3/7/1994	

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Respectfully submitted,

s/Steven Callahan

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via electronic mail on February 21, 2023.

s/Steven Callahan
STEVEN CALLAHAN