

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORCEPOINT LLC,
Petitioner

v.

WEBROOT, INC. AND OPEN TEXT, INC.,
Patent Owners.

PR2023-00784
U.S. Patent No. 8,438,386

**PETITIONER FORCEPOINT LLC'S NOTICE OF
STIPULATION REGARDING INVALIDITY CONTENTIONS**

On March 31, 2023, Petitioner Forcepoint LLC ("Forcepoint") filed petition IPR2023-00784 with the Patent Trial and Appeal Board ("PTAB") requesting inter partes review of U.S. Patent Nos. 8,438,386 (the "'386 Patent"). As detailed below, in the event the PTAB institutes trial in IPR2023-00786, Petitioner will file a stipulation regarding invalidity contentions in the parallel district court proceeding, *Webroot, Inc. et al. v. Forcepoint LLC*, 6:22-cv-00342-ADA.

The Petition asserts the following grounds of invalidity:

IPR Petition No.	Patent No.	IPR Ground	Claims	Grounds of Unpatentability
IPR2023-00784	8,498,386	1	1-13, 15, 16, 18	Obvious under 35 U.S.C. § 103 over U.S. Patent No. 9,654,495 to Hubbard ("Hubbard-495") in view of U.S. Patent No. 8,015,174 to Hubbard ("Hubbard-174")
		2	1-13, 15, 16, 18	Obvious under 35 U.S.C. § 103 over Hubbard-495 in view of Hubbard-174 and further in view of U.S. Patent Application Publication No. 2008/0175266 to Alperovitch ("Alperovitch")

If the PTAB institutes trial in IPR2023-00784, Forcepoint will not pursue in the parallel district court litigation the specific grounds identified above for the '386 Patent. The stipulation is not intended, and should not be construed, to limit

Forcepoint's ability to assert invalidity of the asserted claims of the '386 Patent in the parallel district court litigation on any other ground regardless of whether *inter partes* review is instituted.

Dated: November 1, 2023

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CERTIFICATE OF SERVICE

In compliance with 37 C.F.R. § 42.6(e), the undersigned hereby certifies that a copy of the foregoing document was served on November 1, 2023, via electronic mail to OpenText_Webroot@kslaw.com and the attorneys of record below:

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