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.

IPR2023-00784
U.S. Patent No. 8,438,386

PETITIONER'S UNOPPOSED MOTION TO WITHDRAW ITS REQUEST FOR REHEARING OF THE BOARD'S DECISION DENYING *INTER PARTES* REVIEW

STATEMENT OF PRECISE RELIEF REQUESTED

Pursuant to the authorization by the Board granted on December 11, 2023, Petitioner Forcepoint LLC ("Forcepoint") respectfully moves for withdrawal of its pending Request for Rehearing of the Board's Decision Denying Institution of *Inter Partes* Review of U.S. Patent No. 8,438,386 (Paper 16) ("Request for Rehearing"). Counsel for Forcepoint conferred with counsel for Patent Owners prior to filing this motion, and Patent Owners do not oppose this motion to withdraw.

REASONS FOR RELIEF REQUESTED

On November 13, 2023, the Board issued its Decision Denying Institution of *Inter Partes* Review under 35 U.S.C. § 314 and 37 C.F.R. § 42.4 (Paper 15). On November 27, 2023, Forcepoint filed its Request for Rehearing Pursuant to 37 C.F.R. § 42.71(d) (Paper 16).

On December 4, 2023, Patent Owners filed a Joint Stipulation and Motion to Dismiss the parallel district court litigation *Webroot, Inc. et al. v. Forcepoint LLC*, No. 6:22-CV-00342-ADA (W.D. Tex.). The district court granted the Joint Motion to Dismiss on December 6, 2023. Forcepoint now requests withdrawal of its Request for Rehearing in this IPR because the dispute between the parties has been resolved. *See, e.g.*, *Power Integrations, Inc. v. Semiconductor Components Indus., LLC*, IPR2018-00399, Paper 12 (P.T.A.B. Mar. 20, 2019) (granting motion to withdraw request for rehearing and ordering that the "Decision Denying Institution remains in

effect"); *Hospitality Core Servs. LLC v. Nomadix, Inc.*, IPR2016-00052, IPR2016-00073, Paper 11 (P.T.A.B. June 21, 2016) (granting motion to withdraw request for rehearing and holding that the Board "will not issue any decision in response" to the request).

CONCLUSION

Forcepoint respectfully requests withdrawal of its Request for Rehearing of the Board's Institution Decision.

Dated: December 12, 2023

By: /*Kat Li*/

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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 December 12, 2023, via electronic mail to OpenText_Webroot@kslaw.com and the attorneys of record below:

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