

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TAASERA LICENSING LLC

Plaintiff,

v.

TREND MICRO, INC.,

Defendant.

Civil Action No. 2:21-CV-0441-JRG

JURY TRIAL DEMANDED

DEFENDANT TREND MICRO, INC.'S PRELIMINARY ELECTION OF PRIOR ART

Defendant Trend Micro, Incorporated (Japan) (“Trend Micro Japan”) hereby provides its preliminary election of prior art pursuant to the Court’s Order Focusing Patent Claims and Prior Art to Reduce Costs.¹ Trend Micro Japan reserves the right to supplement or amend this disclosure, including in response to developments in claim construction, discovery, rulings of the Court, and discussions with the parties.

¹ Pursuant to the Court’s Order Focusing Patent Claims and Prior Art to Reduce Costs, this preliminary election does not identify obviousness combinations, which are not required until the final election. No waiver of obviousness combinations involving the elected references is intended by this disclosure.

I. Asserted U.S. Pat. No. 6,842,796

- Friedl, Jeffrey E.F., “Mastering Regular Expressions: Powerful Techniques for Perl and Other Tools,” O’Reilly & Associates, Inc., 1997 (“Friedl”)
- U.S. Pat. No. 7,584,120 to Yun et al. (“Yun”)
- U.S. Pat. App. Pub. No. 2005/0171932 to Nandhra (“Nandhra”)
- U.S. Pat. No. 6,373,985 to Hu et al. (“Hu”)
- U.S. Pat. No. 6,278,996 to Richardson (“Richardson”)

II. Asserted U.S. Pat. No. 7,673,137²

- U.S. Pat. No. 7,350,204 to Lambert et al. (“Lambert”)
- Dan et al., “ChakraVyuha (CV): A Sandbox Operating System Environment for Controlled Execution of Alien Code”, IBM Research Report RC 20742, February 20, 1997. (“ChakraVyuha”).
- U.S. Pat. No. 5,412,717 to Fischer (“Fischer”)
- U.S. Pat. No. 6,253,374 to Dresevic et al. (“Dresevic”)

III. Asserted U.S. Pat. Nos. 8,955,038, 9,608,997, 9,923,918

- U.S. Pat. No. 7,353,533 to Wright et al. (“Wright”)
- U.S. Pat. No. 78,065,712 to Cheng et al. (“Cheng”)
- U.S. Pat. App. Pub. No. 2004/0111643 to Farmer (“Farmer”)
- U.S. Pat. No. 8,200,818 to Freund et al., incorporating by reference in its entirety U.S. Pat. No. 5,987,611 to Freund (“Freund”)
- U.S. Pat. No. 6,873,988 to Herrmann et al. (“Hermann II”)
- U.S. Pat. No. 8,001,610 to Chickering et al. (“Chickering”)
- U.S. Pat. No. 7,627,893 to Corley et al. (“Corley”)
- CyberGatekeeper System (and documents describing the system)
- CyberGatekeeper Website³

IV. Asserted U.S. Pat. No. 8,850,517

- OfficeScan 10.5 System (“OfficeScan System”)
- OfficeScan 10.5 Administrator’s Guide (“OfficeScan Guide”)

² For clarity and avoidance of doubt, Trend Micro Japan reserves the right to assert obviousness type double patenting of the ’137 patent in view of the claims of related U.S. Patent No. 7,565,549 (the “’549 patent”), alone or in combination with one or more prior art references. While the ’549 patent is a reference patent for purposes of obviousness type double patenting, it is not “prior art,” and therefore need not be identified in this preliminary election.

³ “CyberGatekeeper Website” includes at least the following archived InfoExpress webpages from 2004 and 2005: InfoExpress Web, InfoExpress lan security benefits, InfoExpress lan Security, InfoExpress lan Security FAQ, InfoExpress Security Products, InfoExpress Product Documentation, and Enforcing Network Integrity.

- U.S. Pat. App. Pub. No. 2011/0145926 to Dalcher et al. (“Dalcher”)
- U.S. Patent No. 8,713,684 to Bettini (“Bettini”)
- Bettini (Appthority/Apparian)
- U.S. Patent App. Pub. No. 2013/0254880 to Alperovitch et al. (“Alperovitch”)
- U.S. Patent No. 9,117,075 to Yeh (“Yeh”)
- U.S. Patent No. 9,117,078 to Chien et al. (“Chien”)
- U.S. Patent No. 8,401,982 to Satish (“Satish”)

V. Asserted U.S. Pat. No. 8,990,948

- OfficeScan System
- OfficeScan Guide
- U.S. Patent No. 9,286,469 to Kraemer et al. (“Kraemer”)
- U.S. Pat. App. Pub. No. 2013/0097660 to Das et al. (“Das”)
- U.S. Pat. App. Pub. No. 2011/0145711 to Njemanze et al. (“Njemanze”)
- U.S. Patent No. 10,198,581 to Sreenivas et al. (“Sreenivas”)
- U.S. Patent No. 8,474,004 to Leone (“Leone”)
- U.S. Pat. App. Pub. No. 2009/0328222 to Helman et al. (“Helman”)
- U.S. Patent No. 8,141,157 to Farley et al. (“Farley”)
- U.S. Pat. App. Pub. No. 2009/0320021 to Pan (“Pan”)
- Bose et al., “Behavioral Detection of Malware on Mobile Handsets”, MobiSys ‘08: Proceedings of the 6th International Conference on Mobile Systems, Applications, and Services, pages 225–238. (“Bose”)
- U.S. Patent No. 7,467,067 to Marvasti (“Marvasti”)
- U.S. Patent No. 9,628,501 to Datta Ray (“Datta Ray”)

VI. Asserted U.S. Pat. No. 9,092,616

- OfficeScan System
- OfficeScan Guide
- Das
- Leone
- Sreenivas
- Datta Ray
- U.S. Patent No. 8,434,147 to Jaeger et al. (“Jaeger”)
- U.S. Pat. App. Pub. No. 2005/0005169 to Kelekar (“Kelekar”)
- U.S. Patent No. 8,392,998 to Schrecker (“Schrecker”)
- U.S. Patent No. 9,438,616 to Singla (“Singla”)
- U.S. Pat. App. Pub. No. 2012/0110174 to Wootton et al. (“Wootton”)
- U.S. Pat. App. Pub. No. 2009/0100518 to Overcash (“Overcash ’518”)

VII. Asserted U.S. Pat. No. 8,327,441

- OfficeScan System
- OfficeScan Guide

- Leone
- U.S. Pat. App. Pub. No. 2011/0179477 to Starnes et al. (“Starnes”)
- U.S. Pat. App. Pub. No. 2010/0281248 to Lockhart et al. (“Lockhart”)
- U.S. Patent No. 8,701,198 to Greene et al. (“Greene”)
- Kil, C., et al., “Remote attestation to dynamic system properties: Towards providing complete system integrity evidence”, June 2009 (“Kil”)
- U.S. Patent No. 9,218,461 to Friedrichs (“Friedrichs”)
- U.S. Patent No. 8,141,154 to Guzman (“Guzman”)
- U.S. Pat. App. Pub. No. 2007/0240222 to Tuvell et al. (“Tuvell”)
- U.S. Patent No. 7,302,677 to Reissman et al. (“Reissman”)
- EP Patent No. 1,296,255 to Matsumoto et al. (“Matsumoto”)

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Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served on all counsel of record via e-mail on September 29, 2023.

/s/ Christopher J. Tyson

Christopher J. Tyson