

From: [Trials](#)
To: [Erin Block](#); [Trials](#)
Cc: [Brian Eutermoser](#); [Russell Blythe](#); [Mikaela Stone](#); [Eric H. Chadwick](#); [Rachel E. Gagliardi](#); [Joseph T. Miotke](#)
Subject: RE: Crowdstrike v. Open Text Inc. - IPR2023-00124 & IPR2023-001199 (Patent No. 9,578,045) / Conference Call Request
Date: Wednesday, November 29, 2023 5:44:03 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

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Counsel,

Thank you for your e-mail. The judge panel responds as follows:

After considering the parties' positions, we do not see a need at this time to extend the due dates for Petitioner's Reply or Patent Owner's Sur-reply in IPR2023-00124, as requested below. Should we grant institution and joinder in IPR2023-01199, we will extend Due Date 2 (Petitioner's Reply) to December 28, 2023, and Due Date 3 (Patent Owner's Sur-reply) to February 8, 2024, after the cases are joined.

Thank you.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Erin Block <eblock@dewittllp.com>
Sent: Tuesday, November 28, 2023 1:22 PM
To: Trials <Trials@USPTO.GOV>
Cc: BEutermoser@KSLAW.com; rblythe@kslaw.com; Mikaela Stone (mikaela.stone@kslaw.com) <mikaela.stone@kslaw.com>; Eric H. Chadwick <ehc@dewittllp.com>; Rachel E. Gagliardi <reg@dewittllp.com>; Joseph T. Miotke <jtm@dewittllp.com>
Subject: RE: Crowdstrike v. Open Text Inc. - IPR2023-00124 & IPR2023-001199 (Patent No. 9,578,045) / Conference Call Request

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To The Honorable Board,

The parties in IPR2023-00124 and IPR2023-01199 have met and conferred as directed. Patent Owner's position is that an extension of the reply deadline in IPR2023-00124 is unnecessary in view of the pending joint motion to terminate filed by the parties to that proceeding, and Patent Owner

notes that Petitioner in IPR2023-01199 (AO Kaspersky Labs) is not a party to the -00124 proceeding. It is AO Kaspersky Lab's (Petitioner in IPR2023-01199) contention that an extension is warranted as the Board has not yet decided the Motion for Joinder in the -01199 petition and there is a pending motion to terminate IPR2023-00124.

Should the Board allow an extension, Patent Owner and AO Kaspersky Labs agree to extend Due Date 2 (Petitioner's Reply) to December 28, 2023, and Due Date 3 (Patent Owner's Surreply) to February 8, 2024.

If a call with the Board is needed for approval of the extension, please let the parties know.

Best regards,
Erin

Erin Ella Block (she/her)

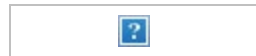
Attorney

Ph: 262.754.2878

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13845 Bishops Drive, Suite 300

Brookfield, WI 53005



From: Trials <Trials@USPTO.GOV>

Sent: Monday, November 27, 2023 11:51 AM

To: Trials <Trials@USPTO.GOV>; Joseph T. Miotke <jtm@dewittllp.com>

Cc: BEutermoser@KSLAW.com; rblythe@kslaw.com; Mikaela Stone (mikaela.stone@kslaw.com) <mikaela.stone@kslaw.com>; Eric H. Chadwick <ehc@dewittllp.com>; Erin Block <eblock@dewittllp.com>; Rachel E. Gagliardi <reg@dewittllp.com>

Subject: RE: Crowdstrike v. Open Text Inc. - IPR2023-00124 & IPR2023-001199 (Patent No. 9,578,045) / Conference Call Request

Counsel,

Further to our email below, regarding the reply brief deadline, the panel is inclined to allow an extension. The parties should meet and confer regarding the appropriate length of an extension and advise by the close of business on **Tuesday, November 28th** whether an agreement has been reached and, if not, what are the parties' respective positions on the extension duration.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Trials <Trials@USPTO.GOV>
Sent: Friday, November 24, 2023 2:57 PM
To: Joseph T. Miotke <jtm@dewittllp.com>; Trials <Trials@USPTO.GOV>
Cc: BEutermoser@KSLAW.com; rblythe@kslaw.com; Mikaela Stone (mikaela.stone@kslaw.com) <mikaela.stone@kslaw.com>; Eric H. Chadwick <ehc@dewittllp.com>; Erin Block <eblock@dewittllp.com>; Rachel E. Gagliardi <reg@dewittllp.com>
Subject: RE: Crowdstrike v. Open Text Inc. - IPR2023-00124 & IPR2023-001199 (Patent No. 9,578,045) / Conference Call Request

Counsel,
The panel does not see a need for a call at this time. Patent Owner should notify the Board, via e-mail, whether it intends to file a Preliminary Response raising additional issues beyond those in Patent Owner's Preliminary Response in IPR2023-00124.

Regards,

Andrew Kellogg,
Supervisory Paralegal
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571)272-7822

From: Joseph T. Miotke <jtm@dewittllp.com>
Sent: Tuesday, November 21, 2023 5:48 PM
To: Trials <Trials@USPTO.GOV>
Cc: BEutermoser@KSLAW.com; rblythe@kslaw.com; Mikaela Stone (mikaela.stone@kslaw.com) <mikaela.stone@kslaw.com>; Eric H. Chadwick <ehc@dewittllp.com>; Erin Block <eblock@dewittllp.com>; Rachel E. Gagliardi <reg@dewittllp.com>
Subject: Crowdstrike v. Open Text Inc. - IPR2023-00124 & IPR2023-001199 (Patent No. 9,578,045) / Conference Call Request

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To The Honorable Board,

AO Kaspersky Lab has filed a joinder motion (IPR2023-01199) seeking to join IPR2023-00124 for Patent No. 9,578,045. AO Kaspersky Labs requests a conference call with the Board regarding these proceedings. Specifically, AO Kaspersky Lab wishes to discuss (1) its pending joinder motion and (2) AO Kaspersky Labs' request for a brief extension to file a Petitioner's Reply Brief that is currently due on November 30, 2023.

Counsel for AO Kaspersky Lab and Open Text Inc. have met and conferred regarding

this conference call request.

Counsel for both parties are available the week of November 27 as follows.

Monday, 11/27 after 3:30 pm ET;

Tuesday, 11/28 after 2:30 pm ET;

Wednesday, 11/29 after 3 pm ET;

Thursday, 11/30 after 10 am ET;

Friday, 12/1 between 1 and 4 pm ET.

Please advise whether the Board is amenable to a call, and if so, provide a time that would be convenient for the Board.

Respectfully submitted,

Joe Miotke
Lead Counsel for AO Kaspersky Lab

Joseph T. Miotke

Partner | IP Litigation Practice Group Co-Chair

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