

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

WEBROOT INC. and OPEN TEXT, INC.,

Plaintiffs,

v.

SOPHOS LTD.,

Defendant.

Case No. 6:22-CV-00243-ADA-DTG
(LEAD CASE)

Case No. 6:22-CV-00240-ADA-DTG
(Consolidated)

SOPHOS LTD.,

Counterclaim-Plaintiff,

v.

WEBROOT, INC., OPEN TEXT, INC., and
OPEN TEXT CORP.,

Counterclaim-Defendants.

**DEFENDANT SOPHOS LTD.’S STIPULATION REGARDING INVALIDITY
CONTENTIONS FOR U.S. PATENT NO. 8,418,250**

On March 8, 2023, Defendant Sophos Ltd. (“Sophos”) will file petition no. IPR2023-00699 with the Patent Trial and Appeal Board (“the PTAB”), requesting *inter partes* review of U.S. Patent No. 8,418,250 (“the ’250 Patent”).

The petition asserts two grounds of invalidity: (1) claims 1, 2, 12–14, and 24 of the ’250 Patent are obvious under 35 U.S.C. § 103 over U.S. Patent Appl. Pub. No. 2004/0111632 (“Halperin”) in view of U.S. Patent No. 7,900,194 (“Mankins”); and (2) claims 1–30 of the ’250 Patent are obvious over Halperin in view of Mankins and in further view of U.S. Patent No. 7,694,150 (“Kirby”).

Defendants stipulate that, if the PTAB institutes *inter partes* review on IPR2023-00699 based on one or more of the grounds asserted in Sophos' petition ("Instituted Grounds"), Sophos will not pursue in the District Court the Instituted Grounds. See *Sand Revolution II, LLC v. Continental Intermodal Group – Trucking LLC*, IPR2019-01393, Paper No. 24 (PTAB June 16, 2020).

In so stipulating, Sophos seeks to avoid a situation in which multiple proceedings address the validity of the challenged claims based on the same grounds. Instead, through this Stipulation, Sophos expresses its preference that only the PTAB address the Instituted Grounds of invalidity of these claims.

Notwithstanding this Stipulation, Sophos reserves the right to assert in this litigation any grounds or claims on which the Board declines to institute *inter partes* review. Sophos also reserves the right to assert grounds other than the Instituted Grounds.

Dated: March 8, 2023

Respectfully submitted,

/s/ Brian Rosenthal

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 8, 2023, a copy of the foregoing was served electronically to counsel of record.

/s/ David Lam
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