

**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 Case)

JURY TRIAL DEMANDED

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. 8,719,932**

On December 12, 2023, Defendant Sophos Ltd. (“Sophos”) will file petition no. IPR2024-00253 with the Patent Trial and Appeal Board (the “PTAB”), requesting *inter partes* review of U.S. Patent No. 8,917,932 (the “’932 Patent”).

The petition asserts four grounds of invalidity: (1) claims 1-15 of the ’932 Patent are obvious under 35 U.S.C. § 103 over Li, et al., *UCLog: A Unified, Correlated Logging Architecture for Intrusion Detection, Int’l Conf. on Telecomm. Sys.-Modelling & Analysis* (2004) (“Li”) in view of U.S. Patent No. 8,117,659 (“Hartrell”); (2) claims 1-15 of the ’932 Patent are obvious under 35 U.S.C. § 103 over Li in view of Hartrell and Salvador Mandujano Vergara, *A multiagent approach*

to outbound intrusion detection (2004) (Ph.D. Thesis, Instituto Tecnológico y de Estudios Superiores de Monterrey) (on file with Repositorio Institucional del Tecnológico de Monterrey (RITEC) in the Instituto Tecnológico y de Estudios Superiores de Monterrey Library) (“Mandujano”); (3) claims 1-15 of the ’932 Patent are obvious under 35 U.S.C. § 103 over Li in view of U.S. Patent No. 7,174,566 to Yadav (“Yadav”); and (4) claims 1-15 of the ’932 Patent are obvious under 35 U.S.C. § 103 over Li in view of Yadav and Mandujano.

Sophos stipulates that if the PTAB institutes IPR on claims on the ground presented in the petition, Sophos will not pursue against such claims in the co-pending district court litigation the specific ground asserted in the petition, or any other ground that was raised or could have been reasonably raised in an IPR. *See Sotera Wireless, Inc. v. Masimo Corp.*, No. IPR2020-00109, Paper 12 at 18–19 (P.T.A.B. Dec. 1, 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 grounds of invalidity raised or that could have been reasonably raised in the IPR for 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 grounds raised or could have been reasonably raised in the IPR for these claims.

Dated: December 6, 2023

/s/ Brian C. Banner

Brian C. Banner

SLAYDEN GRUBERT BEARD PLLC

401 Congress Ave., Ste. 1650

Austin, Texas 78701

Telephone: (512) 402-3569

Facsimile: (512) 402-6865

Email: bbanner@sgbfirm.com

Respectfully submitted,

/s/ Brian Rosenthal

Brian Rosenthal

Josh Krevitt (*Pro hac vice*)

Katherine Dominguez

Paul E. Torchia

Benjamin Hershkowitz

Allen Kathir (*Pro hac vice*)

Laura Corbin (*Pro hac vice*)

Hyunjong Ryan Jin (*Pro hac vice*)

Allyson Parks (*Pro hac vice*)

Michael M. Polka (*Pro hac vice*)

Vivian Lu (*Pro hac vice*)

Benjamin Z. Bistricher (*Pro hac vice*)

GIBSON, DUNN & CRUTCHER LLP

200 Park Avenue

New York, New York 10166-0005

Telephone: (212) 351-4000

Facsimile: (212) 716-0839

Email:

jkrevitt@gibsondunn.com

Email: broenthal@gibsondunn.com

Email: kdominguez@gibsondunn.com

Email: bhershkowitz@gibsondunn.com

Email: ptorchia@gibsondunn.com

Email: akathir@gibsondunn.com

Email: lcornin@gibsondunn.com

Email: rjin@gibsondunn.com

Email: aparks@gibsondunn.com

Email: vlu@gibsondunn.com

Email: mpolka@gibsondunn.com

Email: bbistricher@gibsondunn.com

Timothy P. Best (*Pro hac vice*)

GIBSON, DUNN & CRUTCHER LLP

333 South Grand Avenue

Los Angeles, California 90071-1504

Telephone: (213) 229-7659

Facsimile: (213) 229-6659

Email: tbest@gibsondunn.com

David Brzozowski (*Pro hac vice*)

GIBSON, DUNN & CRUTCHER LLP

1050 Connecticut Ave., N.W.

Washington, D.C. 20036

Telephone: (202) 955-8500

Facsimile: (202) 467-0539

Email: dbrzozowski@gibsondunn.com

*Attorneys for Defendant and Counterclaim-
Plaintiff Sophos Ltd.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 6, 2023, I caused the preceding document to be served on all counsel through the Court's ECF system.

/s/ Brian C. Banner
Brian C. Banner