

*Petition for Inter Partes Review
of U.S. Patent No. 8,719,932*

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

Sophos Ltd. and Sophos Inc.,
Petitioners

v.

Open Text Inc.,
Patent Owner.

Case No. IPR2024-00253
U.S. Patent No. 8,719,932

JOINT MOTION TO TERMINATE PROCEEDING

UPDATED EXHIBIT LIST

1001	U.S. Patent No. 8,719,932 (“the ’932 Patent”)
1002	File History of the ’932 Patent
1003	Declaration of Dr. Henry Houh
1004	Curriculum Vitae of Dr. Henry Houh
1005	Li, et al., <i>UCLog: A Unified, Correlated Logging Architecture for Intrusion Detection</i> , Int’l Conf. on Telecomm. Sys.-Modelling & Analysis (2004) (“Li”)
1006	U.S. Patent No. 8,117,659 (“Hartrell”)
1007	Salvador Mandujano Vergara, <i>A multiagent approach to outbound intrusion detection</i> (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”)
1008	U.S. Patent No. 7,174,566 to Yadav (“Yadav”)
1009	Declaration of Dr. Mary K. Bolin
1010	Webroot October 25, 2022 Infringement Contentions
1011	Jeff Crume, <i>Inside Internet Security: What Hackers Don’t Want You to Know</i> (Pearson Educ. Ltd. 2000)
1012	Information Sciences Institute, Univ. of S. Cal., <i>Internet Protocol: DARPA Internet Program Protocol Specification</i> (1981)
1013	U.S. Patent No. 8,201,243

UPDATED EXHIBIT LIST
(continued)

1014	File History of U.S. Patent No. 8,201,243
1015	Mandia, K. & Prosis, C., <i>Incident Response: Investigating Computer Crime</i> 2001
1016	Stipulation Waiving IPR Claims in District Court Litigation
1017	District Court Claim Construction Order entered in Webroot, Inc. v. AO Kaspersky Lab, No. 6:22-cv-00243-ADA-DTG (W.D. Tex.) (Dkt. 391).
1018	Declaration of Cristina L. Abad, Ph.D.
1019	Declaration of Z. Morley Mao, Ph.D.
1020	Settlement Agreement
1021	Cross-License Agreement

Pursuant to 35 U.S.C. § 317(a), 37 C.F.R. § 42.74, and the Board’s email of March 25, 2024, Petitioners Sophos Ltd. and Sophos Inc. (“Sophos” or “Petitioners”) and Patent Owner Open Text Inc. (“Open Text” or “Patent Owner”) (collectively, the “Parties”) have reached a resolution and jointly move to terminate the above-captioned proceeding.

I. STATEMENT OF FACTS

The Parties have reached an agreement (the “Settlement Agreement” and “Cross-License Agreement,” collectively the “Agreements”) to resolve their disputes.

Pursuant to 37 C.F.R. § 42.74(b), the Agreements are in writing, and true and correct copies are being filed as Confidential Exhibits 1020 and 1021. The Agreements are being filed electronically with access to “Board and Parties Only.” A *“Joint Request to File Settlement Agreements as Business Confidential Information Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74”* is being filed concurrently with this Joint Motion to Terminate, to treat the Agreements as business confidential information and to keep them separate from the files of the involved patent pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

II. RELIEF REQUESTED

Termination of this *inter partes* review is requested, and the Parties respectfully submit that such termination is justified. “There are strong public policy reasons to favor settlement between the parties to a proceeding.” Consolidated Trial Practice Guide 86 (Nov. 2019). “The Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding.” *Id.*, (citing 35 U.S.C. §§ 317(a)).

The Board should terminate this proceeding, as the Parties jointly request, for the following reasons:

First, Sophos and Open Text have met the statutory requirement that they file a “joint request” to terminate before the Office “has decided the merits of the proceeding.” 35 U.S.C. § 317(a). Under Section 317(a), an *inter partes* review shall be terminated upon such joint request “unless the Office has decided the merits of the proceeding before the request for termination is filed.” There are no other preconditions recited in 35 U.S.C. § 317(a).

Second, Sophos and Open Text have reached a resolution as to all the disputes in this proceeding as to the ’932 patent. True and correct copies of the Agreements are being filed concurrently herewith. *See* Confidential Exhibits 1020 and 1021.

Sophos and Open Text request that the Agreements be treated as business confidential information and be kept separate from the files of this proceeding in accordance with 37 C.F.R. § 42.74(c). No other such agreements, written or oral, exist between or among the Parties.

Third, this termination would save significant further expenditure of resources by the Parties. Termination upon settlement, as requested, would also further the purpose of *inter partes* review proceedings, which seek to provide an efficient and less costly alternative forum for patent disputes. Further, maintaining the proceeding would discourage further resolutions, as patent owners in similar situations would have a strong disincentive to resolve the dispute if they perceived that an *inter partes* review would continue regardless of a resolution.

III. STATUS OF LITIGATION AND PROCEEDINGS INVOLVING THE CHALLENGED PATENT

When authorizing this Motion, the Board asked the Parties to “provide the status of any related cases.”

U.S. Patent No. 8,719,932 (the “Challenged Patent”) has been involved in the following proceedings:

- Webroot, Inc. v. AO Kaspersky Lab, 6:22-cv-00243 (WDTX), active.

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- Webroot, Inc. v. Sophos Ltd., 6:22-cv-00240 WDTX), terminated.
- Webroot, Inc. v. Forcepoint LLC, 6:22-cv-00342 (WDTX), terminated.
- Webroot, Inc. v. Trend Micro, Inc., 6:22-cv-00239 (WDTX), terminated.
- Webroot, Inc. v. CrowdStrike Holdings, Inc., 6:22-cv-00241 (WDTX), terminated.
- Sophos, Inc. v. Open Text, Inc., IPR2023-00732, institution denied.
- CrowdStrike, Inc. v. Open Text Inc., IPR2023-01051, terminated.
- Trend Micro, Inc. v. Webroot LLC, IPR2023-01391, institution denied.
- AO Kaspersky Lab v. Webroot LLC, IPR2024-00297, institution decision pending.

IV. CONCLUSION

For the foregoing reasons, Sophos and Open Text respectfully request termination of this *inter partes* review.

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Respectfully Submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(4), the undersigned certifies that on March 29, 2024, a complete and entire copy of this Joint Motion to Terminate and Confidential Exhibits 1020 and 1021 were provided by email, to the Patent Owner by serving the email correspondence addresses of record as follows:

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