

Filed on behalf of: GoSecure, Inc.

Entered: September 22, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CROWDSTRIKE, INC.,
Petitioner,

v.

GOSECURE, INC.,
Patent Owner.

Case IPR2025-00070
Patent 9,954,872

**PATENT OWNER'S AUTHORIZED MOTION FOR
ADDITIONAL DISCOVERY**

TABLE OF CONTENTS

	<u>Page</u>
I. FACTUAL BACKGROUND AND REQUESTED DISCOVERY	1
A. CrowdStrike was founded by people with detailed knowledge of GoSecure's patent-pending technology.	2
B. CrowdStrike's Falcon Platform copies the applications leading to the '872 patent.	4
C. CrowdStrike refused to produce the needed discovery in district court before that case was stayed.	7
D. GoSecure's discovery requests are narrowly tailored to seek information relevant to the nonobviousness of the claims.	8
II. ADDITIONAL DISCOVERY SERVES THE INTEREST OF JUSTICE	9
A. Factor 1 – The Requested Discovery Is Likely to Yield Useful Information.	10
B. Factor 2 – GoSecure Does Not Seek CrowdStrike's Positions.	12
C. Factor 3 – GoSecure Cannot Generate Equivalent Information.	12
D. Factor 4 – GoSecure's Instructions are Easily Understandable.	13
E. Factor 5 – GoSecure's Requests are Not Overly Burdensome.	14
III. CONCLUSION.....	15

Exhibit List

Exhibit	Description
2001	Declaration of Joseph Greenfield, Ph. D.
2002	<i>Curriculum vitae</i> of Joseph Greenfield, Ph. D.
2003	Cisco ISP 4200 Series Sensors Datasheet
2004	Snort and Snort Rules Explained, available at https://www.crowdstrike.com/en-us/cybersecurity-101/threat-intelligence/snort-rules/
2005	<i>Microsoft Corp. v. ThroughPuter, Inc.</i> , IPR2023-00852, Paper 18 (PTAB Nov. 9, 2023)
2006	Declaration of June Ann Munford, <i>Microsoft Corp. v. ThroughPuter, Inc.</i> , IPR2023-00852, Ex. 1012
2007	<i>SalesForce.com, Inc. v. WSOU Investments, LLC</i> , IPR2022-00357, Paper 12 (PTAB July 13, 2022)
2008	<i>Microsoft Corp. v. ThroughPuter, Inc.</i> , IPR2022-01566, Paper 13 (PTAB May 31, 2023)
2009	Cisco – Upgrading, Downgrading, and Installing System Images, available at https://www.cisco.com/en/US/docs/security/ips/5.0/configuration/guide/cli/cliimage.html#wp1091978
2010	RESERVED
2011	Univ. of Mich. Libr., Catalog-Library Search: <i>computer intrusions</i> , <a computer+intrusions\"&utm_source='lib-use-search-page"' href="https://search.lib.umich.edu/catalog?query=\">https://search.lib.umich.edu/catalog?query=\"computer+intrusions\"&utm_source=lib-use-search-page (last visited Mar. 26, 2025, 9:24 AM)

Exhibit	Description
2012	<i>PR Newswire</i> , “CounterTack Appoints Two New Board Members,” https://www.prnewswire.com/news-releases/countertack-appoints-two-new-board-members-135086178.html (last accessed June 16, 2025)
2013	Wayback Machine archive of <i>Security Battlefield</i> , George Kurtz, “CrowdStrike launches in stealth-mode with \$26 million Series A round led by Warburg Pincus,” Feb. 22, 2012, archived January 26, 2013, https://web.archive.org/web/20130126085516/http://www.georgekurtz.com/2012_02_01_archive.html (last accessed June 16, 2025)
2014	LinkedIn, <i>Jeremy Gould – Experience</i> , https://www.linkedin.com/in/jb0nz/details/experience/ (last accessed June 17, 2025)
2015	Wayback Machine archive of <i>CrowdStrike</i> , “Technology,” archived July 7, 2013, https://web.archive.org/web/20130707085243/http://www.crowdstrike.com/technology/index.html (last accessed June 20, 2025)
2016	Wayback Machine archive of <i>CrowdStrike</i> , “Next-Generation Threat Protection,” archived November 17, 2013, https://web.archive.org/web/20131127114229/http://www.crowdstrike.com/falcon-host/index.html (last accessed June 16, 2025)
2017	<i>YouTube</i> , “CrowdStrike Falcon Use Case: True Endpoint Visibility,” Oct. 13, 2015, https://www.youtube.com/watch?v=pHxb6EyjhPw (last accessed June 20, 2025)
2018	LinkedIn, <i>Dmitri Alperovitch – Experience</i> , https://www.linkedin.com/in/dmitrialperovitch/details/experience/ (last accessed June 18, 2025)

Exhibit	Description
2019	Wayback Machine archive of <i>CrowdStrike</i> , "Our Team," archived February 26, 2014, https://web.archive.org/web/20140226192409/http://www.crowdstrike.com/our-team/index.html (last accessed June 18, 2025)
2020	Wayback Machine archive of <i>CrowdStrike</i> , "CrowdStrike Recognized on CRN's Security 100 List," archived April 13, 2016, https://web.archive.org/web/20160413184238/http://www.crowdstrike.com/crowdstrike-recognized-on-crns-security-100-list/ (last accessed June 20, 2025)
2021	Wayback Machine archive of <i>CrowdStrike</i> , "CrowdStrike Named 2015 Technology Pioneer by World Economic Forum," archived April 13, 2016, https://web.archive.org/web/20160413185023/http://www.crowdstrike.com/crowdstrike-named-2015-technology-pioneer-by-world-economic-forum/ (last accessed June 20, 2025)
2022	Wayback Machine archive of <i>CrowdStrike</i> , "Resources – Case Studies," archived March 31, 2016, https://web.archive.org/web/20160331144104/http://www.crowdstrike.com/resources#case-studies (last accessed June 20, 2025)
2023	Wayback Machine archive of <i>CrowdStrike</i> , "CrowdStrike Closes \$100 Million Financing Round Led by Google Capital," archived March 29, 2016, https://web.archive.org/web/20160329225128/http://www.crowdstrike.com/crowdstrike-closes-100-million-financing-round-led-by-google-capital (last accessed June 20, 2025)

Exhibit	Description
2024	Wayback Machine archive of <i>CrowdStrike</i> , “Google Capital Bets Big on CrowdStrike to Accelerate Hyper-growth,” archived Dec. 20, 2015, https://web.archive.org/web/20151220114826/http://www.crowdstrike.com/blog/google-capital-bets-big-on-crowdstrike (last accessed June 20, 2025)
2025	Plaintiff’s First Set of Requests for Production to CrowdStrike (Nos. 1-59), in <i>GoSecure, Inc. v. CrowdStrike, Inc.</i> , Case No. 1:24-cv-00526-DII (W.D. Tex., Aug. 16, 2024)
2026	(Proposed) Default Protective Order
2027	Wayback Machine archive of <i>CrowdStrike</i> , “CrowdStrike™ Named 2014 SINET 16 Innovator,” archived Feb. 22, 2017, https://web.archive.org/web/20170222022251/https://www.crowdstrike.com/resources/crowdstrike-named-2014-sinet-16-innovator/ (last accessed June 20, 2025)
2028	<i>CrowdStrike, Inc. v. NSS Labs, Inc.</i> , No. 17-cv-146 (D. Del. Jan. 18, 2018), Dkt. 35 (redacted version of Second Amended Complaint)
2029-2099	RESERVED
2100	CounterTack Board of Directors Meeting Slides, Feb. 27, 2012 [PROTECTIVE ORDER MATERIAL]
2101	CounterTack Internal Meeting Invitation, Nov. 23, 2011 [PROTECTIVE ORDER MATERIAL]
2102	NeuralIQ internal email re: Jeremy Gould [PROTECTIVE ORDER MATERIAL]
2103	Alperovitch email re: Jeremy Gould [PROTECTIVE ORDER MATERIAL]
2104	Gould farewell email [PROTECTIVE ORDER MATERIAL]

Exhibit	Description
2105	Alperovitch farewell email [PROTECTIVE ORDER MATERIAL]
2106	Minutes of the Feb. 27, 2012 Meeting of the Board of Directors of CounterTack Inc. [PROTECTIVE ORDER MATERIAL]

Under 37 C.F.R. § 42.51(b) and the Board's authorization in its September 10, 2025 Email, Patent Owner GoSecure, Inc. ("GoSecure") hereby moves for additional discovery relating to objective indicia of nonobviousness. The Board should order Petitioner CrowdStrike, Inc. ("CrowdStrike") to produce the materials and information requested because the requested documents and information will show CrowdStrike's copying of GoSecure's patented technology, industry praise, and resulting commercial success. This discovery is in the "interest of justice" (35 U.S.C. § 316(a)(5)) because (1) it goes to objective indicia of nonobviousness that the Board must consider, (2) CrowdStrike controls the requested documents and information, and (3) GoSecure would be prejudiced in defending its patent's validity if CrowdStrike can avoid discovery. All five factors set forth in *Garmin Int'l, Inc. v. Cuozzo Speed Techs. LLC*, IPR2012-00001, Paper 26 (PTAB Mar. 5, 2013) ("*Garmin*") weigh in favor of granting GoSecure's motion.

I. FACTUAL BACKGROUND AND REQUESTED DISCOVERY

GoSecure was founded in 2004 as NeuralIQ, with the goal of revolutionizing the cybersecurity industry. At a time when other cybersecurity companies were focused on refining ineffective security strategies focused on protecting the perimeter of computer networks or defending computers against previously identified threats using static approaches, GoSecure recognized that evolving information technology (IT) security environments demanded more capable, rapid,

real-time, and proactive means to identify, understand, and defend against increasingly sophisticated threats. Unlike common antivirus systems that require constant updating to ensure the software is patched to block known threats, GoSecure developed an agile approach focused on monitoring activity and detecting threats on the endpoints that constitute the entry points for modern security threats.

In June 2011, GoSecure (relaunched as CounterTack)¹ filed U.S. Application 13/163,590 (“the ’590 application”), which issued as U.S. Patent 9,106,697 (“the ’697 patent”). Later that year, Dmitri Alperovitch joined GoSecure as a member of GoSecure’s Board. Six months later, he left to join CrowdStrike, which copied the innovations of the ’590 application in its first products to great commercial success. The ’872 patent claims priority to the ’590 application.

A. CrowdStrike was founded by people with detailed knowledge of GoSecure’s patent-pending technology.

Dmitri Alperovitch served as a member of GoSecure’s Board of Directors from November 2011 to May 2012. *See, e.g.*, Ex.2012 at 1. During his time on GoSecure’s Board of Directors, Mr. Alperovitch gained detailed knowledge about GoSecure’s technology, including detailed information about GoSecure’s pending patent applications. For example, Mr. Alperovitch attended a GoSecure Board Meeting in February 2012, where a slide deck presented details about GoSecure’s

¹ In this Motion, “GoSecure” refers also to CounterTack and NeuralIQ.

pending patent applications. *See, e.g.*, Ex.2100 at 36. Among these patent applications is the '590 application, to which the '872 patent claims priority. *Id.* at 36; Ex.1001 Cover, element (63) ("Related U.S. Application Data"). The minutes from that meeting listed Mr. Alperovitch as present and stated that CounterTack's CTO "reviewed with the Board the Corporation's patent portfolio and the key claims covered by such patents" as well as "product development plans." Ex.2106 at 1. As a Board Member with a technical background, Mr. Alperovitch was also frequently invited to attend meetings about the technical direction of GoSecure's products. *See* Ex.2101; Ex.2012 at 1 (describing Mr. Alperovitch's technical background).

Mr. Alperovitch recommended that GoSecure hire Mr. Jeremy Gould to a senior engineering position at GoSecure in or around December 2011. *See, e.g.*, Ex.2102; Ex.2103. Mr. Gould worked at GoSecure for around 3 months, during which time he had broad access to GoSecure's code repository and worked closely with GoSecure's other engineers including on EventHorizon, GoSecure's Endpoint Detection Response (EDR) product. Ex.2104.

In February 2012, Mr. Alperovitch co-founded CrowdStrike and became its Chief Technology Officer (CTO). Ex.2013 at 1. A month later, Mr. Gould left GoSecure and accepted a position as a senior engineer at CrowdStrike. Ex.2104; Ex.2014 at 1. Mr. Alperovitch stayed on GoSecure's Board of Directors until May 2012. Ex.2105.

B. CrowdStrike's Falcon Platform copies the applications leading to the '872 patent.

At CrowdStrike, Mr. Alperovitch and Mr. Gould were each involved in creating CrowdStrike's Falcon Platform. CrowdStrike launched the Falcon Platform in mid-2013 as CrowdStrike's first and only technology offering at the time. Ex.2015 at 1 (Technology: CrowdStrike Falcon Platform).

From its launch, the Falcon Platform contained a combination of features disclosed in the '590 application and having nexus to the claims of the '872 patent. For example, CrowdStrike advertised that its Falcon Platform “[i]dentifies malware and provides attribution of the attackers” (Ex.2015 at 1) like the computer-implemented method of claim 1, which “identif[ies] unauthorized activities on a first computer system attached to a computer network.” The Falcon Platform included Falcon Host, advertised as a “[c]loud-managed host-based adversary detection application.” *Id.* The Falcon Host “track[s] all execution on all hosts at all times.” Ex.2016 at 1; *cf.* '872 patent, cl. 1 (“monitoring activity on the first computer system”), cl. 2 (“monitoring all activity on the first computer system”). “As opposed to focusing on malware signatures... Falcon Host instead... provides real-time detection by focusing on what the attacker is doing, as opposed to looking for a specific, easily changeable indicator used in an attack.” Ex.2016 at 1; *cf.* '872 patent, cl. 1 (“identifying a plurality of activities being performed at the first computer system”). The Falcon Host “provides maximum visibility into all adversary

activities.” Ex.2016 at 1. Falcon Host, which CrowdStrike also called Threat Protect or Threat Protection, included an “on-premise host-based sensor” that “shadows, captures, and correlates low-level operating system events to instantly identify the adversary tradecraft and activity.” *Id.*

The Falcon Platform tracks “over 100 different security-related events, including things like process creation, drivers being loaded, registry modification, disk access, memory access, network connections, etc.” Ex.2017 at 1:42. The Falcon Platform also “has a situational model that keeps track of all the relationships and contacts between all these different processes in a graph database.” Ex.2017 at 2:02; *cf.* ’872 patent, cl. 1 (“wherein each of the activities includes an activity source, an activity target, and an association between the activity source and the activity target; storing in the memory a data structure that identifies the activity sources, the activity targets, and the associations for the plurality of activities”). The Falcon Platform also “[s]hares information across an entire community of like-minded trusted defenders.” Ex.2015; *cf.* ’872 patent, cl. 1 (“transmitting to one or more computer systems other than the first computer system information identifying one or more of the activity sources, the activity targets, and the associations for preventing future attacks, to the one or more computer systems...”).

As co-founder and CTO, Mr. Alperovitch led the technology direction of the Falcon Platform. *See* Ex.2015 at 1 (CrowdStrike “Technology Approach” including

video of Mr. Alperovitch “talk[ing] technology.”); Ex.2019 at 2 (Mr. Alperovitch leads the Technology team). Mr. Alperovitch remained CrowdStrike’s CTO until 2020, well after the development and launch of the Falcon Platform. Ex.2018 at 2. Mr. Gould also stayed past the Falcon Platform’s launch. Ex.2014 at 1.

CrowdStrike received industry praise and commercial success from its Falcon Platform. In 2014, CrowdStrike received the SINET 16 Innovator Award (Ex.2027), in early 2016 received CRN’s Security 100 Award (Ex.2020), and was named a 2015 Technology Pioneer by the World Economic Forum (Ex.2021). CrowdStrike’s website included videos of customer case studies, most of which are no longer available nor archived. Ex.2022. CrowdStrike also reported a \$100 million financing round in 2015. Ex.2023. CrowdStrike’s CEO credited the investment to the “unique architectural approach” of the Falcon Platform which “was designed from the beginning to detect advanced malware and adversary activity, prevent zero day exploitation, and dramatically reduce time to remediation during incident response by allowing effortless real-time and historical searches of hundreds of thousands of systems.” Ex.2024. He also credited the Falcon Platform’s “unique approach to identify unknown threats” including “looking for Indicators of Attack (IOA) vs. Indicators of Compromise (IOC).” *Id.* “[C]ustomer validation was a critical criterion for driving the investment.” *Id.* By 2015, CrowdStrike experienced a 550% growth rate of revenue for the Falcon Platform. *Id.* CrowdStrike boasted

customers including 3 of the 10 largest companies in the world. *Id.*

Mr. Alperovitch and Mr. Gould's access to GoSecure's technology and patents, followed immediately by their critical roles in developing the Falcon Platform at CrowdStrike, demonstrate that CrowdStrike copied the techniques claimed in the '872 patent. Indeed, GoSecure recently filed a lawsuit against CrowdStrike and Mr. Gould for trade secret misappropriation with respect to technical details, beyond those claimed in the '872 patent, that CrowdStrike copied into its Falcon Platform based on information that was recently made public. CrowdStrike has not yet produced any discovery in the trade secret case. Additional discovery, possessed only by CrowdStrike, is needed to show (1) direct copying, (2) substantial similarity as part of indirect evidence of copying, (3) praise or unexpected results from CrowdStrike's customers, and (4) the commercial success of the Falcon Platform.

C. CrowdStrike refused to produce the needed discovery in district court before that case was stayed.

GoSecure asserted the '872 patent against CrowdStrike in the Western District of Texas, Case No. 1:24-cv-00526 ("Texas Patent Case"). The Texas Patent Case, however, was stayed before CrowdStrike provided any meaningful discovery—but not for lack of trying on GoSecure's part. On August 16, 2024, GoSecure served CrowdStrike with 59 Requests for Production and 8 Interrogatories. Ex.2025 at 10-11. The Requests for Production included "All Documents, Communications, or

Things relating to the timing and circumstances of when Dmitri Alperovitch, George Kurtz, or Jeremy Gould first became aware of the Asserted Patents” (#5), “Documents, Communications, and Things sufficient to show the architecture, design and operation of the Accused Products” (#16), and “All Documents, Communications, or Things referring to GoSecure or the Asserted Patents” (#9). In response, CrowdStrike produced only 87 documents of public literature, e.g. white papers, none of which are responsive to GoSecure’s discovery requests either in district court or in this motion. The Texas Patent Case was stayed on December 11, 2024 after CrowdStrike filed its IPRs.

CrowdStrike similarly refused to produce a single document in response to discovery requests in the California trade secret case. GoSecure filed a Motion to Compel on July 18, but the California state court would not hold a hearing on the Motion to Compel until May 6, 2026, which led to GoSecure dismissing that case.

D. GoSecure’s discovery requests are narrowly tailored to seek information relevant to the nonobviousness of the claims.

GoSecure seeks discovery of a targeted set of documents from the relevant timeframes—primarily, from when GoSecure’s Board member co-founded CrowdStrike to shortly after CrowdStrike launched its Falcon Platform. These materials are solely in CrowdStrike’s possession and are pertinent to GoSecure’s ability to establish objective indicia of nonobviousness, namely copying, industry praise, and commercial success, as well as nexus for these indicia.

- **Request #1:** Documents from 2012-2014 mentioning CounterTack and/or EventHorizon, and that were created by, authored by, distributed by, or contributed to by Dmitri Alperovitch and/or Jeremy Gould.
- **Request #2:** Documents from 2012-2020 referring to, attaching, discussing, analyzing, or mentioning the '872 patent, U.S. Application 13/163,590, U.S. Application 14/823,916, U.S. Provisional Application 61/358,367, U.S. Patent 9,106,697, U.S. Publication 2015/0381638, U.S. Publication 2011/0321166, or any other application or publication in the family of the '872 patent.
- **Request #3:** Documents sufficient to show the architecture of Falcon Host in 2012-2014.
- **Request #4:** Customer surveys from 2012-2014 relating to Falcon Host.
- **Request #5:** Sales data of the Falcon Host from 2013-2024.

II. ADDITIONAL DISCOVERY SERVES THE INTEREST OF JUSTICE

GoSecure's discovery requests are in the interest of justice. CrowdStrike chose to challenge the *obviousness* of the '872 patent—using eight grounds across two petitions—at the PTAB, obtaining a stay of the Texas Patent Case after refusing to provide substantive discovery for more than 3 months. The documents and information sought by GoSecure are necessary to respond to those grounds fairly and fully. *Liqwd, Inc. v. L'Oreal USA, Inc.*, 941 F.3d 1133, 1136-37 (Fed. Cir. 2019) (objective indicia analysis is “a fundamental part of the overall § 103 obviousness inquiry” and is an “essential safeguard[] that protect[s] against hindsight bias”);

WBIP, LLC v. Kohler Co., 829 F.3d 1317, 1328 (Fed. Cir. 2016) (objective indicia evidence “must be considered in *every* case.”). The requests are targeted to the relevant timeframes for the objective indicia and limited in scope to the people and issues most pertinent to the objective indicia. The interest of justice favors granting this Motion because of the narrow scope of these requests, the likelihood of yielding useful information, and the importance of a full and fair consideration of objective indicia. *Duration Media LLC v. Rich Media Club LLC*, IPR2023-00953, Paper 34 (Nov. 28, 2023) (granting additional discovery on objective indicia relating to Petitioner's revenue and operation of its product accused of copying).

A. Factor 1 – The Requested Discovery Is Likely to Yield Useful Information.

Factor 1 favors discovery. “The essence of Factor (1)” is that the “requester of information [GoSecure] should already be in possession of a threshold amount of evidence or reasoning tending to show beyond speculation that something useful will be uncovered.” *Garmin*, Paper 26 at 7. Useful means “favorable in substantive value to a contention of the party moving for discovery.” *Id.*

GoSecure's discovery requests relate to CrowdStrike's copying of the techniques claimed in the '872 patent, as well as industry praise and commercial success of CrowdStrike's product that resulted from the copying. As discussed above, GoSecure's evidence surpasses the threshold showing for Factor 1 and is not merely speculative. For example, given Mr. Alperovitch's prior exposure to detailed

information regarding GoSecure's patent applications in 2011-2012, there can be no doubt that documents from 2012-2020 mentioning GoSecure's patent literature (Request #2) would provide significant additional evidence of copying. The timeframe of 2012-2020 covers Mr. Alperovitch's time as CTO of CrowdStrike and pre-dates the use by CrowdStrike of the '872 patent family as prior art in litigation with OpenText. Similarly, documents from 2012-2014 mentioning CounterTack or EventHorizon contributed to by Mr. Alperovitch or Mr. Gould (Request #1) would provide significant additional evidence of copying since these two employees had unfettered access to CounterTack's confidential information for several months. The timeframe of 2012-2014 covers Mr. Gould's first stint at CrowdStrike, as well as the initial development and launch period of CrowdStrike's Falcon Platform. As shown above, public documents indicate a significant similarity between the claims of the '872 patent and the Falcon Platform at its launch in 2013. Documents showing the architecture of the Falcon Platform from 2012-2014 (Request #3) are likewise relevant to proving this similarity, as well as establish a nexus to the challenged claims. *See Duration Media*, Paper 34 at 6 (finding Factor 1 met where "Patent Owner has put forth evidence showing that Petitioner had access to Patent Owner's patented technology... and further that Petitioner's software is similar to" the technology that Petitioner had access to); *Liqwd*, 941 F.3d at 1139 (IPR petitioner's knowledge of a pending application that led to the challenged patent was evidence

of “actual copying efforts,” that the Board must consider).

Customer surveys from 2012-2014 relating to the Falcon Host (Request #4) are highly relevant to demonstrating industry praise and unexpected results. CrowdStrike credited its “customer validation” of the Falcon Platform technology for its \$100 million funding round in 2015. Ex.2024 at 1. Such validation, not publicly available, is highly relevant to showing industry praise of GoSecure's innovations (as copied by CrowdStrike) with nexus to the claims. And sales data for the Falcon Host is highly relevant to showing CrowdStrike's commercial success.

B. Factor 2 – GoSecure Does Not Seek CrowdStrike's Positions.

Factor 2 favors discovery here because none of the Requested Documents relate to CrowdStrike's litigation positions.

C. Factor 3 – GoSecure Cannot Generate Equivalent Information.

Factor 3 favors discovery. The Requested Documents and Information are CrowdStrike's internal documents and information, and are not publicly available. GoSecure cannot generate CrowdStrike's internal documents that reference CounterTack or its products and patents (Requests #1 and #2). And GoSecure is unable to obtain or generate direct evidence of copying with public information—because CrowdStrike has not admitted that it copied GoSecure's intellectual property. Only CrowdStrike possesses such documents, which are probative of nonobviousness. *Liqwd*, 941 F.3d at 1137 (“Evidence of copying may include

internal documents, direct evidence such as photos of patented features or disassembly of products, or access and similarity to a patented product.”).

Nor can GoSecure generate equivalent information about the architecture of the Falcon Platform from the 2012-2014 timeframe (Request #3). CrowdStrike has kept the implementation details of its security software secret, presumably to mitigate against compromise by malicious actors. Moreover, CrowdStrike forbids its customers from reverse engineering any aspect of its software. *See* Ex. 2028 (*CrowdStrike, Inc. v. NSS Labs, Inc.*, No. 17-cv-146 (D. Del.), Dkt. 35) ¶ 44 (CrowdStrike initiating litigation based on its assertion that “use of the Falcon Platform for comparative testing through a CrowdStrike customer violated CrowdStrike’s [sic] standard customer Terms and Conditions of service.”). GoSecure also cannot generate the technology-specific praise that is likely to arise from CrowdStrike’s contemporaneous customer surveys, which are not publicized. Nor can GoSecure generate or obtain sales information for CrowdStrike’s Falcon Host, which is important for GoSecure’s contentions of commercial success.

D. Factor 4 – GoSecure’s Instructions are Easily Understandable.

Factor 4 favors discovery. GoSecure’s discovery requests are easily understandable. Each is contained in a single sentence. *Cf. Garmin* at 6-7 (finding “ten pages of complex instructions” to be “prima facie unclear”). The instructions provide specificity: each one identifies a specific period of time, as well as a specific

product, person, company, or patent family.

E. Factor 5 – GoSecure's Requests are Not Overly Burdensome.

Factor 5 favors discovery. The Requested Documents are limited in scope and tailored to GoSecure's genuine need, and their production will not unduly burden CrowdStrike. Request #1 is limited to documents from 2012-2014 that mention CounterTack or CounterTack's product EventHorizon *and* that were contributed to or distributed to Mr. Alperovitch or Mr. Gould. Such documents will not be overly burdensome as they imply specific search terms and metadata to target only relevant documents. Request #2 similarly is limited to documents that mention a small set of patent literature from GoSecure in a finite timeframe.

Request #3 is limited to documents "sufficient to show" the architecture of a specific product within a narrow window of time. Such documents are typically maintained by technology companies to maintain institutional knowledge despite employee turnover as well as to provide support for legacy products over time. Production of such information is necessary in the interest of justice where the operation of a product is pertinent to the legal question of obviousness, such as here. *E.g., Google LLC v. Valtrus Innovations Ltd*, IPR2022-01497, Paper 22 at 19 (May 23, 2023) (granting discovery requesting documents "sufficient to show the content and operation of Verity K2 software"). Similarly, Request #4 asks for customer surveys in a narrow window of time relating to a specific product. In this timeframe,

CrowdStrike likely only had a small number of customers, and thus the collection and production of such information will not be burdensome. Ex.2022 at 1 (listing customer case studies). Finally, Request #5 asks for information—not documents—that companies typically maintain as part of their regular business practices.

Nor will disclosure of these documents and information be burdensome on CrowdStrike because the documents will be kept under a Protective Order as is routinely used at the PTAB. Although CrowdStrike would not consent to the Default Protective Order, nor offer any changes in preparation for the filing of Patent Owner's confidential exhibits 2100-2106, GoSecure is willing to consider modifications to the Default Protective Order if the Board grants this Motion.

Further, had CrowdStrike produced responsive discovery in the Texas Patent Case before it was stayed, GoSecure would have been able to identify specific documents to use in this IPR—an approach that the Board has repeatedly endorsed. *See Wiz, Inc. v. Orca Security Ltd.*, IPR2024-00863, Paper 29 at 2, 7 (Mar. 28, 2025) (granting discovery of 226 documents produced by Petitioner in district court relating to objective indicia of non-obviousness); *MOM Enters., LLC v. Veith*, IPR2023-00726, Paper 45 at 2, 10 (Dec. 6, 2023) (granting discovery of 294 documents produced by Petitioner in district court relating to objective indicia).

III. CONCLUSION

For the reasons discussed above, the Board should grant this Motion.

Respectfully submitted,

Dated: September 22, 2025

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 22nd day of September, 2025, a true and correct copy of the foregoing **Patent Owner's Authorized Motion for Additional Discovery** was served by electronic mail on Petitioner's lead and backup counsel at the following email addresses:

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