

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

**WEBROOT, INC. and
OPEN TEXT, INC.,**

Plaintiffs,

v.

AO KASPERSKY LAB,

TREND MICRO, INC.,

SOPHOS LTD.,

**CROWDSTRIKE, INC. AND
CROWDSTRIKE HOLDINGS, INC.,**

FORCEPOINT, LLC,

Defendants.

**W-22-CV-00243-ADA-DTG
(LEAD CASE)**

W-22-CV-00239-ADA-DTG

W-22-CV-00240-ADA-DTG

W-22-CV-00241-ADA-DTG

W-22-CV-00342-ADA-DTG

**DEFENDANT AO KASPERSKY LAB'S
PRELIMINARY INVALIDITY CONTENTIONS**

Pursuant to the Court's Standing Order Governing Proceedings (OGP) 4.2 – Patent Cases (“OGP”), Defendant AO Kaspersky Lab (“Defendant” or “Kaspersky”) hereby serves its Preliminary Invalidity Contentions concerning Plaintiffs’ patents asserted against Defendant in this litigation. These contentions set forth Defendant’s Preliminary Invalidity Contentions with respect to the claims that were identified by Plaintiffs Webroot, Inc. and Open Text Inc. (“Plaintiffs” or “OTI/Webroot”) in their Preliminary Infringement Contentions served on October 25, 2022.

Defendant also serves herewith the document production accompanying these disclosures pursuant to the Court's OGP.

I. INTRODUCTORY STATEMENT.

At the time of the service of these Preliminary Invalidity Contentions, Plaintiffs have asserted the following claims against Defendant in the above-captioned case:

OTI / Webroot Patent	Asserted Claims
US 11,409,869 ("the '869 patent")	18-20, 22, 24-34, 36, 38-48, 50, and 52-59
US 8,181,244 ("the '244 patent")	1-16 ¹
US 8,201,243 ("the '243 patent")	1-3 and 5-14
US 8,719,932 ("the '932 patent")	1-15

The claims identified in the above table are collectively referred to as the "Asserted Claims." The Asserted Claims are neither novel nor non-obvious in view of the state of the prior art and the understanding of a person of ordinary skill in the art at the time of the alleged invention. At least several of the Asserted Claims are also invalid for lack of written description, lack of enablement, and/or indefiniteness under 35 U.S.C. § 112, as explained herein.

In accordance with the Court's OGP, Defendant hereby: (a) provides charts setting forth where in the prior art references each element of the Asserted Claims is found, (b) identifies limitations the Defendant contends are indefinite or lack written description under section 112, and (c) identifies the claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant also serves herewith the document production required by the OGP comprising (1) all prior art referenced in these Preliminary Invalidity Contentions and (2)

¹ Plaintiffs provided claim charts for claims 1-16 in their Preliminary Infringement Contentions dated October 25, 2022 but appear to have mistakenly identified claims 1-6, 8-15, 17, and 19-20 in the main document for these Contentions.

original assignees, named inventors, and other third parties can take place, including as to the full scope of the named inventors.

In addition, until all prior art references available to the named inventors are identified or produced and they are deposed, it is impossible to know all aspects of what the named inventors learned from prior art sources (or from collaborations with others) and what they independently contributed to the claimed subject matter. Defendant will supplement this contention if and when more information becomes available.

Dated: February 21, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that on this 21st day of February, 2023, the below identified individuals were served with this document via electronic mail.

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