

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AO KASPERSKY LAB,

Petitioner

v.

OPEN TEXT INC.

Patent Owner

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Case IPR2023-00289  
Patent No. 8,418,250 B2

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**PATENT OWNER'S REQUEST FOR ORAL ARGUMENT  
PURSUANT TO 37 C.F.R. § 42.70**

Mail Stop PATENT BOARD  
Patent Trial and Appeal Board  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

On December 21, 2023, the Board granted Petitioner AO Kaspersky Lab's Motion for Joinder filed in IPR2023-01334 ["IPR 1334"] (Paper No. 9), and ordered that Petitioner AO Kaspersky Lab be joined as a petitioner in IPR2023-00289 ["IPR 289"] (Paper No. 23). On January 4, 2024, the Board granted the Joint Motion to Terminate Petitioner CrowdStrike, Inc. (Paper Nos. 21, 25). Pursuant to 37 C.F.R. § 42.70(a) and the Scheduling Order entered in IPR2023-00289 on July 21, 2023 (Paper No. 8), Patent Owner requests an opportunity to present oral argument regarding the patentability of all claims of U.S. Patent 8,418,250 ("the '250 patent") challenged in the petition. Patent Owner understands that oral argument will be held on April 24, 2024, as stated in the Scheduling Order.<sup>1</sup>

Without intent to waive consideration of any issue not requested, Patent Owner requests one hour of total argument time to address the following:

- (A) the patentability of all claims 1-30 of the '250 patent over the prior art as addressed in the petition (IPR 289 and IPR 1334, Paper Nos. 1) and made part of this *inter partes* review in the Institution Decision (IPR 289 Paper No. 7; IPR 1334 Paper No. 9), Patent Owner's Preliminary Response (IPR 289 Paper No. 6; IPR 1334 Paper No. 7), Petitioner's Reply to Patent

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<sup>1</sup> A copy of Patent Owner's Request for Oral Argument is concurrently filed in IPR 1334.

Owner's Preliminary Response (IPR 1334 Paper No. 10), Patent Owner's Response (IPR 289 Paper No. 24), Petitioner's Reply (IPR 1334 Paper No. 10), Patent Owner's Sur-reply (IPR 289 due April 2, 2024, Paper No. 20), and any related papers;

(B) any motions filed by either party and related papers; and

(C) any additional issues on which the Board seeks clarification.

Date: March 12, 2024

Respectfully submitted,

KING & SPALDING LLP

/Brian Eutermoser/

Brian Eutermoser  
Registration No. 64,058

*Attorney for Patent Owner  
Open Text Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing **PATENT OWNER'S REQUEST FOR ORAL ARGUMENT PURSUANT TO 37 C.F.R. § 42.70** was served by filing the documents through the Patent Trial and Appeal Case Tracking System (P-TACTS) on March 12, 2024, and courtesy copies were also served via electronic mail, in their entireties on the following:

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