

From: [Trials](#)
To: [Joseph T. Miotke](#); [Trials](#); [Eric H. Chadwick](#); [Erin Block](#)
Cc: [BEutermoser@KSLAW.com](#); [RBlythe@KSLAW.com](#); [Mikaela.Stone@KSLAW.com](#); [Rachel E. Gagliardi](#)
Subject: RE: IPR2023-00289 / IPR2023-01334
Date: Tuesday, April 9, 2024 9:41:26 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Counsel,

From the Board –

The parties are authorized to file a Joint Motion to Terminate (as a Paper), and a Joint Request to File Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317(b) (as a separate Paper).

The Joint Motion to Terminate should reference this authorization. The Joint Motion to Terminate also must update the Board concerning the status of any litigation or proceeding, including, but not limited to, proceedings in the U.S. Patent and Trademark Office, involving the subject patent, and advise the Board whether any litigation or proceeding involving the subject patent is contemplated in the foreseeable future. The Joint Motion to Terminate must include a true copy of any agreement or understanding (as an Exhibit to the Motion) and include a statement certifying that there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of the *inter partes* review. See 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(b).

Any Joint Request to File Settlement Agreement as Business Confidential Information must be filed with the Joint Motion to Terminate. See 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c).

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Joseph T. Miotke <jtm@dewittllp.com>
Sent: Friday, April 5, 2024 12:17 PM
To: Trials <Trials@USPTO.GOV>; Eric H. Chadwick <ehc@dewittllp.com>; Erin Block <eblock@dewittllp.com>
Cc: BEutermoser@KSLAW.com; RBlythe@KSLAW.com; Mikaela.Stone@KSLAW.com; Rachel E. Gagliardi <reg@dewittllp.com>
Subject: RE: IPR2023-00289 / IPR2023-01334

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To the Honorable Board:

Petitioner AO Kaspersky Lab and Patent Owner Open Text Inc. respectfully request permission from the Board to file a Joint Motion to Terminate IPR2023-00289/IPR2023-01334.

The parties have entered into agreements that resolve the entire dispute between the parties. The parties also seek permission to file a "Joint Request to File the Agreements as Business Confidential Information Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74."

If the Board needs further information, please let us know.

Sincerely,

Joe Miotke

Joseph T. Miotke

Partner | IP Litigation Practice Group Co-Chair

Direct: 262.754.2871

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DeWitt LLP Law Firm



From: Trials <Trials@USPTO.GOV>

Sent: Friday, April 5, 2024 11:01 AM

To: Trials <Trials@USPTO.GOV>; Joseph T. Miotke <jtm@dewittllp.com>; Eric H. Chadwick <ehc@dewittllp.com>; Erin Block <eblock@dewittllp.com>

Cc: BFutermoser@KSLAW.com; RBlythe@KSLAW.com; Mikaela.Stone@KSLAW.com

Subject: RE: IPR2023-00289

Counsel,

For clarification, Petitioner is instructed to file its Reply to Patent Owner's Response (filed as Paper 10 in the -1334 case) in IPR2023-00289 as soon as possible. The Board will treat the Reply and any supporting exhibits as being filed on February 22, the date on which they were filed in IPR2023-01334.

Thank you.

Regards,

Esther Goldschlager

Supervisory Paralegal Specialist

Patent Trial & Appeal Board

U.S. Patent & Trademark Office

From: Trials <Trials@USPTO.GOV>

Sent: Friday, April 5, 2024 9:06 AM

To: jtm@dewittllp.com; ehc@dewittllp.com; eblock@dewittllp.com

Cc: BEutermoser@KSLAW.com; RBlythe@KSLAW.com; Mikaela.Stone@KSLAW.com; Trials <Trials@USPTO.GOV>

Subject: IPR2023-00289

Counsel,

On February 22, Petitioner filed its Reply to the Preliminary Response in the -1334 case (Paper 10) instead of in the -289 case. Petitioner is instructed to file its Reply to the Preliminary Response in IPR2023-00289 as soon as possible. The Board will treat the Reply and any supporting exhibits as being filed on February 22, the date on which they were filed in IPR2023-01334.

Thank you.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office