

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TREND MICRO, INC.

Petitioner

v.

OPEN TEXT INC.

Patent Owner

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Inter Partes Review No. 2023-00699

Patent No. 8,418,250

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**PETITIONER'S MOTION FOR JOINDER UNDER  
35 U.S.C. § 315(C), 37 C.F.R. §§ 42.22, AND 42.122(B)**

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## I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Trend Micro, Inc. (“Trend Micro” or “Petitioner”) requests its current Petition for *inter partes* review (IPR2024-00106) of U.S. Patent No. 8,418,250 (“the ’250 Patent”) be granted and joined pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. §§ 42.22 and 42.122(b) with the petition for inter partes review (IPR2023-00699) filed by Sophos Ltd. and Sophos Inc. (“Sophos”) concerning the ’250 Patent (the “Sophos Petition”).<sup>1</sup>

Trend Micro’s request for joinder is timely because it is made no later than one month after the October 11, 2023, institution date for the Sophos Petition. Trend Micro’s Petition relies on the references cited and follows the arguments raised in the Sophos Petition and is essentially a copy of the Sophos Petition. It includes identical grounds presented in the Sophos Petition and therefore would create no additional burden for the Board, Sophos, or Webroot, Inc. and Open Text, Inc (collectively “Open Text” or “Patent Owner”) if joined. Joinder would therefore lead to an efficient resolution of the validity of the ’250 Patent.

Trend Micro stipulates that if joinder is granted, Trend Micro counsel will cooperate with Sophos serving in an “understudy” role in the joined proceeding,

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<sup>1</sup> While Trend Micro is time-barred under 35 U.S.C. § 315(b) to file a new petition, the current petition and this motion for joinder is not time-barred, because 35 U.S.C. § 315(c) creates an exception from the time bar for purposes of joinder.

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