EXHIBIT 14

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BLUE COAT SYSTEMS, INC.,
Petitioner,

v.

FINJAN, INC.,
Patent Owner.

Case IPR2016-00498
Patent 6,154,844

PATENT OWNER'S PRELIMINARY RESPONSE
UNDER 37 C.F.R. § 42.107

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

TABLE OF CONTENTS

Page

I. INTRODUCTION 1

II. THE '844 PATENT 4

A. Overview 4

B. Challenged Claims 5

III. The Board Should Dismiss The Petition Because it is Unquestionably Time Barred Under 35 U.S.C. § 315(b) and 37 C.F.R. §42.101(b) 7

A. Petitioner's Motion for Joinder Should be Denied Because it Seeks to Join a Proceeding That Has Already Been Denied 8

B. Granting Petitioner's Joinder Request Would Defeat the Purpose of the Time Bar Under 35 U.S.C. § 315(b) and the Estoppel Provisions of 35 U.S.C. § 315(e) 10

IV. Claim Construction 12

A. "means for receiving a Downloadable" (claim 43) 12

B. "means for generating a first Downloadable security profile that identifies suspicious code in the received Downloadable" (claim 43) 13

C. "means for linking" (claim 43) 15

V. SPECIFIC REASONS WHY THE CITED REFERENCES DO NOT INVALIDATE THE CLAIMS, AND WHY *INTER PARTES* REVIEW SHOULD NOT BE INSTITUTED 18

A. Grounds 1: Dan Does Not Render the Challenged Claims Obvious Under 35 U.S.C. § 103 19

1. Petitioner Has Not Demonstrated that Dan Discloses "[means for] generating [by the inspector] a first Downloadable security profile that identifies suspicious code in the received Downloadable" (claims 1, 15, 41, and 43) 19

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

(a) Access Control Lists Are Not DSP 20

(b) Dan's ACL Does Not Identify Suspicious Code in the Received Downloadable.....21

(c) Dan's Certification Agency Does Not Generate a Downloadable Security Profile 23

(d) Dan's ACL Enforcer Does not Generate a Downloadable Security Profile 24

2. Petitioner Has Not Demonstrated that Dan Discloses Using a Rule Set to Generate a Downloadable Security Profile (claim 15) 26

3. Petitioner Has Not Demonstrated that Dan Discloses [means for] linking the first Downloadable security profile to the Downloadable before a web server makes the Downloadable available to web clients" (claims 1, 15, 41, and 43).....27

4. Petitioner Has Not Demonstrated that Dan Discloses "wherein the Downloadable includes a JavaScript™ script" (claim 7) 27

5. Petitioner Has Not Demonstrated that Dan Discloses "wherein the first Downloadable security profile includes a list of operations deemed suspicious by the inspector" (claim 11) 28

6. Petitioner Has Not Demonstrated that Dan Discloses "wherein the first rule set includes a list of suspicious operations" (claim 16).....28

B. Ground 2: Apperson in view of Ji and Further in view of Cline Does not Render the Challenged Claims Obvious Under 35 U.S.C. § 103 29

1. Cline is not Analogous Art 31

2. Petitioner's Proposed Combination of Apperson, Ji, and Cline is a Product of Impermissible Hindsight Bias.....34

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

(a) Petitioner Provides Insufficient Motivation to Modify Apperson with Ji 35

(b) Petitioner Provides Insufficient Motivation to Modify Apperson with Cline 38

3. Petitioner Has Not Demonstrated that Apperson in view of Ji and Cline Discloses "[means for] generating [by the inspector] a first Downloadable security profile that identifies suspicious code in the received Downloadable" (claims 1, 15, 41, and 43).....39

4. Petitioner Has Not Demonstrated that Apperson in view of Ji and Cline Discloses "a content inspection engine for using the first rule set to generate a DSP" (claim 15).....42

5. Petitioner Has Not Demonstrated that Apperson in view of Ji and Cline Discloses [means for] linking the first Downloadable security profile to the Downloadable before a web server makes the Downloadable available to web clients" (claims 1, 15, 41, and 43).....44

6. Petitioner Has Not Demonstrated that Apperson in view of Ji and Cline Discloses "wherein the first Downloadable security profile includes a list of operations deemed suspicious by the inspector" (claim 11) 44

7. Petitioner Has Not Demonstrated that Apperson in view of Ji and Cline Discloses "wherein the first rule set includes a list of suspicious operations" (claim 16) 45

C. Ground 3: Anand in View of Cline Does not Render the Challenged Claims Obvious Under 35 U.S.C. § 103(a) 46

1. Cline is not Analogous Art 46

2. Petitioner Has Not Demonstrated that Anand in view of Cline Discloses "[means for] receiving [by an inspector] a Downloadable" (claims 1, 41, and 43).....46

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.