

# EXHIBIT 5

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(Also referred to as FORM PTO-1465)

**REQUEST FOR *EX PARTE* REEXAMINATION TRANSMITTAL FORM**

Address to:

Mail Stop *Ex Parte* Reexam  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450Attorney Docket No.: 382984-000006Date: 10/7/2013

1.  This is a request for *ex parte* reexamination pursuant to 37 CFR 1.510 of patent number 7,647,633 issued \_\_\_\_\_. The request is made by:  
 patent owner.  third party requester.
2.  The name and address of the person requesting reexamination is:  
Ryan W. Cobb, DLA Piper LLP (US)  
401 B Street, Suite 1700  
San Diego, CA 92101
3. Requester claims  small entity (37 CFR 1.27) or  micro entity status (37 CFR 1.29) – only a patent owner requester can claim micro entity status.
4.  a. A check in the amount of \$\_\_\_\_\_ is enclosed to cover the reexamination fee, 37 CFR 1.20(c)(1);  
 b. The Director is hereby authorized to charge the fee as set forth in 37 CFR 1.20(c)(1) to Deposit Account No. 07-1896;  
 c. Payment by credit card. Form PTO-2038 is attached; or  
 d. Payment made via EFS-Web.
5.  Any refund should be made by  check or  credit to Deposit Account No. 07-1896. 37 CFR 1.26(c). If payment is made by credit card, refund must be to credit card account.
6.  A copy of the patent to be reexamined having a double column format on one side of a separate paper is enclosed. 37 CFR 1.510(b)(4).
7.  CD-ROM or CD-R in duplicate, Computer Program (Appendix) or large table  
 Landscape Table on CD
8.  Nucleotide and/or Amino Acid Sequence Submission  
*If applicable, items a. – c. are required.*  
a.  Computer Readable Form (CRF)  
b. Specification Sequence Listing on:  
i.  CD-ROM (2 copies) or CD-R (2 copies); or  
ii.  paper  
c.  Statements verifying identity of above copies.
9.  A copy of any disclaimer, certificate of correction or reexamination certificate issued in the patent is included.
10.  Reexamination of claim(s) 1, 2, 3, 4, 5, 6, 7, 28, 29, 30, 31, 32 and 33 is requested.
11.  A copy of every patent or printed publication relied upon is submitted herewith including a listing thereof on Form PTO/SB/08, PTO-1449, or equivalent.
12.  An English language translation of all necessary and pertinent non-English language patents and/or printed publications is included.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.510. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 18 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop *Ex Parte* Reexam, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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13.  The attached detailed request includes at least the following items:
- a. A statement identifying each substantial new question of patentability based on prior patents and printed publications. 37 CFR 1.510(b)(1).
  - b. An identification of every claim for which reexamination is requested, and a detailed explanation of the pertinency and manner of applying the cited art to every claim for which reexamination is requested. 37 CFR 1.510(b)(2).
14.  A proposed amendment is included (only where the patent owner is the requester). 37 CFR 1.510(e).
15.  a. It is certified that a copy of this request (if filed by other than the patent owner) has been served in its entirety on the patent owner as provided in 37 CFR 1.33(c).  
The name and address of the party served and the date of service are:  
Dawn-Marie Bey, Bey & Cotropia PLLC (Finjan Inc.)  
213 Bayly Court, Richmond, VA 23229
- Date of Service: 10/7/2013; or
- b. A duplicate copy is enclosed since service on patent owner was not possible. An explanation of the efforts made to serve patent owner **is attached**. See MPEP § 2220.

16. Correspondence Address: Direct all communication about the reexamination to:

The address associated with Customer Number:

OR

Firm or Individual Name Ryan W. Cobb, DLA Piper LLP (US), 401 B St., Ste 1700

Address

City San Diego State CA Zip 92101

Country United States

Telephone 619.699.2635 Email ryan.cobb@dlapiper.com

17.  The patent is currently the subject of the following concurrent proceeding(s):
- a. Copending reissue Application No. \_\_\_\_\_
  - b. Copending reexamination Control No. \_\_\_\_\_
  - c. Copending Interference No. \_\_\_\_\_
  - d. Copending litigation styled:  
Finjan, Inc. v. FireEye, Inc., USDC-NDCA, Case No. 13-cv-03133-SBA; Finjan, Inc. v. Blue Coat Systems, Inc., USDC-NDCA, Case No. 13-cv-03999; Finjan, Inc. v. Websense, Inc., USDC-NDCA 13-cv-4398

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

/Ryan W. Cobb/ 10/7/2013  
Authorized Signature Date

Ryan W. Cobb 64,598  For Patent Owner Requester  
Typed/Printed Name Registration No.  For Third Party Requester

Attorney Docket No. FINREXM0005

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re *Ex Parte* Reexamination of

U.S. Patent No. 7,647,633 to Edery, et al.

Technology Center: 3992

Application No.: 90/013,016

Group Art Unit: 3992

Filed: October 7, 2013

Confirmation No.: 9521

Patent Owner: Finjan, Inc.

CRU Examiner: Adam L. Basehoar

For U.S. Patent No. 7,647,633 – MALICIOUS MOBILE CODE RUNTIME MONITORING SYSTEM AND METHODS.

***Submitted Electronically***

Mail Stop PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Petition to Accept Unintentionally Delayed Priority Claim under 37 C.F.R. § 1.78 filed on February 19, 2014, is to be served by first class United States mail on the 20th day of February, 2014, to:

Ryan W. Cobb  
DLA Piper LLP  
401 B Street, Suite 1700  
San Diego, CA 92101  
Tel.: (619) 699-2635  
Fax: (619) 699-2701

*Attorney of Record for Third-Party Requester*

Respectfully submitted,

Date: February 19, 2014

By: /Dawn-Marie Bey – 44,442/  
Dawn-Marie Bey (Reg. No. 44,442)  
**Bey & Cotropia PLLC**  
213 Bayly Court  
Richmond, VA 23229  
(804) 441-8530  
Attorneys for Patent Owner

## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	90013016			
<b>Filing Date:</b>	07-Oct-2013			
<b>Title of Invention:</b>	MALICIOUS MOBILE CODE RUNTIME MONITORING SYSTEM AND METHODS			
<b>First Named Inventor/Applicant Name:</b>	7647633			
<b>Filer:</b>	Dawn-Marie Bey./Jeanne Paolella-Bald			
<b>Attorney Docket Number:</b>	FINREXM0005			
Filed as Large Entity				
<b>ex parte reexam Filing Fees</b>				
<b>Description</b>	<b>Fee Code</b>	<b>Quantity</b>	<b>Amount</b>	<b>Sub-Total in USD(\$)</b>
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
Pet. Delay Sub or Restore Priority-Claim	1454	1	1700	1700
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				

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