

EXHIBIT 5

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(Also referred to as FORM PTO-1465)

REQUEST FOR *EX PARTE* REEXAMINATION TRANSMITTAL FORMAddress to:
Mail Stop *Ex Parte* Reexam
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attorney Docket No.: 382984-000006

Date: 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 92101Country United StatesTelephone 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. Cobb64,598

Typed/Printed Name

Registration No.

☐ For Patent Owner Requester☒ 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

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

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