

EXHIBIT B



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Bey & Cotropia PLLC (Finjan Inc.)			BANANKHAH, MAJID A	
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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte FINJAN, INC.
Appellant

Appeal 2017-010477
Reexamination Control 90/013,660
Patent 7,975,305 B2
Technology Center 3900

Before DENISE M. POTHIER, JEREMY J. CURCURI, and
IRVIN E. BRANCH, *Administrative Patent Judges*.

Opinion for the Board filed by *Administrative Patent Judge* BRANCH.

Opinion Dissenting filed by *Administrative Patent Judge* CURCURI.

BRANCH, *Administrative Patent Judge*.

DECISION ON APPEAL

U.S. Patent 7,975,305 B2 (July 5, 2011; Rubin et al., hereinafter “the ’305 patent”) is under reexamination. Appellant appeals under 35 U.S.C. §§ 134(b) and 306 from the Examiner’s rejection of claims 1, 2, 5, and 13. Final Act. 3–47. We have jurisdiction under 35 U.S.C. §§ 134(b) and 306. We heard the appeal on December 12, 2017. The ’305 patent is also the subject of *Inter Partes* Review Case IPR2017-01738, for which a decision instituting *Inter Partes* Review was filed on January 31, 2018.

Appeal 2017-010477
Reexamination Control 90/013,660
Patent 7,975,305 B2

Claims 1, 2, 5, and 13 are rejected under 35 U.S.C. § 103(a) as obvious over Wells (US 8,140,660 B1; Mar. 20, 2012). Final Act. 3–22.

Claims 1, 2, 5, and 13 are rejected under 35 U.S.C. § 103(a) as obvious over Sandu (US 2005/0172338 A1; Aug. 4, 2005) and Wells. Final Act. 22–47.

We affirm.

STATEMENT OF THE CASE

Appellant’s invention relates to “network security, and in particular to scanning of mobile content for exploits.” The ’305 Patent col. 1, ll. 24–25. Claim 1 is illustrative and reproduced below with the key disputed limitation emphasized:

1. A security system for scanning content within a computer, comprising:
 - a network interface, housed within a computer, for receiving incoming content from the Internet on its destination to an Internet application running on the computer;
 - a database of parser and analyzer rules corresponding to computer exploits, stored within the computer, computer exploits being portions of program code that are malicious, wherein the parser and analyzer rules describe computer exploits as patterns of types of tokens, tokens being program code constructs, and types of tokens comprising a punctuation type, an identifier type and a function type;*
 - a rule-based content scanner that communicates with said database of parser and analyzer rules, operatively coupled with said network interface, for scanning incoming content received by said network interface to recognize the presence of potential computer exploits therewithin;
 - a network traffic probe, operatively coupled to said network interface and to said rule-based content scanner for

Appeal 2017-010477
Reexamination Control 90/013,660
Patent 7,975,305 B2

selectively diverting incoming content from its intended destination to said rule-based content scanner; and

a rule update manager that communicates with said database of parser and analyzer rules, for updating said database of parser and analyzer rules periodically to incorporate new parser and analyzer rules that are made available.

THE OBVIOUSNESS REJECTION OF CLAIMS 1, 2, 5, AND 13 OVER
SANDU AND WELLS
Contentions

The Examiner finds the combination of Sandu and Wells teaches all limitations of claim 1. Final Act. 22–44. In particular, the Examiner finds Sandu discloses the disputed “database of parser and analyzer rules” limitation. Final Act. 29–36 (citing Sandu Figs. 4, 5A, 5B, 5C, 8, and ¶¶ 11, 12, 29, 37, 38, 40–53, 59, 60–62, 66).

Appellant argues that the Examiner errs because Sandu does not disclose parser rules, analyzer rules, or a rules-based scanner. App. Br. 29–46. More specifically, Appellant argues that “what Sandu (and the Examiner) refers to as parsing and parser rules, are more appropriately compared with the ‘normalizer 240’ ‘normalization rules’ and ‘decoders 250’ of the ‘tokenizer 210’ of the ’305 Patent; none of which is descriptive of the claimed *parser rules* which *describe computer exploits as patterns of types of tokens.*” *Id.* at 31. Appellant also argues that “Sandu’s singular, static action of comparing a generated script signature to known malware signatures[,] without identifying any exploits therewithin, can hardly be equated to the claimed ‘*analyzer rules*,’” and there is no “rule-based scanner” in Sandu. *Id.* at 35–36. Appellant argues further that Sandu does

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