

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SYMANTEC CORP., and
BLUE COAT SYSTEMS, INC.,
Petitioner

v.

FINJAN, INC.,
Patent Owner

Case IPR2015-01892¹
U.S. Patent No. 8,677,494

CONSOLIDATED FILING:

**PETITIONER'S RESPONSE TO PATENT OWNER'S
OBSERVATIONS ON CROSS-EXAMINATION OF
DR. JACK W. DAVIDSON**

¹ Case IPR2016-00890 has been joined with the instant proceeding

LIST OF EXHIBITS

Exhibit No.	Description
Symantec 1001	U.S. Patent No. 8,677,494 to Edery <i>et al.</i> (“the ‘494 patent”)
Symantec 1002	U.S. Provisional Application No. 60/030,639 (“the ‘639 provisional”)
Symantec 1003	U.S. Patent No. 5,313,616 to David C. Cline <i>et al.</i> (“Cline”)
Symantec 1004	<i>A Sense of Self for Unix Processes</i> , by Stephanie Forrest <i>et al.</i> , Proceedings of the 1996 IEEE Symposium on Security and Privacy, IEEE Computer Society Press, 1996. (“Forrest”)
Symantec 1005	<i>Dynamic Detection and Classification of Computer Viruses Using General Behaviour Patterns</i> , by Morton Swimmer <i>et al.</i> , Virus Bulletin Conference, Virus Bulletin Ltd., September 1995. (“Swimmer”)
Symantec 1006	Declaration by Dr. Sylvia Hall-Ellis
Symantec 1007	<i>Curriculum Vitae</i> of Dr. Sylvia Hall-Ellis
Symantec 1008	Xplore Digital Library Database printout (Forrest)
Symantec 1009	MARC record OCLC record number 34969890 (Forrest)
Symantec 1010	1995 Virus Bulletin Proceedings
Symantec 1011	MARC record OCLC record number 33834197 (Swimmer)
Symantec 1012	U.S. Patent No. 5,623,600 to Shuang Ji <i>et al.</i> (“Ji”)
Symantec 1013	U.S. Patent No. 6,092,194 (“the ‘194 patent”)
Symantec 1014	Webster’s College Dictionary, 1999 Second Random House Edition, p. 339
Symantec 1015	Ninth New Collegiate Dictionary, 1991 Merriam-Webster Inc., p. 325
Symantec 1016	Webster’s New World Dictionary of Computer Terms, 4 th Edition 1992, Simon & Schuster, Inc., p. 95
Symantec 1017	Joint Claim Construction and Pre-Hearing Statement, Dkt. No. 68, Case No. 3:14cv2998
Symantec 1018	Declaration of Jack Davidson in Support of Petition (“Davidson Dec.”)

Exhibit No.	Description
Symantec 1019	<i>Curriculum Vitae</i> of Jack Davidson
Symantec 1020	Advanced MS-DOS
Symantec 1021	U.S. Patent No. 5,978,484 to Apperson <i>et al.</i> (“Apperson”)
Symantec 1022	U.S. Patent No. 5,892,904 to Atkinson <i>et al.</i> (“Atkinson”)
Symantec 1023	<i>Efficient Software-Based Fault Isolation</i> , by Robert Wahbe <i>et al.</i> , ACM SIGOPS (Special Interest Group on Operating Systems) Symposium on Operating Systems Principles, December 1993
Symantec 1024	Scott and Davidson, “Safe Virtual Execution Using Software Dynamic Translation”, 2002
Symantec 1025	Affidavit of Alexander Walden
Symantec 1026	Virus Bulletin Conference Proceedings Sept. 1995
Symantec 1027	Declaration of Dr. Jack Davidson in Support of Petitioner’s Reply
Symantec 1028	Updated <i>Curriculum Vitae</i> of Dr. Jack Davidson
Symantec 1029	Selected Definitions from Microsoft Computer Dictionary 3 rd Edition, 1997 (“MSCD”)
Symantec 1030	D. Comer, “The Flat File Database Generator ffg”, Computer Science Technical Reports, Purdue University, 1981 (“Comer”)
Symantec 1031	G. Fowler, “cql - A flat file Database Query Language”, In Proceedings of the Winter 1994 USENIX Conference , San Francisco, California, Jan. 1994 (“Fowler”)
Symantec 1032	D. Denning, “An intrusion detection model”, IEEE Transactions on Software Engineering, 13-2:222, Feb 1987 (“Denning”)
Symantec 1033	Intel 8086 Family User’s Manual (“8086 Manual”)
Symantec 1034	Transcript of Deposition of Dr. Medvidovic in IPR2015-01892 taken on Aug. 19, 2016
Symantec 1035	U.S. Patent No. 5,398,196 (“the ‘196 patent”)
Symantec 1036	A. Mounji <i>et al.</i> “Distributed Audit Trail Analysis”, In

Exhibit No.	Description
	Proceedings of the Internet Society Symposium on Network and Distributed System Security (ISOC'95), San Diego, California, Feb 1995, IEEE ("Mounji")
Symantec 1037	Supplemental Declaration of Dr. Sylvia Hall-Ellis
Symantec 1038	Declaration of Dr. Richard Ford
Symantec 1039	Exhibit C to Declaration of Dr. Richard Ford - Excerpts from Virus Bulletin Conference Proceedings Sept. 1995
Symantec 1040	Exhibit E to Declaration of Dr. Richard Ford – Photograph
Symantec 1041	Declaration of Joseph Kiegel
Symantec 1042	MARC Record - Denning
Symantec 1043	MARC Record - Fowler
Symantec 1044	Declaration of John Hawes of Virus Bulletin, dated October 15, 2015
Symantec 1045	Declaration of John Hawes of Virus Bulletin, dated October 7, 2016
Symantec 1046	The Delegates, 1995 Virus Bulletin International Conference
Symantec 1047	Brochure - 1995 Virus Bulletin
Symantec 1048	Virus Bulletin magazine, November 1995

Petitioner respectfully responds as follows to Patent Owner's observations² (Paper No. 42) regarding the November 2, 2016 cross-examination testimony of Petitioner's Reply declarant, Dr. Jack W. Davidson (Exhibit 2041):

Response to Observation #1:

Petitioner disputes that Dr. Davidson's testimony regarding the sequential nature of Swimmer's audit trail supports Patent Owner's assertion that the audit trail is a log file or event log and, therefore, not a database. In fact, in the immediately preceding but uncited testimony, Dr. Davidson testified that a sequentially stored file may be in the form of a database. Ex. 2041, p. 75:11-76:11; *see also* Reply, p. 15 and Davidson Rep., ¶¶112-14 (addressing Patent Owner's asserted distinction between an "event log" and a database in the '494 patent). Further, during his deposition, Dr. Davidson explained that the concepts of log files and databases are not mutually exclusive, and that a log file may be a

² Petitioner notes that Patent's Owner's observations fail to comply with the Board's rules regarding the format and content of observations because they lack any cites to the portions of the record for which the cited cross-examination testimony is allegedly relevant. *See* Trial Practice Guide, 77 Fed. Reg. 48756 (Aug. 14, 2012)

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