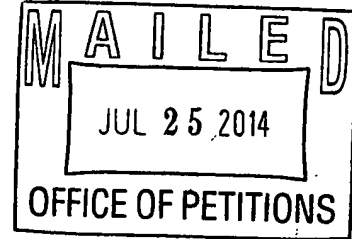




Bey & Cotropia PLLC (Finjan Inc.)
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Richmond VA 23229

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Ex Parte Reexamination Proceeding : **DECISION GRANTING PETITION**
Control No.: 90/013,017 : **TO ACCEPT UNINTENTIONALLY**
Filed: October 7, 2013 : **DELAYED PRIORITY CLAIM UNDER 37**
For: U.S. Patent No. 7,058,822 : **C.F.R. § 1.78(e)**

This is a decision on the March 6, 2014, 2014 patent owner petition entitled "PETITION TO ACCEPT UNINTENTIONALLY DELAYED PRIORITY CLAIM UNDER 37 C.F.R. § 1.78". The petition will be treated under 37 CFR § 1.78(e).

The petition is before the Office of Patent Legal Administration for consideration.

The March 6, 2014 patent owner petition is **granted**.

RELEVANT BACKGROUND

1. On June 6, 2006, United States Patent No. 7,058,822 B2 was issued to Finjan Software, Ltd. (Finjan, Inc.).
2. On October 7, 2013, a request for ex parte reexamination of U.S. Patent No. 7,058,822 B2 was filed, and was assigned Reexamination Control No. 90/013,017.
3. On March 6, 2014, patent owner filed a petition to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the concurrently filed amendment.

Svmantec 1015

DECISION

As stated in MPEP 2258 (IV)(E), a patent owner may correct the failure to adequately claim (in the application for the patent reexamined) benefit under 35 U.S.C. 120 of an earlier filed copending U.S. patent application. For a patent to be reexamined which matured from a utility or plant application filed on or after November 29, 2000, the patent owner must file a grantable petition for an unintentionally delayed priority claim under 37 CFR 1.78(e).

A petition for acceptance of a claim for late priority under 37 CFR § 1.78(e) is applicable to those applications filed after the expiration of the period specified in 37 CFR § 1.78(d)(3). In addition, the petition under 37 CFR § 1.78(e) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR § 1.78(d)(2) of the prior-filed application;
- (2) the petition fee set forth in § 1.17(m); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(d)(3) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

37 CFR § 1.78(e) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(d)(3) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR § 1.78(d)(3). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR § 1.78(e) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and under 1.78 must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

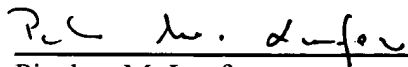
A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

CONCLUSION

The petition under 37 CFR § 1.78(e) is **granted**.

Any questions concerning this matter may be directed to Petitions Attorney Shirene Willis Brantley at (571) 272-3230. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3992 for consideration by the examiner of the claim under 35 U.S.C. § 120 of the prior-filed nonprovisional applications.



Pinchus M. Laufer
Senior Legal Advisor
Office of Patent Legal Administration

July 24, 2014

ATTACHMENT : Corrected Filing Receipt



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Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Values: 90/013,017, 10/07/2013, 3992, 12000, FINREXM0006, 35, 6

CONFIRMATION NO. 6388

CORRECTED FILING RECEIPT



115222
Bey & Cotropia PLLC (Finjan Inc.)
213 Bayly Court
Richmond, VA 23229

Date Mailed: 07/24/2014

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Inventor(s)

7058822, Residence Not Provided;
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RYAN W. COBB (3RD PTY REQ.), SAN DIEGO, CA;

Applicant(s)

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Assignment For Published Patent Application

FINJAN, INC., SAN JOSE, CA

Power of Attorney: The patent practitioners associated with Customer Number 115222

Domestic Priority data as claimed by applicant

This application is a REX of 09/861,229 05/17/2001 PAT 7058822
which claims benefit of 60/205,591 05/17/2000
and is a CIP of 09/539,667 03/30/2000 PAT 6804780
which is a CON of 08/964,388 11/06/1997 PAT 6092194
and said 09/861,229 05/17/2001
is a CIP of 09/551,302 04/18/2000 PAT 6480962
which is a CON of 08/790,097 01/29/1997 PAT 6167520

Foreign Applications for which priority is claimed (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see http://www.uspto.gov for more information.) - None.

Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

If Required, Foreign Filing License Granted: 07/23/2014

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 90/013,017**

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No
Title

MALICIOUS MOBILE CODE RUNTIME MONITORING SYSTEM AND METHODS

Preliminary Class

726

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

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