

Filed on behalf of Symantec Corporation

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL  
AND APPEAL BOARD

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SYMANTEC CORPORATION

Petitioner

v.

FINJAN, INC

Patent Owner

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Case To Be Assigned  
U.S. Patent No. 8,677,494

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**DECLARATION OF JACK W. DAVIDSON IN SUPPORT OF  
PETITIONER PURSUANT TO 37 C.F.R. § 42.120**

Symantec 1021

**Declaration of Jack W. Davidson  
In Support of Petitioner Pursuant to 37 C.F.R. § 42.120**

I, Jack W. Davidson, declare as follows

**I. Overview**

1. I am over 21 years of age and otherwise competent to make this Declaration. I make this Declaration based upon facts and matters within my own knowledge and on information provided to me by others.

2. I have been retained as an expert witness to provide testimony on behalf of Symantec Corporation (“Symantec” or “Petitioner”) as part of the above-captioned *inter partes* review proceeding (“IPR”), including issues relating to the validity of U.S. patent number 8,677,494 (“the ‘494 patent”), entitled “Malicious mobile code runtime monitoring system and methods.” I also understand that the ‘494 patent was filed on November 7, 2011 and issued on March 18, 2014 and that the ‘494 patent is currently assigned to Finjan, Inc. (“Finjan” or “Patent Owner”).

3. In addition to this Declaration, I have also prepared a separate declaration in support of another IPR petition also involving the validity of the ‘494 patent, which I understand being filed by Symantec concurrently with this Petition and Declaration. In the other petition, it is my understanding that Symantec has assumed that the ‘926 patent is entitled to a priority date based on the earliest-filed application referenced in the specification and, therefore, in that

corresponding declaration I was asked to assume that same priority date for the challenged claims. As discussed in more detail below, it is my understanding that, in this petition Symantec is challenging the priority date of the '494 patent. Thus for purposes of this Declaration, I was asked to assume that the challenged claims have a priority date of November 7, 2011 (i.e., the filing date of the '494 patent) or, at best, March 7, 2006 (i.e., the filing date of the '926 patent).

4. I have reviewed and am familiar with the specification and prosecution history of the '494 patent. A copy of the '494 patent is provided as Symantec 1001. I have also reviewed the related patents referenced in the '494 patent specification and certain portions of their prosecution histories, where relevant. As I explain in more detail below, I am familiar with the technology at issue as of the time of the '494 patent, which, for purposes of this Declaration, I have assumed to be 2006.<sup>1</sup>

5. I have also reviewed and am familiar with the following prior art, which I understand is being used by Symantec in the Petition for *Inter Partes* Review of the '494 patent:

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<sup>1</sup> In preparing this Declaration, I have also taken into account the technology, prior art, and knowledge of one of ordinary skill in the art around 2011. None of my opinions and statements in this Declaration would be affected in any material respect if the priority date of the challenged claims is 2011 (instead of 2006).

- a. Ground 1: Touboul I anticipates claims 1, 5, 6, 10, 14, and 15 under 35 U.S.C. § 102
  - b. Ground 2: Touboul I renders obvious claims 2 and 11 under 35 U.S.C. § 103
  - c. Ground 3: Touboul II anticipates claims 1, 5, 6, 10, 14, and 15 under 35 U.S.C. § 102.
  - d. Ground 4: Touboul II renders obvious claims 2 and 11 under 35 U.S.C. § 103.
6. I have been asked to provide a technical review, analysis, and insight regarding the above-noted references, which I understand form the basis for the grounds of rejection set forth in the Petition.
7. I am being compensated for my time in connection with this IPR at a rate of \$400 per hour. I am also being compensated for any out-of-pocket expenses for my work in this review. My compensation as an expert is in no way dependent upon the results of any investigations I undertake, the substance of any opinion I express, or the ultimate outcome of the review proceedings. I have been advised that Bryan Cave LLP represents the Petitioner Symantec, Inc. in this matter. I have no direct financial interest in Symantec, Finjan, or the '494 patent.

## **II. My Background and Qualifications**

8. I am a Professor of Computer Science at the University of Virginia.

In addition, I am the Founder and President of Zephyr Software LLC. Zephyr Software, in business since 2001, provides a variety of services including innovative computer security solutions targeted mainly for U.S. Department of Defense applications. For more than 35 years, I have been involved in the design of computer systems and software as well as leading and managing large software development projects.

9. I earned a Bachelor's of Applied Science in Computer Science from Southern Methodist University in 1975, a Master's of Science in Computer Science from Southern Methodist University in 1977, and a Doctorate in Computer Science from the University of Arizona in 1981. After receiving my Doctorate, I joined the faculty at the University of Virginia. In addition, I have held visiting positions at Princeton University and Microsoft Research in Redmond, Washington.

10. For over 35 years, I have conducted research in a variety of areas in computer science including compilers, interpreters, programming languages, computer architecture, embedded systems, program analysis, and most recently computer security. My current research in computer security involves developing methodologies for preventing attacks against critical, enterprise-level computer

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