

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PALO ALTO NETWORKS, INC.,
Petitioner,

v.

FINJAN, INC.,
Patent Owner.

Case IPR2015-01974^a
Patent 7,647,633 B2

Held: January 5, 2017

BEFORE: THOMAS L. GIANNETTI, MIRIAM L. QUINN, and
PATRICK M. BOUCHER, Administrative Patent Judges.

The above-entitled matter came on for hearing on Thursday,
January 5, 2017, commencing at 10:05 a.m., at the U.S. Patent
and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

^a This case has been joined with IPR2016-00480, filed by Blue
Coat Systems, Inc.

Case IPR2015-01974
Patent 7,647,633 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

ORION ARMON, ESQUIRE
BRIAN EUTERMOSER, ESQUIRE
Cooley LLP
380 Interlocken Crescent
Suite 900
Broomfield, Colorado 80021-8023

ON BEHALF OF PATENT OWNER:

JAMES HANNAH, ESQUIRE
AAKASH JARIWALA, ESQUIRE
SHANNON H. HEDVAT, ESQUIRE
Kramer, Levin, Naftalis & Frankel, LLP
990 Marsh Road
Menlo Park, California 94025-1949

1 P R O C E E D I N G S

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3 JUDGE GIANNETTI: Welcome everyone. This is the
4 final argument in case IPR2015-01974 which was joined with
5 case IPR2016-00480. We will be hearing both cases today. Palo
6 Alto Networks versus Finjan, Inc., is the caption of the case.

7 I want to introduce the panel and then I'm going to turn
8 the hearing over to Judge Quinn. We have Judge Boucher
9 participating from Denver on the screen to my left and Judge
10 Quinn participating from Dallas on the screen to my right. So
11 that is the panel for this case. And as I mentioned, Judge Quinn
12 will be presiding over the hearing. So Judge Quinn.

13 JUDGE QUINN: Yes, thank you. Welcome
14 everybody. First before announcing the parties and beginning, I
15 notice that petitioner filed objections to a demonstrative. I didn't
16 see any objections filed by patent owner. So I guess this
17 comment or instruction will be addressed to petitioner. In this
18 hearing there will be no speaking objections. We note what the
19 objections are and we will discuss them if necessary. However,
20 demonstratives are not evidence. So therefore, proceed
21 accordingly.

22 At this point, I want to ask if the demonstratives were
23 provided to the court reporter.

24 MR. ARMON: Yes, Your Honor.

25 MR. HANNAH: Yes, Your Honor.

1 JUDGE QUINN: Thank you. Yes, I see nodding from
2 the court reporter. So I take that as a yes too. Petitioner, who has
3 the burden of proving unpatentability, may now step up and
4 introduce yourselves for the record.

5 MR. ARMON: Good morning, Your Honor. Orion
6 Armon, Cooley, lead counsel for petitioner, Palo Alto Networks.
7 I have a trial tech from Focal Point, Justin Kelly, here at counsel
8 table. And my colleague, Brian Euteroser, is behind me in the
9 gallery.

10 JUDGE QUINN: Will patent owner counsel please
11 make an appearance for the record.

12 MR. HANNAH: Good morning, Your Honors. Nice to
13 see you all again. Happy New Year. James Hannah on behalf of
14 Finjan. With me is Aakash Jariwala and Shannon Hedvat.

15 JUDGE QUINN: Thank you. Mr. Armon, we have
16 allotted one hour for both sides. You have the opportunity to
17 reserve time for rebuttal. How much time would you like to
18 reserve?

19 MR. ARMON: Your Honor, I would like to reserve
20 20 minutes, please.

21 JUDGE QUINN: Thank you. And as I stated last time
22 you were with us, I'm keeping track on my iPhone. So I'll alert
23 you ahead of time when you are getting close or you will hear the
24 alarm go off, and then you'll know you are at your 40 minutes.
25 You may proceed when you are ready.

1 MR. ARMON: Thank you. May it please the Board, I
2 intend to start, unless otherwise directed by the panel, with the
3 issue of claim construction today, which is in Section 3 of
4 petitioner's slides, and then address the substantive validity issues
5 in Section 4. And then with my remaining time, I intend to reach
6 the other items covered by our slides.

7 Let's turn to slide 21, please. So turning to claim
8 construction first, there is one disputed claim term at issue in this
9 inter partes review proceeding. That term is the entire last
10 limitation of the independent claim 14 in the '633 patent. That
11 limitation is shown on slide 22. Finjan proposes construction of
12 plain and ordinary meaning with the additional clause that
13 wherein the mobile protection code is communicated to the
14 downloadable information destination without modifying the
15 executable code. And that's the key issue in dispute concerning
16 the claim constructions in this matter, Finjan's proposal that the
17 construction include a negative limitation that prohibits any
18 modification to the executable code.

19 Palo Alto Networks' position is that the plain and
20 ordinary meaning of the term is adequate and that there is no
21 disavowal in either the claims or specification that would support
22 the negative limitation that Finjan seeks to read into the claims.

23 I'll start first with the claim language itself. We look at
24 claim 14 here on slide 23, the yellow highlighted limitation is the
25 entire limitation that Finjan seeks to have construed. The

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