

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Palo Alto Networks, Inc. and
Blue Coat Systems, Inc.,
Petitioners

v.

Finjan, Inc.
Patent Owner

Inter Partes Review No. 2015-01974¹
U.S. Patent No. 7,647,633

**PETITIONER'S REPLY IN SUPPORT OF ITS
MOTION TO EXCLUDE EVIDENCE UNDER 37 C.F.R. § 42.64(c)**

¹ Case IPR2016-00480 has been joined with this proceeding.

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I. PARAGRAPH 57 OF THE GOODRICH DECLARATION IS INADMISSIBLE

Finjan's assertion that "Petitioner failed to object to the admissibility of paragraph 57" (Paper 40 at 1-2) is false. PAN objected to Dr. Goodrich's opinions as conclusory and unreliable under FRE 702-703, and specifically cited ¶ 57 as an example because of its reliance on the Bims Declaration. (Paper 23 at 2-3.)

Finjan does not dispute that Dr. Goodrich failed to review any Finjan licenses, analyze any products to determine whether they practice the challenged claims, or provide any evidence or analysis concerning nexus. (*See* Paper 40 at 2-3.) Instead, Finjan merely asserts that Dr. Goodrich "independently" reviewed the Bims Declaration and concluded that secondary considerations are "relevant." (*Id.* at 2.) But merely reviewing and agreeing with another's opinions does not yield reliable or helpful expert testimony. *See Apple, Inc. v. Ameranth, Inc.*, CBM2015-00080, Paper 44 at 39 (PTAB Aug. 26, 2016).

Finjan also does not dispute that Dr. Goodrich based his copying opinions only on knowledge of Finjan's patents and desire to compete. Those opinions should be excluded because they rely on an incorrect legal standard. *See InTouch Techs. v. VGo Communs., Inc.*, 751 F.3d 1327, 1348 (Fed. Cir. 2014).

II. PARAGRAPHS 13-27, 30-34 OF THE BIMS DECLARATION ARE INADMISSIBLE

Finjan's suggestion that PAN waived its objections to Dr. Bims's testimony (Paper 40 at 3) is baseless. PAN objected to Dr. Bims's opinions under FRE 702-

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