UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Palo Alto Networks, Inc.
Petitioner

v.

Finjan, Inc.
Patent Owner

U.S. Patent No. 8,141,154
Filing Date: June 14, 2010
Issue Date: March 20, 2012

Title: System and Method for Inspecting
Dynamically Generated Executable Code

*Inter Partes* Review No. 2015-01979

**<u>DECLARATION OF AVIEL D. RUBIN IN SUPPORT OF PETITION FOR
*INTER PARTES* REVIEW OF U.S. PATENT NO. 8,141,154</u>**

Declaration of Aviel Rubin
Petition for *Inter Partes* Review of Patent No. 8,141,154

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I, Aviel Rubin, declare as follows:

I have personal knowledge of the facts stated in this declaration, and could and would testify to these facts under oath if called upon to do so.

I have been retained by counsel for Palo Alto Networks, Inc. (Petitioner) in this case as an expert in the relevant art. I am being compensated for my work at the rate of $688 per hour. No part of my compensation is contingent upon the outcome of this petition.

I was asked to study U.S. Patent 8,141,154, its prosecution history, and the prior art and to render opinions on the obviousness or non-obviousness of the claims of the '154 patent in light of the teachings of the prior art, as understood by a person of ordinary skill in the art in the 2005 time frame.

### Summary of Opinions

After studying the '154 patent, relevant excerpts of its file history, and the prior art, and considering the subject matter of the claims of the '154 patent in light of the state of technical advancement in security programs (including content scanners for program code), in the 2005 time frame, I reached the following conclusions. Each of the claims of the '154 patent addressed in this declaration were invalid as obvious in the 2005 time frame in light of the knowledge of skill in the art at that time and the teachings, suggestions, and motivations present in the prior art.

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Declaration of Aviel Rubin
Petition for *Inter Partes* Review of Patent No. 8,141,154

## I. INTRODUCTION AND QUALIFICATIONS

### A. Education

1.      I possess the knowledge, skills, experience, training and the education to form an expert opinion and testimony in this matter.  I have 22 years of experience in the field of computer science, and specifically in Internet and computer security.  I received my Ph.D. in Computer Science and Engineering from the University of Michigan, Ann Arbor in 1994, with a specialty in computer security and cryptographic protocols.  My thesis was entitled "Nonmonotonic Cryptographic Protocols" and concerned authentication in long-running networking operations.

### B. Career

2.      I will discuss my current position as a professor first, followed by a synopsis of my career and work from when I received my Ph.D. to the present.

3.      I am currently employed as Professor of Computer Science at Johns Hopkins University, where I perform research, teach graduate courses in computer science and related subjects, and supervise the research of Ph.D. candidates and other students. Courses I have taught include Security and Privacy in Computing and Advanced Topics in Computer Security. I am also the Technical Director of the Johns Hopkins University Information Security Institute, the University's focal point for research and education in information security, assurance, and privacy.

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