

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PALO ALTO NETWORKS, INC.,
SYMANTEC CORP.

Petitioner,

v.

FINJAN, INC.,
Patent Owner.

Case IPR2016-00151
Patent 8,141,154

**JOINT MOTION TO TERMINATE AND JOINT NOTICE OF
AGREEMENT PURSUANT TO 35 U.S.C. § 317 and 37 C.F.R. § 42.74**

I. RELIEF REQUESTED

Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74, and as authorized by the Board in an email dated January 17, 2019, Petitioner Symantec Corp., and Patent Owner, Finjan, Inc., provide notice that they have reached an agreement and jointly request that Case No. IPR2016-00151, an *inter partes* review of U.S. Patent No. 8,141,154, be terminated with respect to Symantec.

II. REASONS FOR THE RELIEF REQUESTED

Syantec and Finjan have reached an agreement regarding their disputes involving the '154 patent. Accordingly, Syantec and Finjan jointly request that the present inter partes review be terminated as to Syantec, pursuant to 35 U.S.C. § 317(a).

III. RELATED LITIGATION AND PTAB PROCEEDINGS

Syantec and Finjan have settled their disputes involving the '154 patent in the related district court litigation.

The '154 patent is currently being asserted in the following pending litigations:

Finjan, Inc. v. Juniper Networks, Inc., Case No. 3:17-cv-05659-WHA (N.D. Cal.);

Finjan, Inc. v. Qualys Inc, No. 4:18-cv-07229 (N.D. Cal.);

Finjan, Inc. v. Rapid7, Inc., et al., No. 1:18-cv-01519 (D. Del.);

Finjan, Inc. v. Check Point Software Technologies, Inc., et al., No. 18-cv-02621 (N.D. Cal.);

Finjan, Inc. v. Bitdefender Inc., et al., No. 17-cv-04790 (N.D. Cal.);

Finjan, Inc. v. SonicWall, Inc., No. 17-cv-04467 (N.D. Cal.);

Finjan, Inc. v. Cisco Systems, Inc., No. 17-cv-00072 (N.D. Cal.); and

Finjan, Inc. v. Palo Alto Networks, Inc., No. 14-cv-04908 (N.D. Cal.).

The '154 Patent was previously the subject of six IPRs. Case Nos. IPR2015-01547 was denied institution. Case Nos. IPR2015-01979, IPR2016-00151, IPR2016-00919, IPR2016-00937, and IPR2016-01071. IPR2015-01979 were consolidated on appeal at the Federal Circuit, Nos. 17-2314 and No. 17-2315. The Federal Circuit affirmed the Board's Final Written Decision in IPR2015-01979 and vacated and remanded the Final Written Decision in the instant case, IPR2016-00151, "proceedings consistent with the Supreme Court's decision in SAS Institute." *Palo Alto Networks, Inc., v. Finjan, Inc.*, Nos. 2017-2314, 2017-2315 (Fed. Cir. Nov. 9, 2018).

There are no other proceedings, either before the Board or elsewhere, involving the subject patent. Finjan is unable to comment whether any other litigation or proceeding involving the subject patent is contemplated in the foreseeable future.

IV. SUBMISSION OF THE AGREEMENT

Exhibit 2044 is true copy of the full agreement between the parties with respect to the requested termination, as required by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), and should be treated as business confidential. A Joint Request to File Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317(b) is being filed concurrently herewith. Symantec and Finjan certify that there are no collateral agreements or understandings made in connection with, or in contemplation of, the requested termination.

V. CONCLUSION

For the above reasons, Symantec and Finjan respectfully request that the Board terminate the present proceeding.

Respectfully submitted,

Dated: January 28, 2019

/James Hannah/

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