

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PALO ALTO NETWORKS, INC.,
Petitioner,

v.

FINJAN, INC.,
Patent Owner.

Case IPR2016-00151
Patent 8,141,154 B2

**PATENT OWNER'S OBJECTIONS TO EVIDENCE
UNDER 37 C.F.R. § 42.64**

Patent Owner Finjan, Inc. ("Finjan") objects under the Federal Rules of Evidence and 37 C.F.R. § 42.64 to the admissibility of the declaration of Dr. Aviel Rubin (the "Rubin Declaration") and the annotated figures included in Petitioner's Petition submitted by Palo Alto Networks, Inc. ("Petitioner").

The Institution Decision issued on April 20, 2016. Paper No. 10. The Board instituted trial for claims 1-8, 10, and 11 on the ground of obviousness over Ross under 35 U.S.C. § 103. *Id.* Finjan's objections are timely under 37 C.F.R. § 42.64(b)(1). Finjan serves Petitioner these objections to provide notice that Finjan will move to exclude the evidence as improper evidence.

I. Rubin Declaration (Ex. 1002)

Finjan objects to the admissibility of the Rubin Declaration for at least the following reasons: Under **FRE 702**, Dr. Aviel Rubin's opinions are inadmissible because they are conclusory, do not disclose underlying facts or data in support of his opinions, and are unreliable. Additionally, Dr. Aviel Rubin is unqualified as an expert to provide technical opinions of a person skilled in the art. *See* Ex. 1002, Ex. A (Curriculum Vitae of Dr. Aviel Rubin). As such, his opinions are inadmissible under **FRE 702**. His opinions are also irrelevant, confusing, and of minimal probative value under **FRE 401, 402, and 403**.

II. Annotated Figures

Finjan objects to the admissibility of the Annotated Figures included in Petitioner's Petition (Paper No. 2) for at least the following reasons: Petitioner is improperly relying on annotated figures that are not directly from U.S. Patent No. 8,141,154 ("the '154 Patent") or U.S. Patent Publication 2007/0113282 ("Ross"). as indicated in the charts below.

'154 Patent	
Petitioner's Figure	Patent Figure
<p>Paper No. 2 at 3.</p>	<p>Fig. 2.</p>

'154 Patent	
Petitioner's Figure	Patent Figure
<p>Paper No. 2 at 4.</p>	<p>Fig. 2.</p>
<p>Paper No. 2 at 5.</p>	<p>Fig. 2.</p>
<p>Paper No. 2 at 6.</p>	<p>Fig. 2.</p>

Ross	
Petitioner's Figure	Ross Figure
<p style="text-align: right;">FIG 6</p>	<p style="text-align: right;">FIG 6</p>
<p>Paper No. 2 at 10.</p>	<p>Fig. 6.</p>
<p style="text-align: right;">2</p>	<p style="text-align: right;">600</p>
<p>Paper No. 2 at 11.</p>	<p>Fig. 6.</p>
<p style="text-align: right;">6</p>	<p style="text-align: right;">604</p>
<p>Paper No. 2 at 12.</p>	<p>Fig. 6.</p>

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