

PROTECTIVE ORDER MATERIAL

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
U.S. Patent No. 8,141,154

DECLARATION OF DR. MARC BERGER, Ph.D.

PROTECTIVE ORDER MATERIAL

I, Marc Berger, declare as follows:

1. I am over the age of majority and make this declaration of my own personal knowledge.

2. I am a Managing Director at Soquel Group LLC, which maintains offices in Santa Cruz, California. I have been a registered patent agent since February 1999. Prior to founding Soquel Group LLC, I was Professor of Mathematics at Georgia Institute of Technology, Member of the US National Research Council (NRC) Panel for the Assessment of the National Institute of Standards and Technology (NIST), and Chief Scientist at Live Picture and MGI Software Corp.

3. I earned a M.Sc. and a Ph.D. in Mathematics from Carnegie-Mellon University.

4. Between 2003–2009, I was employed by Finjan Software, Ltd (“Finjan”). As an employee for Finjan, I provided patent prosecution services and worked with Eitan Law Group who helped file the final patent product in the United States and elsewhere. The type of services I would provide included assisting with drafting and prosecuting patent applications. One of my primary contacts was Yuval Ben-Itzhak, who was the CTO of Finjan. I maintained at least one physical file for each patent matter that I worked on while at Finjan.

5. Ex. 2007, submitted herewith, is a document that I located in my files. On October, 31, 2005, I received an email attaching a draft patent application from Mr. Ben-Itzhak. Ex. 2007 at 2. Mr. Ben-Itzhak and I corresponded about the draft patent application between October 31 and December 6, 2005. *Id.* at 1–2. I diligently worked on the draft patent application from the time I received the draft patent application from Mr. Ben-Itzhak until it was filed on December 12, 2005, as U.S. Patent Application Serial No. 11/298,475.

6. At that time, Eitan Law Group represented Finjan, and I instructed Eitan Law Group to file U.S. Patent Application Serial No. 11/298,475. Ex. 2008 at 4. I received confirmation from Eitan Law Group on December 18, 2005 that U.S. Patent Application Serial No. 11/298,475 was filed on December 12, 2005. Ex. 2008 at 1.

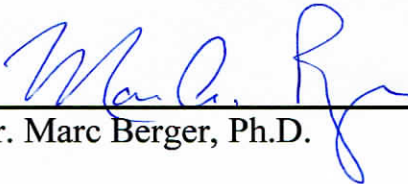
7. As an employee of Finjan, I had a number of assignments that I was working on including my general administrative duties. For example, in the time period between October 31 and December 6, 2015, I was working on (i) an Office action response for U.S. Patent Application Serial No. 09/595,839, (ii) an Office action response for U.S. Patent Application Serial No. 09/730,326, (iii) an Office action response for European Patent Application No. 97 950 351.3, and (iv) an Office action response to Canadian Patent Application No. 2,275.771.

8. In addition, I founded Soquel Group LLC in the summer of 2005 and had a full schedule working for several clients during November and December 2005. In addition to my work for Finjan, I was engaged in other work, including drafting U.S. Patent Application Serial No. 11/321,840, in the time period between October 31 and December 6, 2005, when I began working on drafting the application that was filed as U.S. Patent Application Serial No. 11/298,475.

DECLARATION

I declare under penalty of perjury under the laws of the United States of America that this declaration is true, complete, and accurate to the best of my knowledge. I further acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both under 18 U.S.C. § 1001.

Executed at Rehovot, Israel on August 27, 2016.



Dr. Marc Berger, Ph.D.