

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PALO ALTO NETWORKS, INC.,
Petitioner

v.

FINJAN, INC.,
Patent Owner

Patent No. 8,141,154

Inter Partes Review No. IPR2016-00151

**PETITIONER'S OBJECTION TO EVIDENCE
SUBMITTED WITH PATENT OWNER RESPONSE**

In accordance with 37 C.F.R. § 42.64, Petitioner hereby objects to the following evidence that was submitted by Patent Owner with the “Patent Owner Response” in the above-captioned proceeding in which U.S. Patent No. 8,141,154 (“the ’154 Patent”) is subject to *inter partes* review:

Exhibit #	Patent Owner’s Description	Petitioner’s Objections
2007	Email Chain Re: Invention Disclosure	Fed. R. Evid. 901 (authentication) Fed. R. Evid. 1002 (best evidence) Fed. R. Evid. 802 (hearsay)
2015	Infringement chart created by Dr. Nenad Medvidovic regarding the products of Avast Software and the ’154 Patent	Fed. R. Evid. 401/402/403 (relevance) Fed. R. Evid. 802 (hearsay)
2016	Infringement chart created by Dr. Nenad Medvidovic regarding the products of F-Secure and the ’154 Patent	Fed. R. Evid. 401/402/403 (relevance) Fed. R. Evid. 802 (hearsay)
2017	’154 Patent Infringement chart regarding the products of Websense, Inc., served in <i>Finjan v. Websense, Inc.</i> , 13-CV-04398-BLF (N.D. Cal.), February 28, 2014	Fed. R. Evid. 401/402/403 (relevance) Fed. R. Evid. 802 (hearsay)
2018	’154 Patent Infringement chart regarding the products of Proofpoint, Inc. and Armorize Technologies, Inc., served in <i>Finjan, Inc. v. Proofpoint, Inc. and Armorize Technologies, Inc.</i> , 13-cv-05808-HSG (N.D. Cal.), April 17, 2014	Fed. R. Evid. 401/402/403 (relevance) Fed. R. Evid. 802 (hearsay)

2035	Paragraphs 74 through 80 of Declaration of Dr. Nenad Medvidovic	Fed. R. Evid. 401/402/403 (relevance) Fed. R. Evid. 703 (bases of expert)
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A. Exhibit 2007—Email Chain Re: Invention Disclosure

Petitioner objects to Exhibit 2007 as lacking proper authentication under Fed. R. Evid. 901 and as not the best evidence under Fed. R. Evid. 1002. Patent Owner has not presented any evidence that Exhibit 2007 is authentic, nor that the document is self-authenticating under Fed. R. Evid. 902. Patent Owner has also failed to provide any evidence that pages 3 through 20 of Exhibit 2007 are the draft patent application referred to in the email of page 2 of Exhibit 2007.

Petitioner further objects to Exhibit 2007 as hearsay under Fed. R. Evid. 801 that does not fall under an exception of Fed. R. Evid. 803 or 804.

B. Exhibits 2015 through 2018—Infringement Charts

Exhibits 2015 through 2018 appear to be infringement charts Patent Owner provided in prior district court litigations unrelated to Petitioner. Petitioner objects to these exhibits as irrelevant to this proceeding under Fed. R. Evid. 402.

Petitioner further objects to these exhibits as hearsay under Fed. R. Evid. 801 that does not fall under an exception of Fed. R. Evid. 803 or 804.

C. Paragraphs 74 through 80 of Exhibit 2035—Declaration of Dr. Nenad Medvidovic

Petitioner objects to paragraphs 74 through 80 of Exhibit 2035 under Fed. R. Evid. 703 as relying on improper evidence. In these paragraphs, Dr. Medvidovic offers testimony that relies on Exhibits 2015 through 2018, which, as discussed above, are irrelevant to this proceeding and constitute inadmissible hearsay. Accordingly, these portions of Dr. Medvidovic's declaration are also irrelevant and constitute impermissible hearsay.

In accordance with 37 C.F.R. § 42.64(b)(1), these objections are being timely served within five (5) business days of service of the Patent Owner Response, which was served on August 31, 2016.

To the extent that Patent Owner's Response relies upon evidence previously submitted in its Preliminary Response, Petitioner previously served timely objections to such evidence.

Dated: September 8, 2016

Respectfully submitted,

By: _____ / Shouvik Biswas / _____

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Attorney for Petitioner

Certificate of Service (37 C.F.R. § 42.6(e)(4))

I hereby certify that the attached Petitioner's Objection to Evidence Submitted with Patent Owner Response was served as of the below date on the Patent Owner via e-mail (by agreement) to the following counsel of record for the Patent Owner:

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Dated: September 8, 2016

 / Kim Helenius /
Kim Helenius