

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 MOTION TO EXCLUDE

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Petitioner's Exhibit List for *Inter Partes* Review of U.S. Patent No. 8,141,154

Exhibit Description	Exhibit #
U.S. Patent No. 8,141,154 (“the ’154 Patent”)	1001
Declaration of Dr. Aviel D. Rubin in Support of Petition for <i>Inter Partes</i> Review (“Rubin Decl.”)	1002
U.S. Publication No. 2007/0113282 A1 (“Ross”)	1003
U.S. Publication No. 2002/0066022 A1 (“Calder”)	1004
Declaration of Dr. Aviel Rubin in support of Petitioner’s Reply	1005
Excerpt of Finjan Responses to Symantec First Interrogatories	1006
Excerpt of Finjan Supplement Responses to Symantec First Interrogatories	1007
Declaration of Nathan Hamstra, Esq.	1008
Deposition Transcript of Mr. Yuval Ben-Itzhak	1009
Deposition Transcript of Dr. Marc Berger, PhD	1010
Deposition Transcript of Dr. Nenand Medvidovic	1011
TCP/IP Network Administration	1012
Excerpt of File History for 09/595,839	1013
Excerpt of File History for 09/730,326	1014
Supplemental Declaration of Dr. Marc Berger, Ph.D.	1015

Petitioner's Exhibits 1001-1014 were previously filed and are listed again here based on 37 C.F.R. § 42.63. Petitioner's Exhibit 1015 *is newly filed*.

Pursuant to 37 C.F.R. § 42.64(c), Palo Alto Networks, Inc. (“Petitioner”) moves to exclude portions of Exhibit 2007 relied upon by Patent Owner Finjan, Inc. (“Patent Owner” or “Finjan”), for lack of authentication and insufficient corroboration.

I. PROCEDURAL HISTORY

Trial in this proceeding was instituted on April 20, 2016. (Paper No. 10.) All instituted grounds depend on Patent Application No. US 2007/0113282 A1 (Ex. 1003) (“Ross”). (*Id.* at 17.) In its Patent Owner Response, Finjan argued that Ross is not prior art because the ’154 patent was allegedly conceived and diligently reduced to practice from a time predating Ross. (Paper No. 19 at 5.) In doing so, Finjan relied on Exhibit 2007, which consists of a two page print-out of an email chain between Mr. Ben-Itzhak and Dr. Berger, and a seventeen page undated draft patent application, that supposedly was attached to the email. Finjan argues that Exhibit 2007 establishes an alleged date of conception of October 31, 2005. (*Id.* at 7; Ex. 2007.)

Petitioner timely filed and served its objections to evidence on September 8, 2016. (Paper No. 22.) In its objections, Petitioner specifically objected to Exhibit 2007. (*Id.* at 1-2.) In response, Finjan served a supplemental declaration from Dr. Berger. (Ex. 1015.) On December 6, 2016, Petitioner filed and served its Petitioner’s Reply, in which it addressed Finjan’s argument based on Exhibit 2007

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