

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PALO ALTO NETWORKS, INC.,
BLUE COAT SYSTEMS, INC,
Petitioner,

v.

FINJAN, INC.,
Patent Owner.

Case IPR2016-00159¹
U.S. Patent No. 8,677,494

PATENT OWNER'S MOTION FOR OBSERVATIONS

¹ Case IPR2016-01174 has been joined with this proceeding.

Patent Owner Finjan, Inc. submits the following observations of the November 30, 2016, cross-examination of John Hawes (Ex. 2045):

Observation #1: There is no Evidence that Swimmer was “distributed to 163 attendees”

Mr. Hawes confirmed in his deposition that Exhibit B to Ex. 1089 is only a list of delegates “who registered to attend... the conference” and that “[t]here’s no indication on Exhibit B whether any of them attended.” Ex. 2045 at 22:10–21.

This testimony is relevant because it is contrary to Petitioner’s claim that “Swimmer was... distributed to 163 attendees.” Petitioner’s Reply at 5. Mr. Hawes’ statement that Virus Bulletin “would probably send [non attendees who registered to attend the conference] a copy of the proceedings book out of courtesy” is entirely speculative.

Observation #2: There is no Evidence that Swimmer was “distributed to 163 attendees”

Mr. Hawes confirmed that he had no “firsthand knowledge about the percentage of registered attendees versus actual attendees from 1995 until 2006.” Ex. 2045 at 44:21–45:4. This testimony is relevant because it is contrary to Petitioner’s claim that “Swimmer was... distributed to 163 attendees.” Petitioner’s Reply at 5. Mr. Hawes’ statement that Virus Bulletin “would probably send [non attendees who registered to attend the conference] a copy of the proceedings book out of courtesy” is entirely speculative.

Patent Owner's Motion for Observations
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Respectfully submitted,

Dated: January 9, 2017

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(Case No. IPR2016-00159)

Attorneys for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that a true and correct copy of the foregoing Patent Owner's Motion for Observations was served on January 9, 2017, by filing this document through the Patent Review Processing System as well as delivering via electronic mail upon the following counsel of record for Petitioner and Joinder Petitioner:

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