

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

PALO ALTO NETWORKS, INC.,  
Petitioner,

v.

FINJAN, INC.,  
Patent Owner.

---

Case IPR2016-00159  
U.S. Patent No. 8,677,494 B2

---

**DECLARATION OF S.H. MICHAEL KIM IN SUPPORT OF PATENT  
OWNER'S RESPONSE**

I, S.H. Michael Kim, make the following declaration under penalty of perjury:

1. I make this Declaration based upon my own personal knowledge, information, belief, and I would and could competently testify to the matters set forth herein if called upon to do so.

2. I provide this Declaration in connection with the above-identified *inter partes* review proceeding.

3. I am currently the Senior Director, Intellectual Property (IP) Counsel of Finjan Holdings, Inc. I have been IP counsel since March 2015. The assignee of U.S. Patent No. 8,677,494 (“the ’494 Patent”) under *inter partes* review is Finjan Inc. (“Finjan”), a wholly owned-subsidiary of Finjan Holdings, Inc. The ’494 Patent issued on March 18, 2014.

4. As part of my responsibilities, I oversee the enforcement, prosecution, and post-grant proceedings of patents assigned to Finjan in district courts and before the U.S. Patent & Trademark Office (“PTO”). I am familiar with Finjan’s licensing practices and also assist in the licensing of Finjan’s world-wide patent portfolio. I also ensure that Finjan complies with its ongoing license obligations.

5. Finjan was founded in 1997. It has invested over \$65 million dollars in developing patented technology related to proactive content behavior inspection. Such investment contributed to Finjan being awarded 27 U.S. issued patents and

27 issued foreign patents. To date, Finjan has licensed its technology in the industry receiving over \$155 million dollars in royalty payments.

6. Finjan's successful licensing program includes Microsoft, M86, Trustwave, Intel/McAfee, Webroot, F-Secure, Websense, Inc. ("Websense"), Proofpoint, Inc. ("Proofpoint"), Armorize Technologies, Inc. ("Armorize") and Avast Software ("Avast"). Several of the SEC filings that reflect some of these licenses are Patent Owner Exhibits 2034-2039.

7. Finjan's successful licensing program was bolstered with the issuance of the '494 Patent on July 17, 2012 . Since the issuance of the '494 Patent, Finjan has entered into five licenses.

8. On April 7, 2015, a license agreement was entered into with F-Secure in order to at least use, make, sell, offer to sell, import or export the inventions of the '494 Patent and other Finjan patents. On November 15, 2015, a license agreement was entered into with Avast in order to at least use, make, sell, offer to sell, import or export the inventions of the Finjan patents, including the '494 Patent. On December 30, 2015, Finjan entered into another license agreement with a large network security computer company in order to at least use, make, sell, offer to sell, import or export the inventions to the '494 Patent and other Finjan patents.

9. On March 18, 2014, Finjan asserted infringement of the '494 Patent against Websense because its products embodied the inventions disclosed in the '494 Patent. *Finjan v. Websense, Inc.*, 13-CV-04398-BLF (N.D. Cal.) (that case was later combined with another case asserting another patent against Websense). On September 24, 2014, the parties settled and Websense entered into a license agreement in order to at least use, make, sell, offer to sell, import or export the inventions of the '494 Patent and other Finjan patents.

10. In a different litigation (*Finjan v. Proofpoint and Armorize*, 13-CV-05805-HSG (N.D. Cal.)), Finjan asserted the '494 Patent. Finjan settled with Proofpoint and Armorize. As part of the settlement, Proofpoint and Armorize entered into a license agreement to at least use, make, sell, offer to sell, import or export the inventions of the '494 Patent and other Finjan patents.

11. The licensees of the '494 Patent are competitors in the computer network security field with Finjan or Finjan's licensees.

12. Attached to the Patent Owner's Response are Exhibits 2040 and 2041, which are true and correct copies of Gartner Magic Quadrant reports that show competitors within the computer network security field. These documents are maintained in Finjan's records in the ordinary course of Finjan's regular business activities.

13. Attached to the Patent Owner Response as Exhibit 2039 is a true and correct copy of Finjan Holdings, Inc. 8-K filed with the United States Securities and Exchange Commission, dated September 24, 2014. This document is publicly available. This document was drafted as part of Finjan's regularly conducted business activities at the time it was created. It is used and relied upon as part of Finjan's regular business activities, and is maintained in Finjan's records in the ordinary course of its regular business activities.

14. Attached to the Patent Owner Response as Exhibit 2034 is a true and correct copy of Finjan Holdings, Inc. 8-K filed with the United States Securities and Exchange Commission, dated April 7, 2015. This document is publicly available. This document was drafted as part of Finjan's regularly conducted business activities at the time it was created. It is used and relied upon as part of Finjan's regular business activities, and is maintained in Finjan's records in the ordinary course of its regular business activities.

15. Attached to the Patent Owner Response as Exhibit 2036 is a true and correct copy of Finjan Holdings, Inc. 8-K filed with the United States Securities and Exchange Commission, dated May 14, 2015. This document is publicly available. This document was drafted as part of Finjan's regularly conducted business activities at the time it was created. It is used and relied upon as part of

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.