

Declaration of Dr. Eugene Spafford
Petition for *Inter Partes* Review of
Patent No. 8,677,494

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Palo Alto Networks, Inc.
Petitioner

v.

Finjan, Inc.
Patent Owner

U.S. Patent No. 8,677,494
Filing Date: Nov. 7, 2011
Issue Date: Mar. 18, 2014

Title: Malicious Mobile Code Runtime Monitoring System and Methods

DECLARATION OF DR. EUGENE SPAFFORD

Inter Partes Review No. 2014-TBD

Declaration of Dr. Eugene Spafford
Petition for *Inter Partes* Review of
Patent No. 8,677,494

I, Eugene H. Spafford, declare as follows:

I. INTRODUCTION AND QUALIFICATIONS

1. I declare that the following statements are true to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances. If called upon to testify, I could and would competently testify to the information in this declaration.

2. In 1996, I was on the editorial advisory board of a publication entitled the *Virus Bulletin*. In May of 1996, the *Virus Bulletin* published an article on an antivirus program named ThunderBYTE, version 7.0

3. I have examined a public copy of ThunderBYTE 7.0 software on a CD ROM. That software was dated February 1996.

4. Attached as Exhibit A is a true and correct copy of the 1996 ThunderBYTE User Manual. Exhibit A was distributed as part of the ThunderBYTE version 7.0 software that I examined. The last-modified date of the file that held Exhibit A was February 8, 1996.

5. I provided sworn testimony regarding ThunderBYTE 7.0 and Exhibit A at the earlier *Finjan v. Symantec* trial in December 2012. That testimony included the fact that “The ThunderBYTE program is an antivirus program that was available in early 1996.” That testimony referred to the software that included

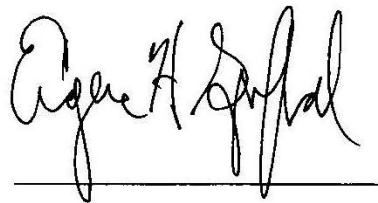
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Exhibit A.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 28 U.S.C. § 1001.

Dated: March 20, 2015

Respectfully submitted,

A handwritten signature in black ink, reading "Eugene H. Spafford", written over a horizontal line.

Eugene H. Spafford
West Lafayette, Indiana