

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SYMANTEC CORP.
Petitioner

v.

FINJAN, INC.
Patent Owner

Case: IPR2015-01892
U.S. Patent No. 8,677,494

DECLARATION OF RICHARD FORD, D.PHIL

Symantec 1038

I, Dr. Richard Ford, declare as follows:

1. I am more than twenty-one years of age, and I make this declaration based on my own personal knowledge, experience, and belief. If called upon, I can testify competently to the facts stated in this declaration.

2. Prior to submitting this declaration, I was retained as an expert witness in certain matters on behalf of Symantec Corporation (“Symantec”) including matters opposed to Finjan, Inc. However, I am not providing this declaration in the capacity of an expert witness and I am not being compensated for providing this declaration. Instead, this declaration is based upon my personal knowledge of relevant facts pertaining to the public availability of a reference relied upon by Symantec in the above captioned proceeding, namely “Dynamic Detection and Classification of Computer Viruses Using General Behavior Patterns”, by Morton Swimmer (“Swimmer”), which appears in the Proceedings of the Fifth International Virus Bulletin Conference (“the 1995 Virus Bulletin Conference Proceedings”). As detailed more in the following paragraphs, a true and correct full copy of the 1995 Virus Bulletin Conference Proceedings is attached hereto as Exhibit A, which I understand was marked and submitted as Exhibit Symantec 1010 in the above captioned IPR2015-01892 proceeding.

3. I hold Bachelor's and Master's degrees in Physics from The Queen's College, University of Oxford, and a D.Phil. in Quantum Physics. I have been working in the field of computer security since 1992, when I joined Virus Bulletin. Since that time, I have held positions at companies such as the National Computer Security Association, IBM Research, and Command Software Systems. I was also a professor of Computer Science at the Florida Institute of Technology for over 11 years, where I focused my research on information security, until the summer of 2015. I am currently employed as Chief Scientist of Forcepoint, previously known as Raytheon | Websense, a joint venture created to address constantly-evolving cybersecurity challenges.

4. My very first job in the security industry was with Virus Bulletin, an information security organization that provides leading edge information regarding developments in computer security. Virus Bulletin has regularly held conferences (e.g., the Virus Bulletin International Conference) and provided publications in the field of computer security for over 25 years. These conferences and publications provided substantial information on the prevention, recognition, and removal of malware such as viruses, Trojans, etc. as well as security issues identified in software such as operating systems.

5. Virus Bulletin is a well-known and highly respected body and has been continually at the forefront of the computer security field. First held in 1991, and continuing on an annual basis until this day, the Virus Bulletin International Conference was a premier worldwide event open to and attended by persons interested in the computer security field. At the Virus Bulletin International Conference, academics, researchers, developers, and company representatives, regularly gathered, presented and exchanged developments in this field. For example, the list of conference attendees and sponsors for the 1995 Virus Bulletin International Conference included representatives from prominent entities in the computer security field such as: Sophos, McAfee, Trend Micro, and IBM. *See* Exhibit A, pp. 3-4 and 17-31.

6. In 1992, I began working for Virus Bulletin as executive editor. My duties in this capacity included commissioning and editing articles, as well as assisting at the Virus Bulletin International Conference. Later, in January 1993, I became the editor of Virus Bulletin. As the editor for Virus Bulletin, I handled day-to-day operations and all content decisions related to the Virus Bulletin, including paper selection for the Virus Bulletin International Conference, and acted as host and emcee of the conference. During my tenure of employment with Virus Bulletin, I was responsible for helping to organize the Virus Bulletin International

Conference which, at the time, was held yearly at different locations around the globe. My responsibilities in this regard included helping to select papers and speakers, editing the conference proceedings, and assisting in marketing the event, as well as being the public face of Virus Bulletin at the event itself.

7. After my tenure as editor ended in March 1995, I remained involved with Virus Bulletin. For example, I was a consulting editor until June 2014, and provided advice and assistance to the editors that succeeded me. In addition, I continued to contribute articles and attend Virus Bulletin conferences. I remain on the Virus Bulletin Advisory Board to this day.

8. In the 1995 timeframe, the yearly Virus Bulletin International Conference included papers that were selected for presentation/publication. These papers were distributed as conference proceedings to attendees and presenters at the conference. In the 1995 timeframe, the conference proceedings were in the form of a 4-hole loose leaf binder, which allowed flexibility with regard to the addition of late submissions.

9. Generally, physical copies of the Virus Bulletin International Conference proceedings were distributed to conference attendees at the registration/check-in desk for the conference, which is located in the venue hosting the event as is typical with many conferences I have attended. Typically,

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