

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

FINJAN, INC.,
Patent Owner.

Case IPR2016-00159¹
Patent 8,677,494 B2

Before JAMES B. ARPIN, ZHENYU YANG, and
CHARLES J. BOUDREAU, *Administrative Patent Judges*.

BOUDREAU, *Administrative Patent Judge*.

ORDER
Conduct of Proceeding
37 C.F.R. § 42.5

¹ Case IPR2016-01174 has been joined with the instant proceeding.

In an email message dated December 12, 2016, Patent Owner requested a conference call with the Board under 37 C.F.R. § 42.5, to request permission to file a paper identifying portions of Petitioner's Reply (Paper 26) that Patent Owner believes raise new issues or belatedly present evidence.

The panel has considered Patent Owner's request, and a conference is not necessary. Patent Owner is authorized to file a paper calling the Board's attention to those portions of Petitioner's Reply that are believed by Patent Owner to raise new issues or belatedly present evidence. The paper should be in the form of a numbered list citing to the portions of Petitioner's Reply that Patent Owner believes exceed the scope of the Patent Owner Response, but **it shall not contain argument or statements "identifying the reason these portions are outside the scope of the Reply."** The paper is limited to two pages and should be filed by Due Date 4.

We also authorize Petitioner to file a paper in response to Patent Owner's submission. If filed by Petitioner, this paper should cite to the portions of the Patent Owner Response to which Petitioner contends the numbered portions of the Reply identified in Patent Owner's submission are responsive, or identifying where such item identified by Patent Owner appears in the Petition, but **it also shall not contain argument.** This paper is also limited to two pages and should be filed by Due Date 5.

In rendering our Final Written Decision, we will determine what weight, if any, is to be given to all of the presented evidence and arguments in accordance with the rules of the Board. In the event our Final Written Decision does not rely on a portion of Petitioner's Reply identified in Patent Owner's list, we then will make no comment as to whether that identified

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portion is proper. In the event that our Final Written Decision relies on a portion of Petitioner's Reply identified in Patent Owner's list, we then will set forth our analysis why that identified portion does not contain an improper argument.

It is

ORDERED that the parties are authorized to file the above-discussed papers consistent with the requirements and deadlines set forth in this Order.

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