1	PAUL J. ANDRE (State Bar No. 196585)				
2	pandre@kramerlevin.com LISA KOBIALKA (State Bar No. 191404)				
3	lkobialka@kramerlevin.com JAMES HANNAH (State Bar No. 237978)				
4	jhannah@kramerlevin.com				
5	KRAMER LEVIN NAFTALIS & FRANKEL LLP 990 Marsh Road				
6	Menlo Park, CA 94025				
7	Telephone: (650) 752-1700 Facsimile: (650) 752-1800				
8	Attorneys for Plaintiff FINJAN, INC.				
9					
10	IN THE UNITED STATES DISTRICT COURT				
11	FOR THE NORTHERN DISTRICT OF CALIFORNIA				
12	SAN JOSE DIVISION				
13					
14	FINJAN, INC., a Delaware Corporation,	Case No.: 13-CV-03999-BLF			
15	Plaintiff,	PLAINTIFF FINJAN, INC.'S REPLY			
16	V.	CLAIM CONSTRUCTION BRIEF			
17					
18	BLUE COAT SYSTEMS, INC., a Delaware Corporation,				
19	Defendant.				
20					
21					
22					
23					
24					
25					
26					
27					



TABLE OF CONTENTS

2	I. INTRODUCTION		
3	II.	FINJAN'	S PROPOSED TERMS FOR CONSTRUCTION1
4 5		A.	"Mobile Protection Code" Should Be Construed as "code capable of monitoring or intercepting potentially malicious code."
6			1. Finjan's construction of Mobile Protection Code is derived directly from the specification of the '822 and '633 Patents and should be adopted
7 8			2. Blue Coat's attempt to change the explicit definition of "mobile protection code" as provided in the intrinsic record must be rejected as a matter of law
9		В.	"Downloadable security profile that identifies suspicious code in the received Downloadable" Should Be Construed as "a profile that identifies hostile or potentially hostile operations in the Downloadable."
1112			1. The phrase "Downloadable security profile that identifies suspicious code in the received Downloadable" only requires minimal clarification4
13			2. Blue Coat's attempts to rewrite and narrow the plain language of the phrase are unwarranted
1415		C.	The Function for "means for causing mobile protection code to be communicated to at least one information-destination of the downloadable-information, if the downloadable-information is determined to include executable code" Should Contain the Same Limitations as Recited in the Claim
161718		D.	Finjan Has Set Forth the Correct Structures for "means for determining whether to trust the first Downloadable security profile" and "means for comparing the first Downloadable security profile against the security policy if the first Downloadable security policy is trustworthy."
19	III.	BLUE C	OAT'S PROPOSED TERMS FOR CONSTRUCTION10
2021		A.	Blue Coats Concedes that "information-destination" and "downloadable-information destination" Do Not Need to be Construed
22		В.	Blue Coat Offers No Reasons to Rewrite the Easily Understood Phrase "causing mobile protection code to be executed by the mobile code executor at a
2324			downloadable-information destination such that one or more operations of the executable code at the destination, if attempted, will be processed by the mobile protection code."
25		C.	The Preamble "A computer program product, comprising a computer usable medium having a computer readable program code therein, the computer
26			readable program code adapted to be executed for computer security, the method comprising: providing a system" Should be Corrected by the Court
27			



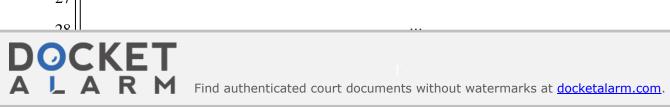
1

Case5:13-cv-03999-BLF Document67 Filed07/07/14 Page3 of 20

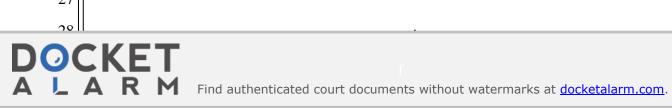
1	D.	The Phrase "before [a/the] web server make[s] the Downloadable available to web clients" Does Not Need Construction.	12
2	E.	The Terms "network gateway" and "computer gateway" Do Not Require Construction	14
3	IV CONCI	JUSION	
4	IV. CONCL		13
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			



1	TABLE OF AUTHORITIES
2	Page(s)
3	Cases
45	Deep9 Corp. v. Barnes & Noble, Inc., No. C11-0035JLR, 2012 WL 4336726 (W.D. Wash. Sept. 21, 2012)
6 7	Deere & Co. v. Bush Hog, LLC, 703 F.3d 1349 (Fed. Cir. 2012)
8	Epistar Corp. v. Int'l Trade Comm'n, 566 F.3d 1321 (Fed. Cir. 2009)
9	Ex Parte Bo Li, Appeal No. 2008-1213, 2008 Pat. App. LEXIS 27 (BPAI Nov. 6, 2008)
11 12	Funai Elec. Co. v. Daewoo Elecs. Corp., 616 F.3d 1357 (Fed. Cir. 2010)
13	Finjan, Inc. v. Secure Computing Corp., 626 F.3d 1197 (Fed. Cir. 2010)
14 15	Haemonetics Corp. v. Baxter Healthcare Corp., 607 F.3d 776 (Fed. Cir. 2010)
16 17	Hoechst Celanese Corp. v. BP Chems. Ltd., 78 F.3d 1575 (Fed. Cir. 1996)
18	In re Am. Acad, of Sci Tech. Ctr., 367 F.3d 1359 (Fed. Cir. 2004)
19 20	Omega Eng'g, Inc. v. Raytek Corp., 334 F.3d 1314 (Fed. Cir. 2003)
21 22	Phillips v. AWH Corp., 415 F.3d 1303 (Fed. Cir. 2005)
23	Plantronics, Inc. v. Aliph, Inc., 724 F.3d 1343 (Fed. Cir. 2013)
2425	Thorner v. Sony Computer Entm't Am. LLC, 669 F.3d 1362 (Fed. Cir. 2012)
2627	Ventana Med. Sys., Inc. v. Biogenex Labs., Inc., 473 F.3d 1173 (Fed. Cir. 2006)



1	Statutes
2	35 U.S.C. § 103
3	Other Authorities
4	Patent Case Management Judicial Guide (Federal Judicial Center 2009)
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
2021	
22	
23	
24	
25	
26	
27	



DOCKET A L A R M

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.

