

Filed on behalf of Petitioner
By: Joseph J. Richetti
Kevin E. Paganini
Bryan Cave LLP
1290 Avenue of the Americas
New York, NY 10104
Tel: (212) 541-2000
Fax: (212) 541-4630

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PROOFPOINT, INC. AND
ARMORIZE TECHNOLOGIES, INC.
Petitioner

v.

FINJAN, INC.
Patent Owner

Case: To Be Assigned
U.S. Patent No. 8,141,154

**PETITION FOR *INTER PARTES* REVIEW
PURSUANT TO 37 C.F.R. §42.100 *et seq.***

Table of Contents

I.	INTRODUCTION.....	1
II.	MANDATORY NOTICES - 37 C.F.R. § 42.8(a)(1).....	2
	A. Real Party-In-Interest - 37 C.F.R. § 42.8(b)(1).....	2
	B. Related Matters - 37 C.F.R. § 42.8(b)(2).....	2
	C. Lead and Back-Up Counsel - 37 C.F.R. § 42.8(b)(3).....	2
	D. Service Information - 37 C.F.R. § 42.8(b)(4).....	3
	E. Power of Attorney.....	3
III.	PAYMENT OF FEES - 37 C.F.R. § 42.103.....	3
IV.	REQUIREMENTS FOR INTER PARTES REVIEW - 37 C.F.R. §§ 42.104 AND 42.108.....	3
	A. Grounds for Standing - 37 C.F.R. § 42.104(a).....	3
	B. Identification of Challenge - 37 C.F.R. § 42.104(b) and Statement of Precise Relief Requested.....	4
	C. Status of the Cited References as Prior Art.....	5
	D. Threshold Requirement for <i>Inter Partes</i> Review Under 37 C.F.R. § 42.108(c).....	6
V.	BACKGROUND OF TECHNOLOGY RELATED TO THE ‘154 PATENT.....	6
VI.	SUMMARY OF THE ‘154 PATENT AND ITS PROSECUTION HISTORY.....	8
	A. Brief Description of the ‘154 Patent.....	8
	B. Priority Date of the Petitioned Claims.....	9
VII.	CLAIM CONSTRUCTION UNDER 37 C.F.R. § 42.104(b)(3).....	9
	A. Legal Overview.....	9
	B. Construction of “first function” (All Petitioned Claims).....	9
	C. Construction of “second function” (All Petitioned Claims).....	11

Table of Contents
(continued)

D.	Construction of “transmitter” (Claims 1-3 and 6-8)	11
E.	Construction of “receiver” (Claims 1-3 and 6-8).....	12
VIII.	PERSON HAVING ORDINARY SKILL IN THE ART & STATE OF THE ART	13
IX.	THE PETITIONED CLAIMS ARE UNPATENTABLE OVER THE PRIOR ART	13
A.	Overview of Khazan.....	14
B.	Overview of Sirer	16
C.	Overview of Ben-Natan	17
D.	Khazan, Sirer, and Ben-Natan Are All Analogous Art.....	18
X.	CLAIMS 1-8, 10, AND 11 OF THE ‘154 PATENT ARE UNPATENTABLE	18
A.	Ground 1 – Claims 1 - 5 Are Obvious Under 35 U.S.C. § 103(a) Over Khazan in View of Sirer.....	18
1.	Claim 1	19
a.	Claim 1 preamble 1[a]	19
b.	Claim element 1[b]	19
c.	Claim element 1[c]	19
d.	Claim element 1[d]	20
e.	Claim element 1[e]	27
f.	Claim element 1[f].....	29
g.	Claim element 1[g]	30
h.	Claim element 1[h]	34
i.	Claim element 1[i]	36
j.	Claim element 1[j].....	36
2.	Claim 2	39

Table of Contents
(continued)

a.	Claim element 2[a]	39
b.	Claim element 2[b]	40
3.	Claim 3	40
4.	Claim 4	41
a.	Claim 4 preamble 4[a]	42
b.	Claim element 4[b]	42
c.	Claim element 4[c]	42
d.	Claim element 4[d]	43
e.	Claim element 4[e]	43
f.	Claim element 4[f]	43
g.	Claim element 4[g]	43
h.	Claim element 4[h]	44
i.	Claim element 4[i]	44
j.	Claim element 4[j]	44
k.	Claim element 4[k]	45
5.	Claim 5	45
B.	Ground 2 – Claims 6 – 8, 10, and 11 Are Obvious Under 35 U.S.C. § 103(a) Over Khazan in View Simer and further in view of Ben-Natan	46
1.	Claim 6	46
a.	Claim 6 preamble 6[a]	46
b.	Claim element 6[b]	46
c.	Claim element 6[c]	46

Table of Contents
(continued)

d.	Claim element 6[d]	47
e.	Claim element 6[e]	47
f.	Claim element 6[f]	47
g.	Claim element 6[g]	51
h.	Claim element 6[h]	51
i.	Claim element 6[i]	51
j.	Claim element 6[j]	53
2.	Claim 7	54
a.	Claim preamble 7[a]	54
b.	Claim element 7[b]	54
c.	Claim element 7[c]	54
3.	Claim 8	55
4.	Claim 10	55
a.	Claim 10 preamble 10[a]	55
b.	Claim element 10[b]	56
c.	Claim element 10[c]	56
d.	Claim element 10[d]	56
e.	Claim element 10[e]	57
f.	Claim element 10[f]	57
g.	Claim element 10[g]	57
h.	Claim element 10[h]	58
i.	Claim element 10[i]	58
j.	Claim element 10[j]	58

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.