

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

---

IPR2016-00966  
U.S. Patent No. 7,647,633

---

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

**Table of Contents**

	<b>Page</b>
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) .....	3
D. Service Information.....	3
E. Power of Attorney .....	4
III. Payment of Fees - 37 C.F.R. § 42.103.....	4
IV. Requirements for inter partes review - 37 C.F.R. §§ 42.104 AND 42.108.....	4
A. Grounds for Standing - 37 C.F.R. § 42.104(a).....	4
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
1. Poison Java is prior art.....	5
2. Shin is prior art.....	5
3. Brown is prior art.....	6
D. Threshold Requirement for <i>Inter Partes</i> Review 37 C.F.R. § 42.108(c).....	7
V. Background Of Technology Related To The '633 Patent.....	7
VI. Summary Of The '633 Patent.....	11
A. The '633 Patent .....	11
B. The Prosecution History of the '633 Patent.....	12

C.	The Ex Parte Reexamination History of the '633 Patent.....	13
D.	Priority Dates of the Petitioned Claims.....	14
1.	The Priority Claims to the '667 and '302 Applications and Their Parent Applications Are Improper .....	14
2.	Claimset 1 – Claims 1, 2, 3, 8, 13–14, 19, 28, and 34 lack written description support until May 17, 2000.....	16
3.	Claimset 2 – Claims 4, 6, and 7 lack written description support until May 17, 2001 .....	17
VII.	Claim Construction Under 37 C.F.R. § 42.104(B)(3).....	17
A.	The Petitioned Claims of the '633 Patent .....	17
B.	“mobile protection code (“MPC”)” (all claims).....	19
C.	“information re-communicator” (claims 2, 14, and 19).....	21
D.	“means for receiving downloadable-information” (claim 13) .....	21
E.	“means for determining whether the downloadable-information includes executable code” (claim 13) .....	22
F.	“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” (claim 13).....	23
VIII.	Person Having Ordinary Skill In The Art.....	25
IX.	The Prior Art.....	25
A.	Overview of Poison Java.....	25
B.	Overview of Shin.....	26
C.	Overview of Brown.....	27
D.	Poison Java, Shin, and Brown Are Analogous Art .....	27
X.	The Petitioned Claims Of The '633 Patent Are Unpatentable .....	28

A.	Ground 1 – Shin Renders Claims 1–4, 6–8, 13, 14, and 19 Obvious under 35 U.S.C. § 103(a).....	28
1.	Independent Claim 1 .....	28
	a. Claim 1[a]: “A computer processor-based method, comprising” .....	28
	b. Claim 1[b]: “receiving, by a computer, downloadable-information” .....	28
	c. Claim 1[c]: “determining, by the computer, whether the downloadable information includes executable code” .....	29
	d. Claim 1[d]: “based upon the determination, transmitting from the computer mobile protection code to at least one information destination of the downloadable-information, if the downloadable- information is determined to include executable code.” .....	30
2.	Dependent Claim 2: “The method of claim 1, wherein the receiving includes monitoring received information of an information re-communicator.” .....	31
3.	Dependent Claim 3: “The method of claim 2, wherein the information re-communicator is a network server.” .....	32
4.	Dependent Claim 4: “The method of claim 1, wherein the determining comprises analyzing the downloadable- information for an included type indicator indicating an executable file type.” .....	32
5.	Dependent Claim 6: “The method of claim 1, wherein the determining comprises analyzing the downloadable- information for an included file type indicator and an information pattern corresponding to one or more information patterns that tend to be included within executable code.” .....	32
6.	Dependent Claim 7: “executable code characteristics” .....	33

7.	Independent Claim 8 .....	33
8.	Independent Claim 13 .....	36
9.	Independent Claim 14 .....	38
	a. Claim 14[a]: “A computer program product, comprising a computer usable medium having a computer readable program code therein, the computer readable program code adapted to be executed for computer security” .....	38
	b. Claim 14[b]: “providing a system, wherein the system comprises distinct software modules” .....	39
	c. Claim 14[c]: “wherein the distinct software modules comprise an information re-communicator and a mobile code executor” .....	40
	d. Claim 14[d]: “receiving, at the information re-communicator, downloadable-information including executable code” .....	41
	e. Claim 14[e]: “causing mobile protection code to be executed by the mobile code executor at a 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.” .....	42
10.	Dependent Claim 19: “The method of claim 14, wherein the re-communicator is at least one of a firewall and a network server.” .....	44
B.	Ground 2 – Poison Java Anticipates Claim 28 under 35 U.S.C. § 102(a).....	44
	a. Claim 28[a]: “A processor-based method, comprising” .....	44
	b. Claim 28[b]: “receiving a sandboxed package that includes mobile protection code (“MPC”) and a	

# 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.