UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD
BLUE COAT SYSTEMS, INC., Petitioner,
V.
FINJAN, INC., Patent Owner.
Case IPR2016-01443 Patent 8,677,494

DECLARATION OF NENAD MEDVIDOVIC, PH.D. ON THE VALIDITY OF CLAIMS 7–9 AND 16–18 OF U.S. PATENT NO. 8,677,494 IN SUPPORT OF PATENT OWNER'S PRELIMINARY RESPONSE



TABLE OF CONTENTS

		1	Page	
I.	QUALIFICATIONS			
II.	SCOPE OF ASSIGNMENT AND APPROACH			
III.		PLICABLE STANDARDS AND CONTROLLING NCIPLES	6	
	A.	ANTICIPATION	6	
	B.	OBVIOUSNESS	7	
	C.	PERSON OF ORDINARY SKILL IN THE ART	10	
IV.	SUMMARY OF MY OPINIONS11			
V.	OVERVIEW OF THE '494 PATENT12			
VI.	CLAIM CONSTRUCTION23			
	A.	"DATABASE"	24	
	В.	"DOWNLOADABLE"	25	
VII.	CON	CUSSION AND OPINIONS REGARDING THE NTRAST BETWEEN THE CLAIMS OF THE '494 PATENT D THE PRIOR ART	25	
	A.	THE PRIOR ART DOES NOT TEACH ONE OF SKILL IN THE ART HOW TO PRACTICE THE '494 PATENT	30	
	В.	SWIMMER IN VIEW OF JI DOES NOT TEACH OR SUGGEST "WHERE THE DOWNLOADABLE SECURITY PROFILE DATA INCLUDES A URL FROM WHERE THE DOWNLOADABLE ORIGINATED"		
	C.	Swimmer in view of Luotonen does not Teach or Suggest "wherein the Downloadable security profile data includes a URL from where the Downloadable originated"	32	



Declaration of Dr. Nenad Medvidovic IPR2016-01443 (U.S. Patent No. 8,677,494)

	D.	Swimmer in view of Apperson does not Teach or Suggest "wherein the Downloadable security profile data includes a
		digital certificate"34
	E.	Swimmer in view of Apperson does not Teach or Suggest "wherein said deriving Downloadable security profile data comprises disassembling the incoming Downloadable" (claim 9) or "wherein said Downloadable scanner comprises a
		disassembler for disassembling the incoming Downloadable"
		(claim 18)36
VIII.	Secon	ndary Considerations of Non-Obviousness37
	A.	Commercial Success
	В.	Long-Felt But Unresolved Need and Recognition of a problem42
	C.	Skepticism and Unexpected Results43
	D.	Teaching away by others44



I, Nenad Medvidovic, Ph.D., declare and state as follows:

I. QUALIFICATIONS

- 1. I make this Declaration based upon my own personal knowledge, information, and belief, and I would and could competently testify to the matters set forth herein if called upon to do so.
- 2. I received a Bachelor of Science ("BS") degree, Summa Cum Laude, from Arizona State University's Computer Science and Engineering department.
- 3. I received a Master of Science ("MS") degree from the University of California at Irvine's Information and Computer Science department.
- 4. I received a Doctor of Philosophy ("PhD") degree from the University of California at Irvine's Information and Computer Science department. My dissertation was entitled, "Architecture-Based Specification-Time Software Evolution."
- 5. I am employed by the University of Southern California ("USC") as a faculty member in the Computer Science Department, and have been since January, 1999. I currently hold the title of Professor with tenure. Between January, 2009 and January 2013, I served as the Director of the Center for Systems and Software Engineering at USC. Between July, 2011, and July, 2015, I served as my Department's Associate Chair for PhD Affairs.



- 6. I teach graduate and undergraduate courses in Software Architecture, Software Engineering, and Embedded Systems, and advise PhD students. I have graduated 15 PhD students and advise 7 students currently pursuing a PhD.
- 7. I served as Program Co-Chair for the flagship conference in my field—International Conference on Software Engineering ("ICSE")—held in May 2011. I have served as Chair or Co-Chair for various other conferences in the Software Engineering field, including: the Fifth Working IEEE/IFIP Conference on Software Architecture, the Third IEEE International Conference on Self-Adaptive and Self-Organizing Systems, the Fifteenth International ACM SIGSOFT Symposium on Component Based Software Engineering, the IEEE/CSSE/ISE Workshop on Software Architecture Challenges for the 21st Century, and the Doctoral Symposium at the Sixteenth ACM SIGSOFT International Symposium on the Foundations of Software Engineering.
- 8. I serve or have served as an editor of several peer-reviewed journals, including: "IEEE Transactions on Software Engineering," "ACM Transactions on Software Engineering and Methodology", "Journal of Software Engineering for Robotics," "Elsevier Information and Software Technology Journal," "Journal of Systems and Software," "Journal of Software Engineering Research and Development," and "Springer Computing Journal." Additionally, I have served as a guest editor of several special issues for different journals.



DOCKET

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.

