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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FIREEYE, INC.,
Petitioner,

v.

FINJAN, INC.,
Patent Owner.

Patent No. 8,225,408

PETITION FOR INTER PARTES REVIEW OF
U.S. PATENT NO. 8,225,408

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I.   Introduction

FireEye, Inc. ("FireEye") hereby requests *inter partes* review of U.S. Patent No. 8,225,408 to Rubin *et al.* ("the '408 patent," EX1001) that issued on July 17, 2012, and is currently assigned to Finjan, Inc. ("Patent Owner"). This Petition demonstrates that there is a reasonable likelihood that Petitioner will prove by a preponderance of the evidence that claims 1-2, 8-9, 11, 23-28, and 29-34 of the '408 patent are unpatentable for failing to distinguish over prior art. Thus, claims 1-2, 8-9, 11, 23-28, and 29-34 of the '408 patent should be found unpatentable and canceled.

A petition for *inter partes* review of the '408 patent, Blue Coat Systems, Inc. v. Finjan, Inc., IPR2016-01441, ("the 01441 IPR") has been filed by Blue Coat Systems, Inc. ("Blue Coat"). No institution decision for that Petition has been issued. A motion for joinder to that petition has been filed concurrent with this Petition.

The Board has previously instituted *inter partes* review of the '408 patent, including of the independent claims from which claims 2, 8, 11, 24-28, and 30-33 depend, in Nos. IPR2015-02001 and IPR2016-00157 ("the PAN IPRs"). This Petition presents essentially the same disclosure and arguments for those independent claims. The additional requirements of the challenged dependent claims 2, 8, 11, 24-28, and 30-33 are insufficient to lend them patentability.

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