

Paper No. ____
Filed: October 28, 2016

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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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