IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Cisco System, Inc.,
Petitioner,

v.

Finjan, Inc.,
Patent Owner.

U.S. Patent No. 8,677,494
Issue Date: March 18, 2014
Title: Malicious Mobile Code Runtime Monitoring System and Methods

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Inter Partes Review No.: Unassigned

DECLARATION OF PAUL CLARK IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,677,494

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I. Introduction

1. I am over the age of eighteen (18) and otherwise competent to make this declaration.

2. I have been retained by Cisco Systems (Petitioner) as an independent expert consultant in this proceeding before the United States Patent and Trademark Office. Although I am being compensated at my rate of $590.00 per hour for the time I spend on this matter, no part of my compensation depends on the outcome of this proceeding, and I have no other interest in this proceeding. To the best of my knowledge, I have no financial interest in Cisco Systems.

3. This Petition for inter partes review involves U.S. Patent No. 8,677,494 ("the '494 Patent") (CS-1001). The '494 Patent is entitled "Malicious Mobile Code Runtime Monitoring System and Methods" and lists Yigal Mordechai Edery, Nirmrod Itzhak Vered, David R. Kroll, and Shlomo Touboul, as the inventors.

4. The '494 Patent issued March 18, 2014, from U.S. Patent Application No 13/290,708 which was filed Nov. 7, 2011. The '494 Patent claims the benefit of U.S. provisional application No. 60/030,639, filed on Nov. 8, 1996. CS-1002.

5. For the purposes of this *inter partes* review as discussed later, I have been instructed to assume that the effective filing date of the Claims of the '494

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Patent challenged by the Petitioner in this *inter partes* review is no earlier than November 8, 1996, the filing date of U.S. Provisional Patent Application No. 60/030,639.

6. I understand that according to USPTO records, the '494 Patent is currently assigned to Finjan, Inc. ("Finjan" or "Patent Owner").

7. The '494 Patent is directed to malicious code detection. CS-1001, I am familiar with the technology described in the '494 Patent as of the earliest possible priority date of November 8, 1996.

8. In preparing this Declaration, I have reviewed the '494 Patent (CS-1001), the file history of the '494 Patent (CS-1002), and each of the documents cited herein, and I have considered these documents in light of the general knowledge in the art as of November 8, 1996. In formulating my opinions, I have relied upon my experience in the relevant art. I have also considered the viewpoint of a person of ordinary skill in the art ("POSA") in the field, as of November 8, 1996.

9. I have been asked to provide my technical expertise, analysis, insights and opinions regarding the '494 Patent and relevant references that form the basis of the grounds of rejection set forth in the accompanying Petition for *inter partes*

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