

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PALO ALTO SYSTEMS, INC., and
BLUE COAT SYSTEMS LLC,
Petitioner,

v.

FINJAN, INC.,
Patent Owner.

Case IPR2016-00159¹
Patent 8,677,494 B2

PATENT OWNER'S NOTICE OF APPEAL

UNITED STATES
PATENT AND TRADEMARK
OFFICE

2017 SEP 28 AM 11:32

U.S. PATENT
AND TRADEMARK
OFFICE

1000 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20540

¹ Case IPR2016-01174 has been joined with the instant proceeding.

Pursuant to 35 U.S.C. §§ 141 and 142 and 37 C.F.R. §§ 90.2 and 90.3, Patent Owner, Finjan, Inc., hereby provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (“the Board”) entered April 11, 2017, (Paper 50) and from all underlying orders, decisions, rulings, and opinions regarding U.S. Patent 8,677,494 (“the ‘494 patent”) at issue in *inter partes* review IPR2016-00159.

The issues on appeal, pursuant to 37 C.F.R. § 90.2(a)(3)(ii) include, but are not limited to, the Board’s decision on rehearing not to consider Petitioner’s contrary litigation position; the Board’s construction of the terms “list of suspicious computer operations” and “storing the Downloadable security profile data in a database”; the Board’s determination that Petitioner showed by a preponderance of the evidence that claims 1, 2, and 6 of the ‘494 Patent are unpatentable under 35 U.S.C. § 103 over Morton Swimmer et al., *Dynamic Detection and Classification of Computer Viruses Using General Behaviour Patterns*, Virus Bull. Conf. 75 (Sept. 1995) (Ex. 1006) (“Swimmer”); the Board’s interpretation of Swimmer; the Board’s determination that Swimmer was publicly available; any finding or determination supporting or related to those issues; as well as other issues decided adversely to Finjan in any orders, decisions, rulings, and opinions.

Copies of Patent Owner's Notice of Appeal are being filed simultaneously with the Director of the United States Patent and Trademark Office, the Patent Trial and Appeal Board, and the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

Dated: September 27, 2017

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(Case No. IPR2016-00159)

Attorneys for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that a true and correct copy of the foregoing Patent Owner's Notice of Appeal was served on September 27, 2017, by filing this document through the Patent Review Processing System as well as delivering via electronic mail upon the following counsel of record for Petitioner below.

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In addition, the foregoing Patent Owner's Notice of Appeal was filed by Express Mail on September 27, 2017, with the United States Patent and Trademark Office at the following address:

Office of the General Counsel
United States Patent and Trademark Office
P.O. Box 1450
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The undersigned hereby certifies that the foregoing Patent Owner's Notice of Appeal was electronically filed with the United States Court of Appeals for the Federal Circuit through CM/ECF and pay.gov on September 27, 2017. Pursuant to Federal Circuit Rule 15, one paper copy of the foregoing was simultaneously sent to the Clerk of the United States Court of Appeals for the Federal Circuit.

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