UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ORCA SECURITY, LTD.,
Petitioner

v.

WIZ, INC.,
Patent Owner

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*Inter Partes* Review Case No. IPR2025-01083
U.S. Patent No. 11,722,554

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# PETITIONER'S OPPOSITION TO PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL

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# TABLE OF AUTHORITIES

**Cases:**

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# I. INTRODUCTION

The Director should deny Patent Owner's request for discretionary denial. Here, the *Fintiv* factors, along with other considerations including Patent Owner's lack of strong settled expectations, weigh in favor of referring the Petition to the Board for a merits evaluation and institution decision.

# II. INSTITUTION OF ORCA'S PETITION FOR *INTER PARTES REVIEW* IS AN APPROPRIATE USE OF BOARD RESOURCES

## A. *Fintiv* Factors Counsel Against Discretionary Denial

### 1. *The Existing Stay and Likelihood the Stay Will be Extended Weighs Against Discretionary Denial*

A stay has been active in the parallel proceeding since January 2025, and, as Patent Owner indicates, the stay will remain in force until final decisions are issued in all of Patent Owner's IPRs against Orca's patents (likely January 2026). Paper 7, 3–4. Despite the present stay of the Parallel Litigation, Patent Owner nonetheless argues that the stay does not save Orca's IPR from discretionary denial because it will be lifted before Orca's IPRs conclude. *Id*., 4 ("[T]he Orca IPRs would only reach institution decisions about the same time the Wiz IPRs will be finally decided," the cutoff date for the existing stay). However, Patent Owner's argument assumes that the stay will be lifted at the conclusion of its IPRs. *Id*., 3. The record does not support Patent Owner's assumption or the conclusion that follows.

Patent Owner relies on the stay stipulation's agreement that the stay will continue "through decision in each of the Wiz IPRs." *Id*. But the parties' stipulation

only referenced Patent Owner's IPRs because Orca's IPRs had not yet been filed.[1] Thus, the parties' stipulation does not support the assumption underlying Patent Owner's argument. Moreover, Patent Owner's argument ignores Judge Hall's regular practice of staying the litigation as to ***all claims***, as she did here, when ***any*** IPRs are instituted. *See* EX2003, 23 (Oral Order (Dkt. No. 231) (granting stay when only three of Patent Owner's IPRs against Orca's patents had been instituted)). Additionally, *Fintiv* Factor 1 is concerned with whether a stay exists or may be granted "if a proceeding is instituted." *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019,

[1] Patent Owner attempts to ascribe bad intent to Orca's "failure" to account for its yet-to-be-filed IPRs in the parties' stay stipulation. Paper 7, 5. However, district courts, including the District of Delaware, typically wait for institution of at least one IPR proceeding before granting a staying because, prior to institution, "[i]t is too speculative…to conclude that a stay will—or even is likely to—simplify the issues for trial." *See, e.g.*, *RideShare Displays, Inc. v. Lyft, Inc.*, No. 20-1629-RGA-JLH, 2021 WL 7286931 at *1 (D. Del. Dec. 17, 2021); *Invensas Corp. v. Samsung Elecs. Co., Ltd*, No. 17-1363-MN-SRF, 2018 WL 4762957 at *3 (D. Del. Oct. 2, 2018). Consequently, it would have been premature for Orca to include its yet-to-be-filed, let alone instituted, IPRs in the parties' prior stipulation.

Paper 11 at 6 (PTAB Mar. 20, 2020). Simply put, *Fintiv* Factor 1 weighs heavily against discretionary denial.

Patent Owner's purported concern that Orca may engage in gamesmanship at the conclusion of Patent Owner's IPRs to gain a strategic edge over Patent Owner is hollow. Paper 7, 4–7. If Patent Owner's concern was sincere, Patent Owner could have taken unilateral action to prevent it from coming to fruition: by moving the Court to extend the stay. Patent Owner has not done so. Rather, Patent Owner's concern seems to be ensuring Orca's IPRs are discretionarily denied, and Patent Owner is attempting to leverage the language of the parties' stipulation tied to Patent Owner's IPRs to achieve its aim.

*Fintiv* Factor 1, therefore, weighs against discretionary denial.

#### *2. All FWDs Will be Issued Well Before Trial is Expected to Begin*

*Fintiv* Factor 2 considers the proximity of the court's trial date to the Board's projected final written decision due date. As Patent Owner concedes, **there is no scheduled trial date** as a result of the Court's stay order. Paper 7, 7. The lack of a scheduled trial date, alone, means this factor weighs against discretionary denial. *See, e.g.*, *USAA Fed. Savings Bank v. Pacid Techs., LLC*, IPR2025-00697, Paper 9 at 2 (PTAB Aug. 14, 2025) (no trial date weighs against discretionary denial); *see also MIM Software Inc. v. Exini Diagnostics AB, Inc.*, IPR2025-00827, Paper 12 at 2 (PTAB Aug. 22, 2025) (same).

Patent Owner attempts to negate the weight that should be given to the lack of a trial date by pure speculation, theorizing the trial date "is likely within fourteen months of the stay being lifted, because that was the schedule in place when the case was stayed." Paper 7, 7; *see also* Interim Director Discretionary Process § I.C. ("Each brief should provide a thorough explanation of the outcome that the party is advocating for, supported with facts and **evidence**."). There is no reason to assume that the trial will be scheduled fourteen months after the stay is lifted (if it even is lifted) just because that was how far the trial was scheduled out at the time of the stay. Moreover, Patent Owner itself argued to the Board in its IPRs against Orca's patents that "the actual trial date" would likely not be until roughly nine months ***after*** the date set by the Court. *See, e.g.*, *Wiz, Inc. v. Orca Sec. Ltd.*, IPR2024-00863, Paper 2 at 7 (PTAB May 24, 2024). Thus, by Patent Owner's calculation, "the actual trial date" here would likely be ***23 months*** after the stay is lifted—roughly ***eleven months*** after a final decision will issue in this IPR, weighing against discretionary denial. *See SmartSky Networks, LLC v. Gogo Bus. Aviation LLC*, IPR2025-00672, Paper 10 at 2 (PTAB July 31, 2025) (IPR final decision due six months before trial weighs against discretionary denial).

The likelihood of Patent Owner's fourteen-month guess coming to pass is made even more unlikely by Patent Owner's and Orca's IPRs, which will likely require rewinding the clock on the Parallel Litigation and pushing out its schedule.

First, because the parties' IPRs are considered intrinsic evidence of the patents they challenge, the parties will likely need to supplement their claim construction briefing to address the claim construction arguments and decisions from the IPRs. And even if additional briefing is not needed, the Parallel Litigation's *Markman* hearing was cancelled when the parties notified the Court that Patent Owner's IPRs had been instituted. So even if the Court were inclined to adopt a schedule with a similar time-to-trial as the prior schedule, that timeline would still need to be pushed out to accommodate the rescheduling of the *Markman* hearing. In short, Patent Owner's argument is far too speculative to be given any weight, let alone outweigh the current lack of a trial date and Patent Owner's prior contradictory time-to-trial statements.

*Fintiv* Factor 2, therefore, weighs against discretionary denial.

#### *3. The Parallel Litigation Has Not Materially Progressed Since Patent Owner's IPRs Were Instituted and the Parallel Litigation Was, in Patent Owner's Words, In An Early Stage*

The Director can summarily reject Patent Owner's claim that the parties invested significantly in the Parallel Litigation because it said just the opposite when it filed its IPRs against Orca's patents. *See, e.g.*, *Wiz*, IPR2024-00863, Paper 2 at 6 ("The district court litigation is also at an early stage…the claim construction hearing will not occur until October 25, 2024, and expert discovery will not close until May 30, 2025."). Since institution of Patent Owner's first three IPRs on December 9, 2024 (*e.g.*, *Wiz*, IPR2024-00863, Paper 9 (PTAB Dec. 9, 2024)), the Parallel

Litigation has not materially progressed beyond its "early stage," as Patent Owner's Petition characterized it. Patent Owner informed the Court of its intent to request a stay of the Parallel Litigation just three days after institution of its first three IPRs, prompting the Court to continue the upcoming scheduled *Markman* hearing, effectively halting the Parallel Litigation's progress and the parties' respective investment in it. The parties' investment in the Parallel Litigation did not justify the discretionary denial of Patent Owner's IPRs, and, as nothing has changed, it should not justify the discretionary denial here, either.

*Fintiv* Factor 3, therefore, weighs strongly against discretionary denial.

#### *4. Orca's Sotera Stipulation Alleviates Any Potential Remaining Overlap and Favors Institution*

While Patent Owner acknowledges that Orca has filed a *Sotera* stipulation in this proceeding, Patent Owner contends that the stipulation should be given little weight for two reasons. Both are wrong. Neither reason supports minimizing that Orca's *Sotera* stipulation should weigh strongly in favor of institution consistent with Board precedent.

First, Patent Owner alleges "that stipulation fails to reach the scope of the" *Sotera* stipulation. Paper 7, 8–9. Patent Owner's only complaint with the scope of Orca's *Sotera* stipulation is that it would cease to have effect should the Board "subsequently vacate institution" after initially instituting. EX1016, 2. However, this is a standard provision in *Sotera*-like stipulations, and the Board has still found that

stipulations containing these kinds of provisions "mitigate[] any concerns of duplicative efforts between the district court and the Board" and "weigh[] against exercising discretion to deny institution. *See, e.g.*, *Shenzhen Tuozhu Tech. Co., Ltd. v. Stratasys, Inc.*, IPR2025-00321, Paper 10 at 13–14 (PTAB June 18, 2025). Moreover, what Patent Owner characterizes as a "claw-back" is simply a statement of Orca's rights under the AIA. *See* 35 U.S.C. 315(e)(2) (noting that estoppel only applies to IPR proceedings "that result[] in a final written decision").

Second, Patent Owner alleges Orca did not file the stipulation in the Parallel Litigation and has not "represented it will do so should the litigation stay be lifted." That argument is meritless, but to alleviate any concern, Orca affirms that it is bound by the stipulation and states that it will file its *Sotera* stipulation in the Parallel Litigation as soon as the current stay is lifted.

Finally, when Patent Owner filed its IPRs against Orca's patents, Patent Owner successfully avoided discretionary denial by filing its own *Sotera* stipulations. *E.g.*, *Wiz*, IPR2024-00863, Paper 9 at 7. While the guidance governing the Board's approach to analyzing the *Fintiv* factors when *Sotera* stipulations have been filed has since changed, discretionarily denying Orca's IPR despite its *Sotera* stipulation would create an inequitable outcome where it was Patent Owner's *Sotera* stipulation, alone, that mooted any risk of its IPRs being discretionarily denied.

*Fintiv* Factor 4, therefore, weighs strongly against discretionary denial.

#### *5. The Parties Being the Same Means This Factor Is Weighed the Same as the Proximity to Trial, Favoring Institution*

Because the parties are the same as in the parallel proceeding, this factor mirrors *Fintiv* Factor 2, and weighs against discretionary denial. *See, e.g.*, *BOE Tech. Grp. Co., Ltd. v. Optronic Scis. LLC*, IPR2024-01130, Paper 16 at 13 (PTAB Jan. 27, 2025) (Factor 5's weight for or against denial follows Factor 2).

#### *6. Orca's Petition Demonstrates the Invalidity of the Challenged Claims*

Orca's Petition establishes a strong case that the Challenged Claims are likely invalid. Each ground in the Petition specifies, with supporting expert testimony, where each element of each claim is found in the prior art. *See generally* Paper 1, 10–57, EX1003. When a combination of references is relied on to establish the obviousness of a particular limitation, the Petition presents detailed, specific reasons, again with supporting expert testimony, showing why a POSITA would have been motivated to combine the prior art as proposed and would have had a reasonable expectation of success in making the proposed combinations. *See, e.g.*, Paper 1, 46–48, 50–51, 55–57; EX1003, 148–51, 156–58, 161–63. In sum, Orca's unpatentability challenges, supported with extensive expert testimony that is, itself, supported by objective evidence, are quite strong. *See Tesla, Inc. v. Charge Fusion Techs., LLC*, IPR2025-00032, Paper 11 at 39 (PTAB May 19, 2025) ("[A]pplaud[ing]" Petitioner and the expert for "leav[ing] virtually none of the substance of his testimony unsupported by objective evidence" by supporting its Petition with a 278 page expert

declaration containing extensive explanations "with citations to dozens of pieces of objective evidence").

Patent Owner nonetheless contends that Orca's Petition is "irredeemably deficient" and "incurably defective" due to its "excessive reliance on expert gap-filling." Paper 7, 10. Patent Owner does not meaningfully support its claim. *Id*. Patent Owner cites only two alleged instances of the Petition's "excessive" reliance on Orca's expert—Claims 1[a] and 8. *Id*. According to Patent Owner, "the petition relies on the Keren'554 patent and a series of inferences culminating from expert testimony rather than a ground reference." *Id.* First, the Petition does not "rely on the Keren'554 patent" as part of its mapping; it simply references the '554 Patent's discussion of the claimed "network object data" in Claim 1[a] and "network graph" in Claim 8 to give the Board an understanding of how those terms are used in the '554 Patent and to show the similarities between the '554 Patent's descriptions and Shivamoggi's teachings. Paper 1, 16–17, 34–35. Moreover, the alleged "series of inferences" the Patent Owner references is nothing of the sort, and Patent Owner does not provide any actual flaws in the Petition's reliance on expert testimony. Paper 7, 10. Regardless, the cited expert testimony is itself supported by objective evidence. EX1003, ¶¶ 75, 87–88, 124–26. In sum, Orca's detailed Petition and supporting expert declaration should be applauded, not a reason to discretionarily deny Orca's IPR. *Tesla*, Paper 11 at 39.

*Fintiv* Factor 6, therefore, weighs strongly against discretionary denial.

### B. Orca Did Not Improperly Delay Filing Its Petitions

Orca acted diligently in preparing and filing its IPRs. Orca had five IPR petitions it had to prepare simultaneously. Not only that, but during the time statutorily allotted to Orca to prepare and file its IPRs, Orca also had to prepare Preliminary Patent Owner Responses and Patent Owner Responses in the ***six*** IPRs Patent Owner requested challenging Orca's patents. Under these circumstances, Orca's timing in filing its IPRs was eminently reasonable. Patent Owner nonetheless contends that Orca's IPR filing timing warrants discretionary denial for two reasons; both are disingenuous and unsupported by the record.

First, Patent Owner contends that "with reasonable diligence[,] Orca could have filed IPRs and PGRs within a few months of the Wiz IPRs[]" is disingenuous and without merit. Paper 7, 7. The Director has expressed a strong preference for "early challenges" because they "favor robust, predictable patent rights and weigh against discretionary denial" and has referred IPR petitions even when the challenged patent would have been otherwise available for PGR if filed earlier. *See, e.g.*, *Alpinestars S.p.A v. Dainese S.p.A.*, IPR2025-00750, Paper 14 at 2 (PTAB Aug. 14, 2025) (denying request for discretionary denial of IPR filed just one week after the 9-month PGR deadline, in part based on Petitioner's early challenge). Additionally, Patent Owner's "reasonable diligence" invocation rings hollow when

Patent Owner itself did not even exercise the "reasonable diligence" it now asks the Director to impose on Orca when Patent Owner prepared and filed its six IPRs challenging Orca's patents. It took Patent Owner between ~8.5 and ~10.5 months to file its IPRs, four of which took at least 10 months—nearly all of its statutorily allotted time. Paper 7, 1 (noting Orca filed its infringement suit on July 12, 2023), 7 (noting Patent Owner filed its IPRs in May and July 2024[2]). It is disingenuous for Patent Owner to argue now that Orca could, and should, have gotten its petitions on file "within a few months" of Patent Owner's IPRs. *Id*., 7. Beyond that, Patent Owner's argument is unreasonable. Patent Owner filed three of its IPRs before it even asserted its patents against Orca, and the remaining three IPRs roughly just a month after it asserted its patents against Orca. *Id*., 1 (noting Patent Owner served its counterclaim on June 4, 2024). To suggest that Orca could have filed its five IPRs just a few months after Patent Owner, when Patent Owner did not even assert its own patents until after half of its own IPRs had already been on file for a month, is simply unrealistic.

Second, Patent Owner argues that Orca improperly "waited to avoid filing until the PGR period" had expired "to ensure that the two sets of IPRs are on significantly different schedules[]" is not supported by any evidence and is

[2] Patent Owner's IPR2024-01191 was actually filed on August 7, 2024.

hypocritical. Paper 7, 7. Patent Owner cites no evidence to suggest, let alone show, that Orca intentionally delayed filing its IPRs until the PGR period had expired, or that it did so to ensure significantly different schedules from Patent Owner's IPRs. *Id*. And, as explained above, the time it took Orca to file this IPR was reasonable, justified, and in line with the time it took Patent Owner to file its IPRs. The mere fact that Orca filed IPRs rather than PGRs is not evidence of an intent to avoid the PGR process or of a strategic delay. If it were, then Patent Owner, too, could be accused of "wait[ing] to avoid filing [its IPRs] until the PGR period" had expired for some strategic gain—like avoiding the broader estoppel that results from 35 U.S.C. § 325(e)(2) following a PGR final decision—because Patent Owner also ***could*** have sought PGR of all of Orca's patents, but pursued IPR instead. *See* EX1017 (*Orca's Second Amended Complaint*), ¶¶ 37, 74, 110, 145, 180, 214 (stating that Orca's patents at issue in Patent Owner's IPRs all issued between May and October 2023).

In sum, Orca exercised reasonable diligence in preparing its IPRs, did not delay filing its IPRs (intentionally or unintentionally), and did nothing wrong by pursuing IPRs rather than PGRs. Patent Owner's arguments to the contrary not only lack evidence but directly conflict with Patent Owner's decision to file, and the time it took to file, IPRs against Orca's patents. None of Patent Owner's IPRs were discretionarily denied for failing to meet the heightened standards Patent Owner now

asks the Director to impose on Orca. To discretionarily deny Orca's IPRs, under comparable circumstances, would offend notions of fundamental fairness.

### C. Patent Owner Does Not Have Strong Settled Expectations in Its Recently Issued Patents

The '554 Patent, the oldest of the patents challenged in Orca's IPRs, is only two years old, so Patent Owner has not developed strong settled expectations. *See, e.g.*, *MM Software*, Paper 12 at 2 (finding "Patent Owner has not developed strong settled expectations" for patent that issued in 2024); *Microsoft Corp. v. Edge Networking Sys., LLC*, IPR2025-00617, Paper 12 at 2 (PTAB July 31, 2025) (Patent Owner does not have strong settled expectations for patents issued between 2020 and 2023).

Nonetheless, Patent Owner contends it has settled expectations because Orca did not "file timely PGR and IPR petitions" and did not "include its planned IPRs in the agreed district-court stay." Paper 7, 11–12. Neither of these considerations supports finding that Patent Owner has any settled expectations in the '554 Patent. First, the cited considerations relate to other *Fintiv* factors. As explained above, Patent Owner's arguments regarding those factors lack merit and should be rejected. Regardless, the Director has never found that a petitioner's alleged delay in filing alone has any bearing on settled expectations.

In sum, Patent Owner's lack of settled expectations in the '554 Patent weighs strongly against discretionary denial.

### D. Institution is Warranted Because Patent Owner Engaged in Unfair Dealings and Induced the Examiner to Commit A Material Error in Obtaining and Securing the '554 Patent

Institution of Orca's IPR is also warranted to rectify improper actions Patent Owner took in obtaining and securing the '554 Patent. First, Patent Owner engaged in unfair dealings by engaging Orca's prosecution counsel as its own and copying portions of Orca's patent applications in its own patent applications. Second, as evidenced by Patent Owner's copying, Patent Owner was aware of Orca's technology and patent applications—necessarily material prior art as the source of portions of the Patent Owner's patent disclosure—but failed to disclose them to the Examiner. By failing to do so, Patent Owner induced the Examiner into making an error material to the patentability of '554 Patent's claims. Patent Owner's unfair dealings and the material error they caused during examination warrant institution of Orca's IPR. *See, e.g., Tessell, Inc. v. Nutanix, Inc.*, IPR2025-00322, Paper 14 at 1 (PTAB June 12, 2025) ("[T]he Office may consider unfair dealings as a factor when determining whether to exercise discretion to deny institution[.]"); *Skullcandy Inc. v. Earin AB*, IPR2025-00690, Paper 9 at 2 (PTAB July 31, 2025) ("Petitioner appears to show a material error by the Office, and it is an appropriate use of Board resources to review the potential error.")

Before filing the '554 Patent's parent application, U.S Patent Application No. 17/109,883 (now U.S. Patent No. 11,431,786), Patent Owner retained Orca's

prosecution attorney who had knowledge of Orca's highly confidential technology. EX1017 (*Orca's Second Amended Complaint*), ¶¶ 22–24. The '883 Application was prepared and filed by Orca's prosecution counsel *while that counsel was representing Orca* in the prosecution of its U.S. Provisional Patent Application No. 62/797,718 and several other applications in the patent family claiming priority to the '718 Application. *Compare* EX1018 (Patent Owner '883 File History) (showing '883 Application was filed on Dec. 2, 2020) *with* EX1019 ('718 Provisional Application) (showing Orca's '718 Application was filed on Jan. 28, 2019) *and* EX1020 (Orca '735 Patent File History) (showing that Patent Owner's current prosecution counsel was attorney of record for the patent family through May 18, 2021).

When Patent Owner subsequently filed the '883 Application, it copied disclosure from Orca's patent applications directed to its technology. For example, Figure 4 of the '786 Patent is nearly identical to Figure 3 of Orca's '718 Provisional Application, to which all of Orca's patents in the Parallel Litigation claim priority:

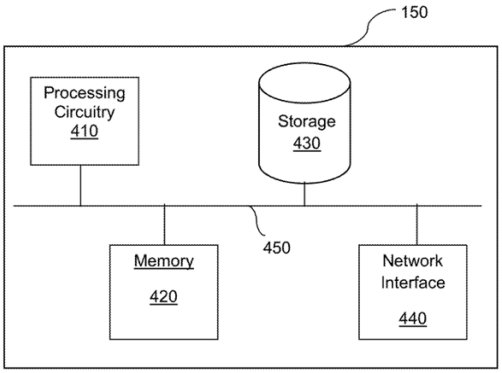


FIG. 4

EX1021, ’786 Patent

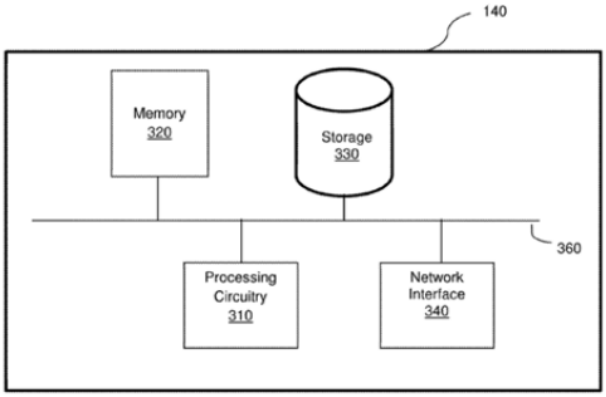


FIG. 3

EX1019, ’718 Provisional Application

*Compare* EX1021 (’786 Patent), Fig. 4 *with* EX1019 (’718 Provisional Application), Fig. 3. Likewise, the ’786 Patent’s description for Figure 4 is also nearly identical to Orca’s priority application’s description for its Figure 3. *Compare* EX1021 (’786 Patent), 13:49–68 *with* EX1019 (’718 Provisional Application), [0046]–[0047]. As a continuation of the ’883 Application, the ’554 Patent, too, contains Orca’s technical details. EX1001, Fig. 4, 13:40–58. Patent Owner’s unfair dealings and blatant copying of Orca’s own technology in securing the ’554 Patent warrant institution of Orca’s IPR. *Tessell*, Paper 14 at 1.

Patent Owner compounded its unfair dealings when it failed to disclose Orca’s system and patent application from which Patent Owner copied portions of the disclosure of the ’883 Application during its examination, or the ’554 Patent’s subsequent examination. As a result, the Examiner was induced into allowing the ’554 Patent without the benefit of Orca’s material prior art on which the ’554 Patent

relies, and other material prior art Orca's prior art could have led the Examiner to find.

While the exact impact of Patent Owner's failure on the '554 Patent's examination is unknown, this is not a case where that uncertainty should be held against Orca. *But see Belden Inc. v. CommScope, Inc. of N. Carolina*, IPR2025-00833, Paper 13 at 3 (PTAB Sept. 12, 2025) (rejecting argument that Examiner conducted an inadequate search where Petition failed to explain why it was inadequate). Patent Owner's actions prevented a comprehensive validity assessment for the '554 Patent from being made. The Director has before rejected a petitioner's material error argument where the petitioner's role in the prosecution rendered its belated complaint "unpersuasive." *RegenX Sci., Inc. v. Nextgen Biologics, Inc.*, IPR2025-00620, Paper 13 at 2 (PTAB July 31, 2025). For similar reasons, the Director should not shield Patent Owner from allowing the Patent Office to conduct a proper validity determination when it was Patent Owner that prevented it from happening in the first place. Institution of this IPR will allow the Board to rectify Patent Owner's failing and determine whether the Office's prior validity determination for the '554 Patent's claims was correct. *E.g.*, *Skullcandy*, Paper 9 at 2.

In sum, Patent Owner's unfair dealings and the Office error that occurred during examination weigh strongly against discretionary denial as well.

## III. CONCLUSION

When viewed holistically, these considerations suggest that discretionary denial of Orca's Petition is inappropriate, and that Orca's IPRs are an appropriate use of the Board's resources.

Dated: September 26, 2025

ERISE IP, P.A.

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*COUNSEL FOR PETITIONER*

## APPENDIX OF EXHIBITS

| | |
|---|---|
| **Exhibit 1001** | U.S. Patent No. 11,722,554 |
| **Exhibit 1002** | File History of U.S. Patent No. 11,722,554—Application No. 17/819,442 |
| **Exhibit 1003** | Declaration of William Easttom, Ph.D., CV attached as appendix |
| **Exhibit 1004** | U.S. Patent No. 11,770,381 to Shivamoggi et al. ("Shivamoggi") |
| **Exhibit 1005** | U.S. Patent No.10,693,743 to Zhong et al. ("Zhong") |
| **Exhibit 1006** | U.S. Patent Application Publication No. 2020/0382560 to Woolward et al. ("Woolward") |
| **Exhibit 1007** | U.S. Patent Publication No. U.S. 2020/089518 to Beyer et al. ("Beyer") |
| **Exhibit 1008** | U.S. Patent No. US 8,650,299 to Huang et al. ("Huang") |
| **Exhibit 1009** | U.S. Patent No. U.S. 11,146,581 to Lotem et al. ("Lotem") |
| **Exhibit 1010** | U.S. Patent Application Publication No. 2017/0006119 to Pogrebinsky et al. ("Pogrebinksy") |
| **Exhibit 1011** | Zimba, A., Chama, V., "Cyber Attacks in Cloud Computing: Modelling Multi-stage Attacks using Probability Density Curves." *I. J. Computer Network and Information Security*, 2018, 3, 25-36. ("Zimba") |
| **Exhibit 1012** | Merriam-Webster's Collegiate Dictionary Tenth Edition (1998). |
| **Exhibit 1013** | Peterson, L.L., Davie, B.S. "Computer Networks: A Systems Approach." Fifth Edition. (2012) pp. 1-69. ("Computer Networks - A Systems Approach") |
| **Exhibit 1014** | Easley, D., L.L., Davie, B.S. "Networks, Crowds, and Markets: Reasoning about a Highly Connected World." (2010) Chapter 2. ("Easley") |
| **Exhibit 1015** | https://www.armadalabs.com/blog/amazon-aws-vs-microsoft-azure-a-zero-sum-game ("Armada Labs") |
| **Exhibit 1016** | Notice Of Sotera Stipulation Of Petitioner Orca Security Ltd. |
| **Exhibit 1017** | Second Amended Complaint, *Orca Security Ltd. v. Wiz, Inc.,* U.S. Dist Ct., No. 23-758 (GBW) |
| **Exhibit 1018** | File History for U.S. Patent Application No. 17/109,883, now U.S. Patent No. 11,431,786 |
| **Exhibit 1019** | File History for U.S. Provisional Application No. 62/797,718 |
| **Exhibit 1020** | File History for U.S. Patent Application No. 16/585,967, now U.S. Patent No. 11,431, 735 |
| **Exhibit 1021** | U.S. Patent No. 11,431,786 to Keren, et al. |

**CERTIFICATE OF SERVICE ON PATENT OWNER**

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on September 26, 2025, the foregoing *Petitioner's Opposition To Patent Owner's Request For Discretionary Denial and Exhibits* were served via electronic filing with the Board and via Electronic Mail on the following counsel of record for Patent Owner:

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