

Filed on behalf of: Orca Security Ltd.

Entered: September 8, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WIZ, INC.,
Petitioner,

v.

ORCA SECURITY LTD.,
Patent Owner.

IPR2024-00863
Patent 11,663,031

PATENT OWNER'S SUR-REPLY

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2003	Trend Micro™ vmware®, <i>Trend Micro Enterprise Security: Changing the Game for Anti-Virus in the Virtual Datacenter</i> (White Paper) (Sept. 2010), https://www.kennisportal.com/wp-content/uploads/2022/06/ChangingtheGameintheVirtualDatacenter.pdf (last visited Sept. 7, 2024) (“vmware, Trend Micro Enterprise Security”)
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2006	<i>Virtual Machine Snapshots, Red Hat Virtualization 4.3: Technical Reference: The Technical Architecture of Red Hat Virtualization Environments</i> (updated Apr. 20, 2020), https://docs.redhat.com/en-us/documentation/red_hat_virtualization/4.3/pdf/technical_reference/Red_Hat_Virtualization-4.3-Technical_Reference-en-US.pdf (excerpt) (“Red Hat Virtualization 4.3 – Virtual Machine Snapshots”)
2007	Dominik Birk, <i>Technical Challenges of Forensic Investigations in Cloud Computing Environments</i> (Jan. 12, 2011), https://cachin.com/cc/csc2011/submissions/birk.pdf (last visited Sept. 7, 2024) (“Birk, Technical Challenges”)

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2008	Sasa Mrdovic et al., <i>Combining Static and Live Digital Forensic Analysis in Virtual Environment</i> , 2009 XXII Int'l Symp. on Info., Commc'n & Automation Techs., Sarajevo, Bosnia & Herzegovina (Oct. 29–31, 2009) (“Mrdovic, <i>Combining Static and Live Digital Forensic Analysis</i> ”)
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2013	RESERVED
2014	Complaint for Patent Infringement, <i>Orca Sec. Ltd. v. Wiz, Inc.</i> , No. 1:23-cv-00758 (D. Del. July 12, 2023), ECF No. 1 (“Orca Compl.”)
2015	Oral Order (Joint Motion for Discovery Dispute Teleconference), <i>Orca Sec. Ltd. v. Wiz, Inc.</i> , No. 1:23-cv-00758 (D. Del. May 17, 2024), ECF No. 62 (“Oral Order”)
2016	Defendant Wiz, Inc.’s Initial Invalidity Contentions, <i>Orca Sec. Ltd. v. Wiz, Inc.</i> , No. 1:23-cv-00758 (D. Del. June 7, 2024) (excerpt) (“Pet’r’s Invalidity Contentions”)
2017	RESERVED
2018	Abraham Silberschatz et al., <i>Operating System Concepts</i> (9th ed. 2013) (excerpt)
2019	Derek Uluski, Real Time Anti-Virus for a Virtualized Environment (2008) (M.S.E.E., Thesis, Northeastern University) (excerpt) (“Uluski Thesis”)

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2020	MahMush, <i>Snapshots vs. Images – Which One to Choose?</i> , Huawei (Sept. 15, 2021, 17:55:10), https://forum.huawei.com/enterprise/en/snapshots-vs-images-which-one-to-choose/thread/773699-893 (“Huawei - <i>Snapshots vs. Images</i> ”)
2021	Amazon Web Service (AWS), <i>What Is a Hypervisor?</i> (2024), https://aws.amazon.com/what-is/hypervisor/ (last visited Sept. 11, 2024)
2022	Diego Perez-Botero et al., <i>Characterizing Hypervisor Vulnerabilities in Cloud Computing Servers</i> , Conference: Proceedings of the Workshop on Security in Cloud Computing (SCC), Hangzhou, China 1–8 (May 8, 2013) (“Perez-Botero, <i>Characterizing Hypervisor Vulnerabilities</i> ”)
2023	U.S. Pat. No. 8,220,053 B1 (“Sun”)
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2027	Steve Lasker, <i>Key Differences Between VM and Container Vulnerability Scanning</i> , stevelaskerblog.com (June 27, 2018), https://stevelasker.blog/2018/06/27/key-differences-between-vm-and-container-vulnerability-scanning/

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2028	Exhibit A-1, Invalidity of United States Patent 11,663,031 (the “’031 Patent”) by Veselov, attached to Defendant Wiz, Inc.’s Initial Invalidity Contentions, <i>Orca Sec. Ltd. v. Wiz, Inc.</i> , No. 1:23-cv-00758 (D. Del. June 7, 2024) (excerpt) (Ex. 2016)
2029	Exhibit A-4, Invalidity of United States Patent 11,663,031 (the “’031 Patent”) by Price, attached to Defendant Wiz, Inc.’s Initial Invalidity Contentions, <i>Orca Sec. Ltd. v. Wiz, Inc.</i> , No. 1:23-cv-00758 (D. Del. June 7, 2024) (excerpt) (Ex. 2016)
2030	Exhibit A-2, Invalidity of United States Patent 11,663,031 (the “’031 Patent”) by Hufsmith, attached to Defendant Wiz, Inc.’s Initial Invalidity Contentions, <i>Orca Sec. Ltd. v. Wiz, Inc.</i> , No. 1:23-cv-00758 (D. Del. June 7, 2024) (excerpt) (Ex. 2016)
2031-2036	RESERVED
2037	Appendix A, Invalidity of United States Patent 11,663,031 (the “’031 Patent”), attached to Defendant Wiz, Inc.’s Initial Invalidity Contentions, <i>Orca Sec. Ltd. v. Wiz, Inc.</i> , No. 1:23-cv-00758 (D. Del. June 7, 2024) (excerpt) (Ex. 2016)
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2040	Stipulation and Order, <i>Orca Sec. Ltd. v. Wiz, Inc.</i> , No. 1:23-cv-00758 (D. Del. June 25, 2024) (“Amended Scheduling Order”)
2041	Declaration of Christopher Henry In Response to Petitioner’s First Objections to Evidence [<i>served, not filed</i>]
2042	Declaration of Douglas E. Lumish Pursuant to 37 C.F.R. § 42.10(c)
2043-2047	RESERVED
2048	Wiz, Inc.’s Answering Claim Construction Brief, <i>Orca Sec. Ltd. v. Wiz, Inc.</i> , No. 1:23-cv-00758 (D. Del. Oct. 22, 2024) (excerpt) (“Answering Claim Constr. Chart”)
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2053	Listing of Requested Documents
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2057	Stipulated Protective Order, <i>Orca Sec. Ltd. v. Wiz, Inc.</i> , No. 1:23-cv-00758 (D. Del. Mar. 15, 2024), ECF No. 38
2058	Email exchange between counsel for Wiz, Inc. and counsel for Orca Security Ltd. (Dec. 17-26, 2024)
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2066	Orca Security, <i>The Ultimate Guide to: Gaining Full Stack Visibility Into Your Cloud Assets</i> (Nov. 2019)
2067	Orca Security Technical Brief, <i>SideScanning™ – Inside the Engine that Powers Orca Security</i> (2020)
2068	Letter from counsel for Orca Security Ltd. to counsel for Wiz, Inc. (May 20, 2024), filed in <i>Orca Sec. Ltd. v. Wiz, Inc.</i> , No. 1:23-cv-00758 (D. Del. Sept. 10, 2024), ECF No. 140-2
2069	Letter to the Honorable Sherry R. Fallon from Rodger D. Smith Regarding Discovery Disputes, <i>Orca Sec. Ltd. v. Wiz, Inc.</i> , No. 1:23-cv-00758 (D. Del. Oct. 9, 2024), ECF No. 165

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2074	Declaration of Avi Shua ("Shua") [PROTECTIVE ORDER MATERIAL AND REDACTED VERSIONS]
2075	Wiz Experts Team, <i>Containers vs. VMs: What's the difference?</i> (Apr. 8, 2024) [Stavrou Dep. Ex. 2075]
2076	Francis & James Berthoty, <i>Redefining CNAPP: A Complete Guide To the Future of Cloud Security</i> (Sept. 12, 2024) [Stavrou Dep. Ex. 2076]
2077	Transcript of Deposition of Angelos Stavrou, Ph.D., taken March 5, 2025
2078	Video of <i>The CISO – Startup Connection Powered by YL Ventures – Orca Security</i> , https://www.youtube.com/watch?v=h4x4zh1D-tw (excerpt)
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2082	Video of <i>Orca Security – SideScanning vs Traditional Security Assessment Methods</i> , https://www.youtube.com/watch?v=0SDwFzINzGM
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2084	<i>Australian Business Interview with Avi Shua Orca Security Through the Years</i> (last visited Mar. 19, 2025), https://www.youtube.com/watch?v=ne6biY89RyY
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2087	The Matias Experiment, <i>Ep398: Avi Shua CEO & Co-Founder, Orca Security</i> (last visited Mar. 19, 2025), https://www.youtube.com/watch?v=M58n3oE6E1Y
2088	Orca Security, <i>CNBC Prime Time Interview on Orca Security's \$550 Series C Extension Led by Temask</i> (last visited Mar. 19, 2025), https://orca.security/resources/video/cnbc-squawk-box-asia-avi-shua-interview-550m-series-c-extension/
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2099	<i>Orca Security-Deep Cloud Inspection</i> (last visited Mar. 19, 2025), https://www.youtube.com/watch?v=VwZ-7guGHw0
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2103	Saumitra Das, <i>Security Agents Don't Belong in Your Cloud!</i> (Aug. 18, 2021), https://cloudsecurityalliance.org/blog/2021/08/18/security-agents-don-t-belong-in-your-cloud
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2111	Frederic Lardinois, <i>Orca Security Raises \$55M For Its Cloud-Native Security Platform</i> (Dec. 8, 2020), https://techcrunch.com/2020/12/08/orca-security-raises-55m-for-its-cloud-native-security-platform/
2112	Michael Novinson, <i>Upstart Orca Security Raises \$210M in Google-Backed Funding</i> (Mar. 23, 2021), https://www.crn.com/news/security/upstart-orca-security-raises-210m-in-google-backed-funding
2113	Orca Security, <i>Orca Security Extends Series C Round to \$550M, Boosting Valuation to \$1.8 Billion, to Further Accelerate Transformation of Cloud Security Industry</i> (Oct. 5, 2021), https://orca.security/resources/press-releases/orca-security-series-c-550-million-announcement/
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2116	Assaf Rappaport, <i>\$100M ARR in 18 Months: Wiz Becomes the Fastest-Growing Software Company Ever</i> (Aug. 10, 2022), https://www.wiz.io/blog/100m-arr-in-18-months-wiz-becomes-the-fastest-growing-software-company-ever
2117	Orca Security, <i>Unprecedented Holistic View of Cloud Security</i> (last visited Mar. 19, 2025), https://panoramait.com/en/solution-orca-security/

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2125	Gil Geron, <i>Orca Security Wins 2023 SC Award for Best Cloud Workload Protection Platform (CWPP)</i> (Aug. 21, 2023), https://orca.security/resources/blog/orca-security-wins-sc-media-award-best-cwpp-2023/

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2137	Yuri Diogenes, <i>The Quest for Visibility and Control in the Cloud</i> , ISSA Journal (Mar. 20, 2019), https://issa.mydigitalpublication.com/articles/the-quest-for-visibility-and-control-in-the-cloud
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2139	Michael Novinson, <i>Orca Security Raises \$340M To Scale Platform R&D</i> , Channel (Oct. 5, 2021), https://www.crn.com/news/security/orca-security-raises-340m-to-scale-platform-r-d-channel
2140	Elias Terman, <i>From Stealthy Startup to Cloud Security Innovation Leader</i> (Feb. 4, 2021), https://orca.security/resources/blog/2020-recap/
2141	Kyle Wiggers, <i>Cloud Security Startup Wiz, Now Valued at \$10B, Raises \$300M</i> (Feb. 27, 2023), https://techcrunch.com/2023/02/27/cloud-security-startup-wiz-now-valued-at-10b-raises-300m/
2142	Rohan Goswami et al., <i>Wiz Walks Away from \$23 Billion Deal with Google, Will Pursue IPO</i> (July 22, 2024), https://www.cnbc.com/2024/07/23/google-wiz-deal-dead.html
2143	<i>SINET16 Previous Winners</i> (last visited Mar. 20, 2025), https://www.security-innovation.org/sinet16-award/past-award-winners/

Exhibit	Description
2144	<i>SINET16 Innovator Award</i> (last visited Mar. 20, 2025), https://www.security-innovation.org/sinet16-award/
2145	<i>CISO Choice Award Winners 2020</i> (Nov. 19, 2020), https://securitycurrent.com/ciso-choice-awards-winners-2020/
2146	<i>Connect Wiz with Google Cloud (GCP)</i> (last visited Mar. 20 2025), https://web.archive.org/web/20221003171234/https://www.wiz.io/partners/gcp
2147	Alan Schindel, <i>Detect and Prioritize CISA Known Exploited Vulnerabilities in the Cloud with Wiz</i> (Feb. 10, 2022), https://www.wiz.io/blog/detect-and-prioritize-cisa-known-exploited-vulnerabilities-kev-with-wiz
2148	Chris Ray, <i>GigaOm Radar for Cloud Workload Security</i> (Jan. 15, 2025), https://gigaom.com/reprint/gigaom-radar-for-cloud-workload-security-241089-check-point/
2149	Provisional Patent Application No. 62/797,718
2150	<i>Azure Onboarding with Orca Security Orca Security and Its Partners</i> (last visited Mar. 23, 2025), https://www.youtube.com/watch?v=zw091YvbjsI
2151	U.S. Pat. App. Pub. No. 2020/0244692A1 A1
2152-2157	RESERVED
2158	Amazon Web Services, <i>Viewing Recent Management Events with the Console</i> (last visited Apr. 3, 2025), https://docs.aws.amazon.com/awsccloudtrail/latest/userguide/view-cloudtrail-events-console.html
2159	Amazon Web Services, <i>Policies and Permissions in AWS Identity and Access Management</i> (last visited Apr. 3, 2025), https://docs.aws.amazon.com/IAM/latest/UserGuide/access_policies.html
2160	RESERVED

Exhibit	Description
2161	Joint Proposed Protective Order
2162	Redline Comparison between Joint Proposed Protective Order and Default Protective Order
2163-2164	RESERVED
2165	Wiz Experts Team, <i>Vulnerability Scanning: How It Works, Why It Matters, and What You'll Find</i> (Sept. 30, 2024), https://www.wiz.io/academy/vulnerability-scanning
2166	Nicolas Ehrman, <i>Containerization 101: Transforming Application and Deployment</i> (Feb. 6, 2025), https://www.wiz.io/academy/containerization
2167	Wiz, Inc., <i>CSPM Buyers Guide</i> (2023)
2168	Supplement to Declaration of Avi Shua
2169	Declaration of Raghav Bajaj in Response to Petitioner's Third Objections to Evidence [PROTECTIVE ORDER MATERIAL] [<i>served, not filed</i>]
2170	Declaration of Nicole Elena Bruner Pursuant to 37 C.F.R. § 42.10(c)
2171	Email exchange between counsel for Wiz, Inc. and counsel for Orca Security Ltd. (Mar. 28, 2025)
2172	Transcript of the Deposition of Angelos Stavrou, Ph.D., taken August 19, 2025, <i>Wiz, Inc. v. Orca Sec. Ltd.</i> , IPR2024-00863, IPR2024-00864, IPR2024-00865 (P.T.A.B.) [PROTECTIVE ORDER MATERIAL]
2173	Transcript of the Deposition of Ami Luttwak, taken September 2, 2025, <i>Wiz, Inc. v. Orca Sec. Ltd.</i> , IPR2024-00863, IPR2024-00864, IPR2024-00865, IPR2024-01109, IPR2024-01190, IPR2024-01191 (P.T.A.B.) [PROTECTIVE ORDER MATERIAL]

Exhibit	Description
2174-2299	RESERVED
2300	Excerpt from Orca Product Documentation (2024) [PROTECTIVE ORDER MATERIAL]
2301	<i>API Onboarding with GCP Multi Scanner for In-Account</i> [PROTECTIVE ORDER MATERIAL]
2302	REDACTED [PROTECTIVE ORDER MATERIAL]
2303	REDACTED [PROTECTIVE ORDER MATERIAL]
2304	<i>AWS Permissions</i> [PROTECTIVE ORDER MATERIAL]
2305	RESERVED
2306	REDACTED [PROTECTIVE ORDER MATERIAL]
2307	REDACTED [PROTECTIVE ORDER MATERIAL]
2308	REDACTED [PROTECTIVE ORDER MATERIAL]
2309	REDACT [PROTECTIVE ORDER MATERIAL]
2310-2311	RESERVED
2312	REDACTED [PROTECTIVE ORDER MATERIAL]
2313-2399	RESERVED

Exhibit	Description
2400	REDACTED [PROTECTIVE ORDER MATERIAL]
2401	REDACTED [PROTECTIVE ORDER MATERIAL]
2402	REDACTED [PROTECTIVE ORDER MATERIAL]
2403	REDACTED [PROTECTIVE ORDER MATERIAL]
2404	REDACTED [PROTECTIVE ORDER MATERIAL]
2405	REDACTED [PROTECTIVE ORDER MATERIAL]
2406	REDACTED [PROTECTIVE ORDER MATERIAL]
2407	REDACTED [PROTECTIVE ORDER MATERIAL]
2408	REDACTED [PROTECTIVE ORDER MATERIAL]
2409	REDACTED [PROTECTIVE ORDER MATERIAL]
2410	REDACTED [PROTECTIVE ORDER MATERIAL]
2411	REDACTED [PROTECTIVE ORDER MATERIAL]
2412	REDACTED [PROTECTIVE ORDER MATERIAL]

Exhibit	Description
2413	REDACTED [PROTECTIVE ORDER MATERIAL]
2414	REDACTED [PROTECTIVE ORDER MATERIAL]
2415	REDACTED [PROTECTIVE ORDER MATERIAL]
2416	REDACTED [PROTECTIVE ORDER MATERIAL]
2417	REDACTED [PROTECTIVE ORDER MATERIAL]
2418	REDACT [PROTECTIVE ORDER MATERIAL]
2419	REDACTED [PROTECTIVE ORDER MATERIAL]
2420	REDACTED [PROTECTIVE ORDER MATERIAL]
2421	REDACTED [PROTECTIVE ORDER MATERIAL]
2422	REDACTED [PROTECTIVE ORDER MATERIAL]
2423-2424	RESERVED
2425	REDACTED [PROTECTIVE ORDER MATERIAL]
2426	REDACTED [PROTECTIVE ORDER MATERIAL]

Exhibit	Description
2427	REDACTED [PROTECTIVE ORDER MATERIAL]
2428	REDACTED [PROTECTIVE ORDER MATERIAL]
2429-2499	RESERVED
2500	Certificate of Accuracy of Transcription for Exhibit 2079 [<i>served, not filed</i>]
2501	Certificate of Accuracy of Transcription for Exhibit 2081 [<i>served, not filed</i>]
2502	Certificate of Accuracy of Transcription for Exhibit 2083 [<i>served, not filed</i>]
2503	Certificate of Accuracy of Transcription for Exhibit 2411 [<i>served, not filed</i>]
2504	Certificate of Accuracy of Translation for Exhibits 2421 and 2425 [<i>served, not filed</i>]

I. Introduction

The '031 Patent claims a “*genuinely genius innovation*” (Ex.2076, 7)¹, and Wiz’s hindsight-plagued use of the challenged claims to pull out disparate portions of Veselov, Price and dozens of unrelated tertiary references does not show otherwise. Wiz doesn’t dispute its obviousness arguments were crafted without consideration of *any* objective evidence of nonobviousness, which “must be considered in *every* case” to “guard against ... hindsight.” *WBIP, LLC v. Kohler Co.*, 829 F.3d 1317, 1328 (Fed. Cir. 2016) (original emphasis); POR 2-3. Consideration of that evidence is critical to “resist the temptation to read into the prior art the teachings of the invention in issue.” *Graham v. John Deere Co. of Kan. City*, 383 U.S. 1, 36 (1966).

Wiz contends it didn’t copy

REDACTED

¹ Unless otherwise noted, emphasis/annotations are added and internal citations/quotations omitted.

Wiz's access and similarity shows copying and "strong evidence of nonobviousness." *See Volvo Penta of the Ams., LLC v. Brunswick Corp.*, 81 F.4th 1202, 1213 (Fed. Cir. 2023). That copying, together with the gaps in Wiz's obviousness theories and other overwhelming objective evidence, is dispositive: the claims are nonobvious.

II. Claim Construction

A. "Location"

Orca applied Wiz's "location" construction that includes "physical" and "virtual" locations. Wiz's attempt to broaden "location" to include any "identifier" is new, non-responsive, and should be disregarded. *See* Pet.9; POR 6-12 (no dispute); Reply 1. It is also wrong. VM identifiers, for example, are not virtual disk locations. POR 25; Ex.2073 (Kaeli) ¶¶129-134.

B. "(i) Taking ..., and (ii) Requesting Taking at Least One Snapshot of the Virtual Machine at Rest"

Wiz's three arguments that "of the virtual machine at rest" modifies only the second clause of limitations 1.5/9.6/16.6, "requesting taking at least one snapshot" all fail. Reply 1-3.

First, Wiz agrees both "taking" and "requesting taking" a snapshot require a direct object. POR 7; Reply 2. Wiz contends the "direct object" is in the "subsequent wherein clause." Reply 2. The wherein clause explains what the

snapshot “represents,” not the object it depicts. The direct object is “the virtual machine at rest.” POR 7; Kaeli ¶¶45-51.

Second, Orca showed the specification and title supported a snapshot is of a VM “at rest.” POR 7-8. Wiz argues Orca “mischaracterizes” the specification’s consistent disclosures (Reply 2), but Wiz omits that its only allegedly contrary example discusses taking a “view” of a VM, not a snapshot. *Id.* (quoting Ex.1001, 6:5-9) (omitting bolded language, “**The view may be taken** when the VM 119-2”); *see* Ex.1001, 5:45-51 (“view is a stored query”).

Third, Wiz dismisses the prosecution history as not constituting a “clear and unambiguous disclaimer.” Reply 2-3. This is not an issue of disclaimer. The prosecution history shows Orca understood—as POSAs would—the issued claim limitations have the same scope and meaning as limitations in prosecution using “the virtual machine at rest” language twice. POR 6-12; *Edwards Lifesciences LLC v. Cook Inc.*, 582 F.3d 1322, 1330-31 (Fed. Cir. 2009) (“graft” required to be “intraluminal” despite amendment that “delete[d] the word ‘intraluminal,’ modifying ‘graft’” because remarks indicated inventors applied same meaning before and after amendment). Wiz has no response.

C. “Analyzing the At Least One Snapshot”

Wiz’s Reply abandons the Petition’s (incorrect) construction that “analyzing the at least one snapshot” encompasses analyzing a VM instantiated from a snapshot,

contending that construction is “irrelevant” and “moot” because Wiz no longer relies “on the assessment-VM approach.” *See* Reply 3-4. The Board should therefore disregard the Petition’s reliance on Veselov’s assessment-VM approach in Figures 1 and 3A-3B. Pet.17-18 (Figs 3A-3B “analyzes assessment VM”), 18-19 (same), 23, 41 (same, as well as for Figure 1 at 3:54-61). If not abandoned, Wiz’s assessment VM theories are wrong for the undisputed reasons in Orca’s POR. POR 32-33. Wiz’s assertions of “contradictions” in Orca’s arguments are incorrect and, as Wiz states, “moot” because Wiz abandoned its construction.

III. Ground 1 (Veselov/Price) Fails

A. Wiz Concedes Its Arguments Mix Disparate Elements of Veselov’s Embodiments

Wiz’s Petition relied on disparate disclosures in Veselov’s different embodiments (Figure 1 vs. Figures 3A/3B vs. Figures 5A/5B), and Orca showed each, standing alone, failed to disclose or render obvious different limitations. POR 15-18. Wiz tacitly concedes it cannot rely on multiple embodiments without a motivation to combine, and the Petition provides none. *Id.*; Reply 4-5 (no dispute regarding MTC); *In re Stepan Co.*, 868 F.3d 1342, 1346 n.1 (Fed. Cir. 2017).

Wiz now argues combining embodiments is unnecessary because Veselov’s “Figure 5A/5B environment” alone satisfies the cloud computing API limitations [1.2]-[1.3]. Reply 4-5. Wiz’s two theories are incorrect.

First, Wiz argues Veselov's Figures 3A/3B include a "computing resource service provider" ("CRSP") and API, and Veselov's Figures 5A/5B have the same "implementation"/"interactions." *Id.* Wiz misquotes Veselov's Figures 5A/5B description. Veselov explicitly lists what Figures 5A/5B elements have similar "implementation"/"interactions" for elements "common to Figures 3A/3B." Ex.1007 (Veselov), 16:56-67. That list **expressly omits** the CRSP "300/ 350" and "API 338." POR 18, 27. Wiz does not provide any motivation to modify the computing environments in Figures 5A/5B to be implemented by a CRSP. And even if a CSRP were used, Wiz does not provide motivation to use cloud computing APIs to identify and locate disks as claimed. There is no mention of APIs anywhere in Veselov's Figures 5A/5B discussion. Veselov, 16:56-18:56; POR 12-14; Ex.2077 (StavrouTr1.), 168:13-169:6. And there's no mention in *any* embodiment of using APIs to identify/locate disks. POR 15-19; StavrouTr1.142:15-143:3.

Second, Wiz argues "an undepicted aspect" of Figures 5A/5B is "hosting by a service provider." Reply 4-5 (citing Veselov, 18:8-11). But what the "service provider" hosts is "***a security module or security service (not shown)***," which is not the "computing environment 504[A/B]" and says nothing of APIs. *Compare* Veselov, 18:8-11, *with id.*, 17:10-13, 17:30-35. The undepicted security module optionally stores "encryption keys" (*id.*, 18:8-15), wasn't relied on in the Petition, and bears no relation to the challenged claims.

Wiz's Figure 1 arguments mischaracterize that embodiment's deficiencies.

Reply 5. Wiz states (incorrectly) "PO claims the Figure-1 environment is not suitable for snapshot analysis." *Id.* The Figure 1 embodiment's problem is that it only locates snapshots or VMs using APIs, never to identify/query a "virtual disk" location as claimed. POR 19. Wiz tacitly admits this, instead arguing Veselov "broadly teaches API-mediated interactions." Reply 5. Irrespective of Wiz's unproven hand-waving assertion that "virtually every cloud-security platform operated" that way (*cf. id.*), general "API-mediated interactions" do not render obvious using cloud computing APIs to locate and query virtual disks.

B. Wiz's Reply Does Not Salvage Ground 1

Wiz's stitching together of Veselov and Price is hindsight. POR 13-23; Kaeli¶¶104-122. Orca explained Wiz's generic motivations to combine, e.g., "cost/efficiency benefits," contradict Veselov's objectives (maintaining VM activity) and goals (minimizing inefficiencies associated with interfering with target VMs). POR 20-23. Wiz disagrees "Veselov only scans active VMs" (Reply 6-7), but Wiz's expert admitted Veselov only discusses analyzing running VMs. *See* StavrouTr1.204:11-21. And Veselov's objectives don't apply to offline VMs. *See* Ex.1002¶102; POR 20-21; StavrouTr1.263:16-264:10 (offline VM not "running its normal workload," "able to continue servicing requests," and "able to perform other

work”). Veselov doesn’t need to state “offline scans” shouldn’t be performed for POSAs to lack motivation to modify Veselov with them. *Cf.* Reply 6-7.

Orca further explained Wiz hadn’t addressed why POSAs would have found it obvious to use Veselov’s “snapshots” for offline machines when Price taught analyzing offline machines using “VM images.” POR 20-23 (citing, *e.g.*, *Unigene Laboratories, Inc. v. Apotex, Inc.*, 655 F.3d 1352, 1360 (Fed. Cir. 2011)). This is not about bodily incorporation of Price into Veselov (Reply 7), but whether Wiz can show POSAs combining Veselov and Price would arrive at the claims. *InTouch Techs., Inc. v. VGO Commc’ns, Inc.*, 751 F.3d 1327, 1352 (Fed. Cir. 2014) (obviousness requires “could combine” and “**would have**” combined). Wiz cannot. Wiz’s argument, that Price’s images and Veselov’s snapshots are not “fundamentally disparate concepts” (Reply 7-8), dodges the question and highlights Wiz’s errors. Wiz hasn’t explained why POSAs would have taken or requested taking a virtual disk *snapshot* for offline VMs.

The lack of beneficial application of offline snapshots for security assessments is a fundamental flaw where Wiz’s combination falls flat, even given its dozens of tertiary references. Wiz argued “offline snapshotting and offline analysis” was “routine” (Pet.25), yet Wiz identified only a single document (Ex.1015), that even discussed the concept. Even then, the relevant context of cloud API based security assessments and detecting/alerting vulnerabilities was missing,

and Wiz (at best) showed offline snapshotting was “known.” But being known is insufficient: “[a] reason for combining must exist.” *Virtek Vision Int’l ULC v. Assembly Guidance Sys., Inc.*, 97 F.4th 882, 888 (Fed. Cir. 2024). Wiz didn’t provide reasons for offline snapshotting in the combination or establish reasonable success; its obviousness arguments therefore fail. POR 22-23.

C. Wiz’s Reply Does Not Cure its Deficient Petition

1. Limitations 1.2-1.4

Wiz relies solely on Veselov for limitations 1.2-1.4, and Wiz’s Reply doesn’t dispute Veselov fails to disclose using cloud APIs to identify/query locations of virtual disks. POR 24-25. Wiz’s Petition cited Veselov’s identifying and querying locations of *VMs* (not disks) for limitations 1.3-1.4 (Pet.25; POR 24), but Wiz now concedes “virtual disks and VMs are” not “synonymous.” Reply 9. Wiz tries to rehabilitate its argument that locating VMs suffices to locate virtual disks because they are sometimes co-located. *Id.* 10-11. That is like equating a car’s location with its owner’s location—sometimes they coincide, but one does not tell you the other. Veselov doesn’t disclose using cloud APIs to identify and query virtual disk locations.

Lacking disclosure, Wiz argues two ways Veselov “suggests” using cloud APIs to locate virtual disks. *Id.* 9-10. Both are wrong.

First, Wiz concedes showing “API-based virtual disk identification was routine in general” is insufficient (*id.* 10), arguing cloud APIs to locate virtual disks was a “routine part of generating snapshots **as described in Veselov.**” *Id.* Wiz’s self-quotation of its attorney argument is not evidence, and Wiz’s Petition *does not cite any Veselov disclosure* for its proposition of what’s “described in Veselov.” *See* Pet.31. Instead, Wiz cites five tertiary references alleging APIs to determine virtual disks were “known” without providing motivation to modify Veselov, which “does not suffice” for obviousness. *Virtek*, 97 F.4th at 888. Wiz tries to slip in new arguments, [REDACTED]

[REDACTED]. Dr. Stavrou admitted Wiz’s “AWS” arguments are new. *See id.*; Ex.2172 (StavrouTr2.), 81:14-22 (no AWS discussion in Ex.1002), 82:12-21 (relying on AWS 20+ times in Ex.1400). The Board shouldn’t consider them for the first time in Reply.²

Second, Wiz contends Orca didn’t rebut Wiz’s “snapshot-tailoring arguments” or “UI-based mapping” that “suggest” using cloud APIs to identify and

² Wiz’s AWS arguments are due no weight: they rely on non-prior art documents from July 2025 with a 2025 copyright. *See* Ex.1400¶¶27, 41, 44 (citing Exs.1131, 1133); StavrouTr2.127:16-17, 130:10-131:9, 131:20-132:10.

locate virtual disks. Reply 10. Orca directly addressed those arguments, which cite Veselov portions that say nothing about “virtual disks” *or* APIs and instead turn again to tertiary references discussing “disk-identification tools.” POR 27-29; cf. Pet.32-33. Veselov never discusses using “disk-identification tools,” and Wiz doesn’t propose modifying Veselov with them. Kaeli¶134.

2. Limitations 1.5-1.6

Wiz concedes Veselov/Price don’t disclose taking/requesting taking a snapshot of VMs at rest and snapshot analysis while VMs are inactive. POR 31-33; see Reply 12-13. Orca also showed, using objective evidence, that the claims’ at-rest snapshotting and inactive VM analysis was unconventional and nonobvious. POR 32-33, 48-49; Ex.2117, 1 (“transcends traditional solutions by inspecting data at rest”); [REDACTED]

[REDACTED] Wiz falsely dismisses this evidence as Orca’s “own marketing” (Reply 12). Panorama Technologies generated Ex.2117, and [REDACTED]

[REDACTED] Wiz also argues objective indicia is inapplicable because [REDACTED]

[REDACTED] Wiz is wrong: Orca’s evidence shows that *despite* offline snapshotting being known, using these technologies within the claimed *combination*, e.g., analyzing at-rest VM vulnerabilities using offline snapshots, demonstrates nonobviousness. *WBIP*, 829 F.3d at 1330-31.

Orca also explained the Petition's reasoning gaps. Veselov takes *snapshots* of *running* VMs. Price takes **images** of **offline** VMs. Neither, alone or combined, takes *snapshots* of **offline** VMs. POR 33; Kaeli¶¶147-148. Wiz's new Reply evidence contradicts its "off-line" snapshotting argument: "machine images" are available when VM's are "off-line", "snapshots" are available when the "virtual machine is *on-line*." Reply 9; Ex.1129, 2:29-33. Wiz also argues its unexplained mixing and matching doesn't matter because some "underlying data" in offline snapshots and images may be "equivalent." Reply 13.³ That new argument doesn't save Wiz because, even if true, it indicates only what *could* be done and doesn't provide the "additional showing" why POSAs "*would have* selected and combined those prior art elements." *See Unigene*, 655 F.3d at 1360.

3. Limitation 1.7

Veselov sends users reports of security assessment findings without reporting vulnerabilities as "alerts." POR 33-35. This is more than mere nomenclature (*cf.* Reply 13); it's Veselov's failure to disclose alerts that "stand out," as Dr. Stavrou conceded is required. StavrouTr1.287:4-12; Kaeli¶¶156-157 (different use of

³ Wiz's new 2025 evidence shows snapshots and images (AMIs) contain *different* data and serve different purposes. *See* Ex.1131, 2 ("use AMIs to launch new instances" vs. "you **can't** use snapshots to launch a new instance").

“reports” and “alerts” in Wiz’s evidence). Wiz now asserts limitation 1.7 is satisfied by anything that “brings specific problems/remediations to the user’s attention.” Reply 13. That new construction should be disregarded but still isn’t enough. Veselov doesn’t bring specific problems to user’s attention, it reports all “findings.” Kaeli¶156; Veselov, 10:18-36. Wiz doesn’t allege obviousness of this element, so Ground 1 fails.

4. Claims 4, 12

Wiz agrees it relies on Veselov’s “VM virtual addresses” as the “virtual address of at least one of the virtual disks” in these claims. POR 35. That is insufficient. Virtual disks are not necessarily co-located with VMs; thus a VM’s virtual address does not teach its virtual disk(s) address(es). StavrouTr1.92:4-93:19, 94:16-21, 142:15-143:3 (conceding Veselov doesn’t “identif[y] or describe[] an identifier for a virtual disk”); POR 24-25.

IV. Ground 2

Wiz cobbles together Ground 2 using hindsight; the Board can thus reject it. Orca explained POSAs reading Veselov, which focuses on assessing post-deployment active VMs, wouldn’t have combined it with Hufsmith’s pre-deployment “image” assessment teachings. Wiz argues Orca “ignores the analogous underlying data,” which is wrong factually (POR 62-65), and legally. Even if Veselov/Hufsmith discuss similar “types of data,” that suggests **at most** they are

analogous—a plainly deficient combination motivation. *Johns Manville Corp. v. Knauf Insulation, Inc.*, IPR2018-00827, Paper 9 at 10 (P.T.A.B. Oct. 16, 2018) (informative). Wiz claims (without explanation) Hufsmith is *not* limited to “pre-deployment” assessments, but the cited disclosure contradicts Wiz. Reply 14 (citing Ex.1078 (Hufsmith) ¶108) (scores available when containers are created, i.e. “during ... deployment,” not *after*); *see also* Hufsmith ¶¶158 (detect “vulnerabilities that *will be introduced* by the container that is *going to be created and deployed*”), 147.

Wiz’s improper puzzle-piece fit for Hufsmith with Veselov/Price still doesn’t teach claims 2 and 10. POR 63-65. Wiz vaguely asserts the problems Orca identified “attack the references individually,” “fail[] to address the combination,” or make a “flawed attack” (Reply 14), but Wiz’s inability to explain those arguments show they are meritless.

V. Ground 3

Adding Huseinović, which describes data loss for offline computers, to its flawed three-reference combination illustrates Wiz improperly using the claims as a roadmap to navigate a “maze” of prior art. *In re NTP, Inc.*, 654 F.3d 1279, 1299 (Fed. Cir. 2011). Wiz now argues its combination “does not require taking the snapshot while the VM is offline” (Reply 15), which means it additionally doesn’t satisfy limitations 1.5/9.6. *See supra* §II.

VI. Objective Indicia

Orca showed how objective evidence “tied to the combination of features” claimed “as a whole” demonstrated Wiz’s piecemeal obviousness arguments were hindsight-biased. POR 36, 41-42; *see generally id.* 35-61. Wiz’s Petition didn’t address objective considerations, Wiz tried to keep evidence of it from the Board (*see* Paper 24), and Wiz now attempts to evade the objective evidence writ large for lacking “presumption of nexus.” Wiz admits the “presumption” is a strawman: Orca doesn’t rely on a presumption. Reply 15-18. Nexus does *not* need to be presumed when, as shown, objective indicia ““direct[ly] result”” from ““the unique characteristics of the claimed invention.”” *Fox Factory, Inc. v. SRAM LLC*, 944 F.3d 1366, 1373-74 (Fed. Cir. 2019); POR 35-36.

Other nexus arguments reduce to assertions that each limitation was “known” because, individually, they can be found in the art. *See* Reply 18-20 (repeatedly

discussing individual “known” elements), 22-23 (same), 26-28 (same). These echo Wiz’s improper obviousness arguments “stitch[ing] together prior art patches into something” like the claimed inventions. *Metalcraft of Mayville, Inc. v. Toro Co.*, 848 F.3d 1358, 1367 (Fed. Cir. 2017). Objective indicia protects against exactly these hindsight-driven arguments. And here the “*claimed combination as a whole* [] serves as nexus for the objective evidence.” *WBIP*, 829 F.3d at 1331; *Medtronic, Inc. v. Teleflex Innovations S.a.r.l.*, 70 F.4th 1331, 1337 (Fed. Cir. 2023) (finding nexus where no dispute “every element” of claims was “individually known”).

A. Long-Felt Need/Skepticism

Before Orca’s patent, a long-felt need existed for an unobtrusive, comprehensive security solution that also adequately addressed security of at-rest VMs. POR 36-39. Wiz says there wasn’t a need, or Orca didn’t solve it. Reply 19-20. This is demonstrably false. The industry recognized Orca’s pioneering the “concept of agentless sidescanning” “utilizing the nature of cloud APIs” was a “Pivotal Moment[] in Cloud” redefining cloud security posture management (CSPM). Ex.2076, 5-7. A [REDACTED]

[REDACTED]

[REDACTED] POR 43-44, 60. [REDACTED]

[REDACTED] ACT

[REDACTED] ED

REDACTED

REDACTED; Ex.2076, 7 (“CSPM [] defined by pre and post-Orca”). Put differently, Orca’s combination, implemented in SideScanning, was the first solution solving the need for unobtrusive *and* comprehensive security.

Orca also provided significant evidence of skepticism with nexus to the claims, citing **RED** other industry reports. POR 43-44. Wiz asserts skepticism of “agentless” scanning doesn’t have nexus, but Wiz’s expert conceded discussions regarding “agentless workload scanning” correspond “to [] the ’031” claims. StavrouTr2.112:1-7. **REDACTED**

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED ; POR 46, 50.

Wiz's attacks on the weight of Orca's documents and Mr. Shua's testimony as "self-interested" and/or "hearsay" are erroneous three ways. Reply 19-21. **First**, inventor and/or patent owner testimony is "substantial evidence" of objective indicia. *See, e.g., Transocean Offshore Deepwater Drilling, Inc. v. Maersk Drilling USA, Inc.*, 699 F.3d 1340, 1351-54 (Fed. Cir. 2012) (relying on inventor testimony for industry praise, skepticism, and long-felt but unsolved need); *Arctic Cat Inc. v. Bombardier Recreational Prods. Inc.*, 876 F.3d 1350, 1364-65 (Fed. Cir. 2017)

(patent owner's press releases "constitute substantial evidence" of "industry recognition of ... claimed invention [that] weighs in favor of nonobviousness.").

Second, Wiz ignores the numerous other exhibits and testimony corroborating alleged "self-interested" evidence. *See, e.g.*, Exs.2103-2104, 2106, 2073, 2135, 2137, 2406, 2412, 2073, 2074. **Third**, Wiz overlooks the significant amount of non-hearsay evidence **REDACTED**. *See* Paper 56, 1-9.

B. Wiz's Copying

Orca implemented the patent's claimed combinations in SideScanning in 2019, and Wiz accessed Orca's SideScanning technology to create Wiz's substantially-similar "Agentless Workload Scanning." POR 40-42, 49-59. To establish **RE**
REDACTED, Orca's declarar.ts provided limitation-by-limitation analyses, supported by thorough evidence, detailing SideScanning's claim correspondence. *Id.* 40-42; Ex.2074 (Shua) ¶¶28-77; Kaeli¶182. Against Orca's detailed claim mapping/evidence Wiz offers only attorney argument (Reply 17-18), entitled no weight. *Elbit Sys. of Am., LLC v. Thales Visionix, Inc.*, 881 F.3d 1354, 1359 (Fed. Cir. 2018).⁴ Wiz's expert didn't

⁴ Wiz's arguments are also wrong.

REDACTED

identify any missing limitation. *See* StavrouTr2.95:5-13. Orca also explained in the POR and herein the art did not teach the claimed combination as a whole, implemented in SideScanning, which provided a cloud security solution adequately addressing “constantly evol[ing]” threats and “undetected vulnerabilities [that] can pose cyber threats,” including for “data ... or a machine at rest.” POR 36-40.

Wiz concedes [REDACTED]

[REDACTED]

[REDACTED] Extensive evidence shows [REDACTED]
[REDACTED], and Wiz's later-developed agentless workload scanning is substantially similar to SideScanning's claimed features. POR 49-59. [REDACTED]

[REDACTED] The evidence confirms the truth: Wiz copied Orca.

Orca's evidence shows [REDACTED]

[REDACTED]

[REDACTED]

POR 51-59. Wiz doesn't dispute [REDACTED], instead countering with a declaration and documents from Wiz's self-interested CTO Ami

[REDACTED]

[REDACTED] Wiz doesn't dispute that evidence.

Luttwak, who claims

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

Initially, Wiz's timetable is misstated. Wiz first accessed Orca's technology in May 2019—REDACTED—when Orca and Wiz's co-founder and VP Product, Yinon Costica, had a technical meeting. POR 47; Shua¶¶108-114;

REDACTED

Wiz

REDACTED

REDACTED

REDACTED

REDACTED

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⁵ REDACTED

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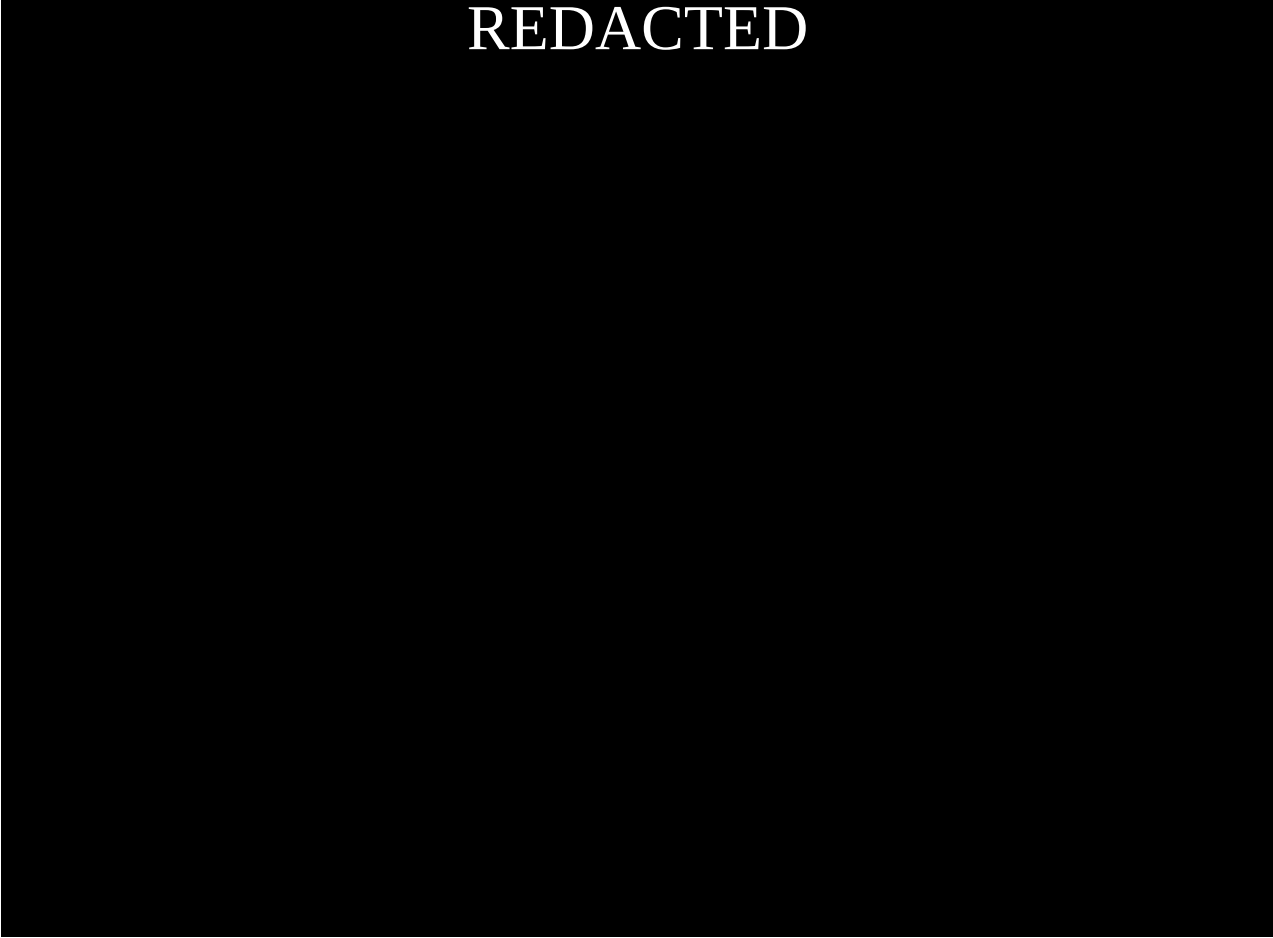
REDACTED



REDACTED



REDACTED



In addition to Wiz's access, Orca showed how Wiz's platform is substantially similar to Orca's with respect to the claims. POR 40-43, 56-59. Wiz argues that analysis didn't prove "Wiz practices the claim" (Reply 26); that is the incorrect question. The "copying inquiry involves a comparison of the competitor's product with the allegedly copied patented product, rather than the patent's claims."

Medtronic, 70 F.4th at 1340. Wiz's expert offers no testimony disputing Dr. Kaeli's detailed substantial similarity analysis between Orca's SideScanning and Wiz's Workload Scanning (Kaeli¶¶219-255). StavrouTr2.98:6-13, 100:6-105:12 (no opinion disputing similarities). Wiz ostensibly asserts Orca didn't "prove substantial similarity," but Wiz doesn't identify *any* differences. Reply 26. Orca's Mr. Shua described experiences with dozens of customers remarking about similarities. Shua¶108; *see id.* ¶¶115-122. **REDACTED**

And the undisputed evidence shows customers **REDACTED** consider Wiz's agentless scanning features indistinguishable from Orca's SideScanning. POR 57-59. That is dispositive.

There's much more: **REDACTED**

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

[REDACTED], materials describing Orca's SideScanning were unquestionably "publicly available on the market and accessible to [Wiz] **REDACTED** [REDACTED]." *Medtronic*, 70 F.4th at 1341 n.7. One example: Orca-published video in October 2019 described implementation of Mr. Shua's "patent-pending" technology in SideScanning, with cloud "APIs that we are using in quite a novel way that read the underlying block storage ...," analyzing the VM's "runtime block storage," where "vulnerability management is a critical part" Orca is able to "alert on." Ex.2133, 3, 5; Shua¶48. That publicly-accessible material, combined with the substantial similarities between Orca's and Wiz's product, provides "more than sufficient circumstantial evidence to support the Board's finding of copying." *Medtronic*, 70 F.4th at 1340.

Wiz's two remaining copying excuses fail. **First, REDACTED**

[REDACTED] Wiz cannot escape its copying with piecemeal attacks on individual elements: Orca's nexus is "tied to the combination of features as a whole." *Medtronic*, 70 F.4th at 1337. **Second**, Wiz introduces a new exhibit where Orca's "public statements emphasize the platforms' differences." Reply 26 (citing Ex.1126). That document shows no differences between Orca's and Wiz's

“Agentless Scanning” implementations, because Wiz “Followed Orca’s patented SideScanning Technology.”

Agentless Scanning



The Original And Still The Champ

Full stack support for hosts, containers, and functions. Automated malware and PII detection. Automated and manual crown jewel identification.



Fast Follower

Followed Orca's patented SideScanning technology.

Ex.1126, 2.

C. Praise

Orca described the exceptional number of awards and laudatory statements received due to the claimed features’ unique **REDACTED** **REDACTED**. *See, e.g.*, POR 45-46. Wiz’s piecemeal arguments fail factually and legally.

First, Wiz argues Exhibits 2121-22, 2124-2125, 2128-2130, and 2132 contain Orca’s press releases and cannot be considered as “self-interested.” Reply 19-20. Wiz misses the mark. The exhibits describe awards *Orca received* from **outside**

sources. *See* Exs.2121-2125, 2128-2129. They also include, from industry veterans, statements with nexus to the claims, constituting “substantial evidence” of industry praise. *Arctic Cat*, 876 F.3d at 1364 (crediting industry comments in PO’s press releases); *see also Volvo*, 81 F.4th at 1214-15.

Second, Wiz incorrectly argues awards are “irrelevant” without a “nexus presumption.” Reply 21. Orca showed it received awards based on claimed features. POR 45-46. Wiz argues quoted statements relate to “known/unrecited features such as the ‘agentless approach.’” Reply 21-22. Binding precedent explicitly rejects that objective indicia evidence must be tied exclusively to allegedly missing claim elements. *Arctic Cat*, 876 F.3d at 1330-32. And Wiz’s expert agreed “agentless workload scanning” corresponds to the claims. StavrouTr2.112:1-7.

Third, Wiz asserts awards from Orca’s investors are due no weight. That makes no sense. Orca *attracted* those investors because of Orca’s novel, industry-transforming “patent-pending SideScanning.” POR 59-60. And Wiz’s attack misses awards Orca received from third parties, unaffiliated with any investor/partner, which focused on claimed features. For example, Forbes emphasized Orca’s “patent-pending SideScanning™ technology” and specifically noted Orca’s reading “cloud configurations” and “block storage out-of-band.” *Id.* 45; Ex.2120, 7. These awards have nexus because, as Dr. Stavrou admitted, “block-level analysis”

discussions corresponded to the claims' analyzing snapshots. StavrouTr2.114:20-115:11.

Fourth, Wiz relies on attorney argument to recharacterize REDACTED
REDACTED
REDACTED
REDACTED

REDACTED Dr. Stavrou cannot support these recharacterizations (*id.* (citing Ex.1400)),

REDACTED REDACTED

StavrouTr2.15:11-13, 20:11-17 REDACTED

REDACTED 21:9-13, 30:3-10. Dr. Stavrou did not talk to Wiz personnel, and did not investigate Wiz's documents. *Id.* 8:5-9. Dr. Stavrou admits: he was "speculating" when addressing these documents. *Id.* 31:1-9 ("I'm speculating"), 67:10-68:1 ("anything that is drawn out of this, again, it is speculation"), 69:4-17. His testimony is due "little weight." *Gorelik v. Holder*, 339 F. App'x 70, 73 (2d Cir. 2009). At bottom, REDACTED

REDACTED *WBIP*, 829 F.3d at 1334 ("competitors [] are not likely to praise an obvious advance over the known art."); StavrouTr2.132:15-17 (Orca and Wiz "are competitors.").

Fifth, Orca showed REDACTED

REDACTED. POR 47-48. REDACTED

REDACTED

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Sixth, Wiz takes issue with Ex.2118 as a “commissioned” security report. Reply 21. But it describes a third-party analysis of Orca’s SideScanning by TAG Cyber, which Wiz doesn’t dispute is a “known and respected ... [industry] analyst.” Ex.1402, 173:9-22, 175:19-176:13. TAG Cyber independently performed its own

“assessment,” “review” and “validat[ion]” of data provided by Orca and quoted numerous industry experts praising novel aspects. Ex.2118, 7 n.1, 13 (quoting Zip Cybersecurity Director and Turnitin CISO), 14 (Rapyd CISO).

D. Commercial Success

Orca skyrocketed to unicorn status (\$1 billion+ valuation) less than two years after SideScanning's introduction, **REDACTED**. POR 59-61. Wiz asserts Orca's valuation and revenues should only be considered with a nexus presumption (Reply 27), which is legally wrong. *Oren Techs., LLC v. Proppant Express Invs. LLC*, 2021 WL 3120819, at *7-8 (Fed. Cir. July 23, 2021) (nonprecedential) (vacating obviousness finding given failure to consider evidence of commercial success without presumption). Even crediting Wiz's argument that SideScanning has additional “unrecited features,” no requirement that “the patented invention be solely responsible for the commercial success, in order for this factor to be given weight appropriate to the evidence” exists. *Cont'l Can Co. USA, Inc. v. Monsanto Co.*, 948 F.2d 1264, 1273 (Fed. Cir. 1991). Orca's success is due significant weight because Wiz doesn't identify any features driving Orca's success other than the claims'.

Wiz asserts Orca didn't provide market-share data (Reply 27-28), but **RE**

D

REDACTED POR 60. Precedent holds that a

patented product creating a “new market,” even without a nexus presumption, requires giving commercial success more than just “some weight” as nonobviousness evidence. *See Volvo*, 81 F.4th at 1214 (vacating nonobviousness decision). Moreover, third-party reports show Orca’s sales are so significant that it is within the top five “cloud security” companies industry by revenue within this broader industry. Ex.2076, 21; Reply 28; *Chemours Co. FC v. Daikin Indus., Ltd.*, 4 F.4th 1370, 1378 (Fed. Cir. 2021) (“significant sales” are evidence of success).

Orca also showed Wiz’s press releases attributed Wiz’s commercial success to its “agentless, API-centered approach to seamlessly scan workloads,” further supporting nonobviousness. POR 61-62, 56-59. Wiz argues these features don’t have nexus to the claimed combinations, but its own expert, Dr. Stavrou, conceded they do. StavrouTr2.112:1-7, 112:20-113:4, 113:18-21. Wiz repeats these features were “known” (Reply 28), contradicting **REDACTED**

REDACTED

REDACTED

VII. Conclusion

Orca respectfully requests that the Board confirm the patentability of every challenged claim.

Respectfully submitted,

Dated: September 8, 2025

By: / Blake R. Davis /

Blake R. Davis (admitted *pro hac vice*)

blake.davis@lw.com

Latham & Watkins LLP

505 Montgomery Street, Ste. 2000

San Francisco, CA 94111-6538

Telephone: 415.395.8033

Fax: 415.395.8095

Counsel for Patent Owner

Orca Security Ltd.

CERTIFICATE OF COMPLIANCE WITH 37 C.F.R. § 42.24

I hereby certify that this Patent Owner's Sur-Reply complies with the word count limitation of 37 C.F.R. § 42.24(c)(4) because the Patent Owner's Sur-Reply contains 5,574 words using Microsoft Word's counting feature, excluding the cover page, signature block, and the parts of the Patent Owner's Sur-Reply exempted by 37 C.F.R. § 42.24(c).

By: / Blake R. Davis /

Blake R. Davis (admitted *pro hac vice*)

blake.davis@lw.com

Latham & Watkins LLP

505 Montgomery Street, Ste. 2000

San Francisco, CA 94111-6538

Telephone: 415.395.8033

Fax: 415.395.8095

Counsel for Patent Owner

Orca Security Ltd.

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 8th day of September, 2025, a true and correct copy of the foregoing **Patent Owner's Sur-Reply and all Exhibits** were served by electronic mail on Petitioner's lead and backup counsel at the following email addresses:

Matthew A. Argenti (Reg. No. 61,836)
WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, CA 94304
Tel.: 650.354.4154
Fax: 650.493.6811
margenti@wsgr.com

Michael T. Rosato (Reg. No. 52,182)
WILSON SONSINI GOODRICH & ROSATI
701 Fifth Avenue, Suite 5100
Seattle, WA 98104
Tel.: 206-883-2529
Fax: 206-883-2699
mrosato@wsgr.com

Wesley E. Derryberry (Reg. No. 71,594)
Tasha M. Thomas (Reg. No. 73,207)
Joseph M. Baillargeon (Reg. No. 79,685)
WILSON SONSINI GOODRICH & ROSATI
1700 K Street, NW, Fifth Floor
Washington, DC 20006
Tel.: 202-973-8947
Fax: 202-973-8899
wderryberry@wsgr.com
tthomas@wsgr.com
jbailargeon@wsgr.com

By: / Blake R. Davis /

Blake R. Davis (admitted *pro hac vice*)

blake.davis@lw.com

Latham & Watkins LLP

505 Montgomery Street, Ste. 2000

San Francisco, CA 94111-6538

Telephone: 415.395.8033

Fax: 415.395.8095

Counsel for Patent Owner

Orca Security Ltd.