

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.

IPR2024-00864
Patent 11,663,032

PATENT OWNER'S SUR-REPLY

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2002	<i>Curriculum Vitae</i> of David R. Kaeli, Ph.D.
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2005	U.S. Pat. App. Pub. No. 2008/0320583 A1 (“Sharma”)
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 – <i>Virtual Machine Snapshots</i> ”)
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, <i>Technical Challenges</i> ”)
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2011	U.S. Pat. No. 10,298,599 B1 (“Zhang”)
2012	U.S. Pat. No. 9,594,912 B1 (“Thioux”)
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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”)

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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")
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2021	Amazon Web Service (AWS), <i>What Is a Hypervisor?</i> (2024), https://aws.amazon.com/what-is/hypervisor/ (last visited Sept. 11, 2024)
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2023	U.S. Pat. No. 8,220,053 B1 ("Sun")
2024	Jinpeng Wei et al., <i>Managing Security of Virtual Machine Images in a Cold Environment</i> , Conference: Proceedings of the First ACM Cloud Computing Security Workshop (CCSW), Chicago, Illinois 1–6 (Nov. 13, 2009) ("Wei, <i>Managing Security of Virtual Machine Images</i> ")

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2026	Greg Zemlin, <i>Agentless vs. Agent-Based Security: Which is Better for the Cloud?</i> , Wiz (Nov. 26, 2023), https://www.wiz.io/academy/agentless-vs-agent-based-security (“Wiz Marketing”)
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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2032	Exhibit B-4, Invalidity of United States Patent 11,663,032 (the “’032 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)
2033	Exhibit B-2, Invalidity of United States Patent 11,663,032 (the “’032 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)
2034-2037	RESERVED
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2041	Declaration of Christopher Henry In Response to Petitioner’s First Objections to Evidence [<i>served, not filed</i>]
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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”)
2049-2052	RESERVED
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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)
2059	Email exchange between counsel for Wiz, Inc. and counsel for Orca Security Ltd. (Dec. 23, 2024 – Feb. 25, 2025)
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2065	<i>Orca Security Lands \$6.5M Seed Round to Deliver IT Security Teams Unprecedented Full Stack Cloud Visibility, Securing High-Velocity Cloud Growth</i> , Orca Security Blog (June 12, 2019), https://orca.security/resources/blog/orca-security-lands-6-5m-seed-round-to-deliver-it-security-teams-unprecedented-full-stack-cloud-visibility-securing-high-velocity-cloud-growth/
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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
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2072	Declaration of Blake R. Davis Pursuant to 37 C.F.R. § 42.10(c)(2)
2073	Declaration of Dr. David Kaeli in Support of Patent Owner's Response ("Kaeli") [PROTECTIVE ORDER MATERIAL AND REDACTED VERSIONS]
2074	Declaration of Avi Shua ("Shua") [PROTECTIVE ORDER MATERIAL AND REDACTED VERSIONS]

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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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2098	<i>GCP Onboarding, Walkthrough of How to Onboard a GCP Account for Orca to SideScan</i> (last visited Mar. 19, 2025), https://orca.security/resources/video/gcp-onboarding/ (first made available Apr. 21, 2020)
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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2143	<i>SINET16 Previous Winners</i> (last visited Mar. 20, 2025), https://www.security-innovation.org/sinet16-award/past-award-winners/
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	RESERVED
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

Exhibit	Description
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/awscloudtrail/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	Alon Weiss & Jiong Liu, <i>Uncover What Is Really Deployed in Your Environment with the Enhanced Wiz Inventory</i> (Dec. 8, 2022), https://www.wiz.io/blog/uncover-what-is-deployed-in-your-environment-with-enhanced-wiz-inventory
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
2167-2168	RESERVED
2169	Declaration of Raghav Bajaj in Response to Petitioner's Third Objections to Evidence [PROTECTIVE ORDER MATERIAL] [served, not filed]

Exhibit	Description
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]
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]

Exhibit	Description
2307	REDACTED [PROTECTIVE ORDER MATERIAL]
2308	REDACTED [PROTECTIVE ORDER MATERIAL]
2309	REDACT [PROTECTIVE ORDER MATERIAL]
2310	RESERVED
2311	REDACTED [PROTECTIVE ORDER MATERIAL]
2312	REDACTED [PROTECTIVE ORDER MATERIAL]
2313-2399	RESERVED
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]

Exhibit	Description
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]
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]

Exhibit	Description
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]
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

Wiz's Reply doubles down that each limitation is individually known, and so the claimed combination is obvious. These arguments fail factually and legally. The claimed combination, which the industry called a "*genuinely genius innovation*" redefining the industry (Ex.2076, 7)¹, is novel, and Wiz copied it. Wiz argues no copying happened, based on **REDACTED**

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REDACTED Wiz's access and similarity together 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). Wiz's copying, the gaps in Wiz's theories, and the overwhelming objective evidence, are dispositive. Wiz's obviousness challenges should be rejected.

¹ Unless otherwise noted, all emphases are added and internal quotation marks and citations omitted.

II. Claim Construction

A. “Location”

Wiz’s attempt to broaden “location” to include any “identifier” is new, non-responsive, and should be disregarded. Reply 1.

B. “analyzing the snapshot”

Wiz abandons its incorrect construction that “analyzing the at least one snapshot” encompasses analyzing VMs instantiated from snapshots, contending that construction is “irrelevant”/“moot” because Wiz no longer relies “on the assessment-VM approach.” *See* Reply 2. The Board should disregard Wiz’s reliance on Veselov’s assessment-VM approach in Figures 1/3A-3B. Pet.63-64 (citing Figures 1, 3A-3B for hosting VMs via API), 66-67. Waiver aside, Wiz’s assessment-VM theories are wrong for the undisputed reasons Orca presented. POR 7-9. Wiz’s “contradictions” assertions regarding Orca’s arguments are incorrect and “moot” because Wiz abandoned its construction. Reply 3-4.

III. Ground 1

A. No Motivation To Combine

Orca detailed **seven reasons** why Wiz’s Veselov/Hufsmith combination is impermissible hindsight reconstruction. POR 12-18. Wiz wrongly alleges Orca “emphasizes superficial differences.” Reply 3. The differences Orca revealed undermine Wiz’s combination rationales: that “well-known and predictable” techniques would be combined because “both Veselov and Hufsmith analyze VM

and container images” and “use the same type of analysis techniques” (Pet.21-22). POR 12-18.

Orca explained why POSAs wouldn't have selected and combined the references “in the normal course.” *Unigene Laboratories, Inc. v. Apotex, Inc.*, 655 F.3d 1352, 1363 (Fed. Cir. 2011); POR 14-15. The references analyze different data (snapshots vs. container/machine images) for different purposes (post-deployment VM assessments for users/administrators vs. pre-deployment source code assessments for developers). POR 20, 13-15; Ex.2073 (Kaeli) ¶¶81-87, 104. Wiz side-steps these differences arguing machine-image techniques are “readily applicable” to snapshot-techniques. Ex.1400¶15; *see also* Reply 3 (citing Ex.1400¶¶11-19, 33). That is insufficient. At best, Wiz's similar components invocation indicates analogousness or that references *could* be combined, not whether POSAs *would* have as required.

Wiz newly argues Hufsmith's pre-deployment machine images are Veselov's “snapshots plus metadata” (Reply 3), based on AWS examples (*e.g.*, Ex.1131); this fails for three reasons: (1) AWS isn't in the Petition or combination and therefore

waived;² (2) Wiz's argument is unreliable as based on non-prior art 2025 webpages;³ and (3) Wiz's new evidence reinforces snapshots and images (AMIs) contain *different* data serving different purposes. *See* Ex.1131, 2 ("use AMIs to launch new instances" vs. "**can't** use snapshots to launch a new instance"). These discussions also don't support POSAs considering Hufsmith's pre-deployment VM/container image techniques being applicable to Veselov's (which doesn't mention AWS) post-deployment snapshots/"volume images." They would not. POR 13-15; *see* Ex.2077 (StavrouTr1.), 300:11-22; Ex.1400¶15. Wiz's assertion Hufsmith teaches post-deployment assessments is unsupported. Reply 3; *infra* §III.B.1.

Orca further explained, using pre-IPR evidence from "Wiz['s] Expert[] Team" (Ex.2075, 1), that POSAs would have understood Veselov's VM-snapshots have less risk than Hufsmith's container images, rebutting Wiz's manufactured "alert fatigue" problem. POR 15-16. This stands effectively unrebutted. Wiz only addresses Ex.2075 with superficial attorney argument entitled no weight. Reply 4;

² Ex.2172 (StavrouTr2.), 83:6-9, 84:7-12, 84:22-85:3 (no AWS discussion in Ex.1002), 89:17-20 (Ex.1400 mentions AWS 20+ times).

³ *See* Ex.1131 (downloaded July 2025; copyright 2025); Ex.1133 (same); Ex.2172, 127:16-18, 130:10-131:9, 131:20-132:10 (no evidence Exs.1131/1133 available pre-2019).

see Ex.1400 (no Ex.2075 discussion). Wiz argues its combination rationale is supported because “Veselov gives no indication that prioritization would not be beneficial.” Reply 4. Even if true, that’s insufficient.

And, it’s *not* true. Veselov criticizes “drawbacks” of assessment systems requiring “complexity of installation and monitoring,” which results from combining Hufsmith’s complex multi-scanner system. Ex.1007 (Veselov), 2:42-54; POR 15-16. Wiz wrongly downplays Veselov’s discouragement, arguing the complexity concern is for only agent installation, but the cited discussion doesn’t mention agents, and Veselov expressly embraces agents elsewhere. Reply 4 (citing Veselov, 2:42-46); Veselov, 14:22-27 (installing “security agent”).

Wiz’s abandoning Hufsmith’s multiple scanner requirement doesn’t skirt these problems. Reply 4. Wiz cited *at least* four separate Hufsmith scanners/components. *See* Pet.38-39 (“context” and “malware” evaluators), 42-43 (“results engine,” “CVE evaluator,” “malware evaluator,” “development environment” components). Wiz’s reworked theory also fails factually: Hufsmith emphasizes **importance** of its “multitude of different scanners.” *See, e.g.,* Ex.1078 (Hufsmith), Abstract; POR 13, 15-16, 11-12. Discarding Hufsmith’s core teachings to map the claims is impermissible hindsight reconstruction. *See Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 796 F.2d 443, 448 (Fed. Cir. 1986).

Wiz's alternative argument that Veselov envisions multiple assessments likewise fails. Reply 4. "[A]ny suitable security assessment" (singular) being used (Veselov, 2:35-41) doesn't suggest performing **multiple** assessments, which makes sense given Veselov's minimal complexity concerns.

Wiz's reasonable success arguments fail in three other ways.

First, Wiz doesn't show analyzing Veselov's "volume images"/snapshots would result in the same issue volume as Hufsmith's "images" in "highly complex" and "pre-deployment" environments, which underpins Wiz's "alert fatigue" motivation. POR 15-16. Wiz's argument Hufsmith "teach[es] applicability to both containers and VMs" (Reply 4), overstates Hufsmith's application to pre-deployment "virtual **machine images** [and] **machine images**" (Hufsmith¶149), and says nothing about POSAs understanding *snapshots* in *Veselov's* post-deployment environment having these issues. POR 15-16; *see* Ex.1400¶15. Wiz's new assertion, machine "images" contain "metadata" absent from "snapshots," reinforces Veselov analyzes less data. *See* Reply 3.

Second, objective evidence shows, before Orca proved otherwise, POSAs didn't expect cloud API and snapshot-based solutions could provide sufficient information **REDACTED**. POR 17-18; Ex.2076, 7; **REDA**.

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; *see also* Kaeli ¶¶ 146, 150, 154.

Third, Wiz didn't show analyzing snapshots would provide sufficient information to "facilitate any type of application usage" determination. POR 17-18. Wiz tacitly admits no such analysis exists, instead pointing to "claims 3-5, which address specific aspects of snapshots providing such information." Reply 5. But Wiz's conclusory expectation of success arguments relied only on *independent claim* discussions (Pet. § XI.B) without referencing dependent claims (Pet. § XI.C). *See* Pet. 23. Wiz can't change course. These arguments also fail factually. Wiz's claim 3-5 arguments rely on Hufsmith's pre-deployment code analysis in claim 2 (*id.* 45), and Wiz doesn't dispute source code is unavailable in Veselov's post-deployment snapshots. POR 24; Kaeli ¶ 111.

B. Wiz's Combination Misses Elements

1. Limitations 1.5/18.5/22.5

Hufsmith's determination of whether "file[s]" or "code" are "active" or "dormant" refers to whether subroutines in distributed application components are executed, not whether multiple installed applications are used. POR 19-21. Wiz contends Orca attacks Hufsmith "individually," rather than addressing the combination. Reply 6. Wiz's misdirection should be rejected. Wiz argued Hufsmith, not Veselov, disclosed application use-determinations and that POSAs would only

“directly appl[y]” Hufsmith’s techniques to Veselov’s snapshots. Pet.37-39. Orca’s explanations against Hufsmith’s application use-determinations directly responded to Wiz’s theories, which Wiz cannot rewrite now. POR 19-21. Arguing “application-use determinations/prioritization” were “well-known” (Reply 7), doesn’t provide legally-sufficient basis to contend Hufsmith taught this.

Next, Wiz newly argues Hufsmith’s distributed application refers to “the workload of a distributed service, [that] routinely included multiple installed applications.” *Id.* 6-7. Wiz’s Petition didn’t present this theory (Pet.37-39), Dr. Stavrou doesn’t support it (*see* Ex.1002¶¶92, 152; Ex.1400¶¶24-26), and it’s wrong. Hufsmith’s distributed application has application components performing different services, e.g., “web server” and “database management system,” but these components just “execute different aspects of *the application*.” Hufsmith¶3; *see also id.* ¶49 (“*application* software is implemented with different application components.”); POR 19-20. Wiz also wrongly argues, because application components may be bodies of code, components are separate installed applications. Reply 6-7. A single application may be comprised of one or more bodies of code, as the ’032 patent recognizes. *See* Ex.1001, 5:40-43 (“sub-modules of an application”); POR 20.

Orca also explained Hufsmith’s vulnerability scans determine risks pre-deployment, before assets “use” installed applications. POR 21. Wiz argues

Hufsmith isn't "limited to pre-deployment assessments" (Reply 7 (citing Hufsmith ¶¶108, 140)), but Wiz's cited disclosure specifies scores are available upon container creation: "during...deployment," not *post*-deployment. Hufsmith's score assessment *during* deployment reveals "vulnerabilities that *will be introduced* by them into the container that is *going to be created and deployed*." Hufsmith ¶¶158, 147 (scores must "benchmark *to be deployed*"). It's nonsensical for Hufsmith's "[e]xecution environments records" (*id.* ¶140) to refer to post-deployment environments (*cf.* Reply 7), when developers can "hand-code[]" those records when designing containers. Hufsmith ¶140; *see also id.* ¶205 (scan "request may specify information" including "environment in which...container *will be* used").

Lacking evidence, Wiz argues applying Hufsmith in a deployed system is obvious because application-use determinations were well-known. Reply 7. This new argument shouldn't be considered, but is still insufficient. POR 21. Wiz leaves a fatal "gap between" "concept[s] [allegedly] being well-known and the[ir] beneficial application." *Fanduel, Inc. v. Interactive Games LLC*, 966 F.3d 1334, 1344 (Fed. Cir. 2020). Application-use analyses are inapplicable in Hufsmith's pre-deployment environment, and Wiz's argument Hufsmith would nevertheless spur such analysis in Veselov is unbridled hindsight reconstruction.

2. Limitations 1.7/18.7/ 22.7

Veselov and Hufsmith, alone or combined, don't disclose "reporting" potential vulnerabilities as "prioritized alerts according to use determinations." POR 22-25.

Veselov sends users reports of findings, without calling attention to vulnerabilities or providing "alerts." *Id.* 22-23. This isn't just nomenclature (*cf.* Reply 7), it's Veselov's silence regarding necessary requirements Wiz's expert conceded: alerts that "stand out." StavrouTr1.287:4-12; Kaeli¶¶104-105 (different use of "reports" and "alerts" in Wiz's evidence). Wiz counters, citing report generation and storage (Veselov, 10:17-30, 20:57-21:13), user-readable format on user devices (*id.*, 10:30-32), remediation suggestions (*id.*, 10:32-36), and vulnerability resolution determinations (*id.*, 23:19-47). Reply 7. None indicate Veselov's reported vulnerabilities "stand out" as alerts.

Wiz's Hufsmith arguments fare no better. Hufsmith's produced report includes overall scores representing the entire container image's exposure, not reporting individual vulnerabilities as alerts. POR 23-24. Wiz's unclear theory aside, Wiz concedes it isn't using Hufsmith's "overall [container] score," instead, the reported "information about individual vulnerabilities," e.g., "use-determination-based priorities," are alerts. Reply 8. Wiz mischaracterizes Hufsmith's reports. Wiz cites Hufsmith's context evaluator or malware scanner's adjustments to weights

assigned to vulnerabilities as the claimed use-prioritization. Pet.40-41. But Hufsmith doesn't report these weights to users, it calculates the container image's overall threat score using them. *See, e.g.*, Hufsmith ¶¶92-94, 208. Thus, the "scoring information" and "resulting metrics" in Hufsmith's reports reflect the combined container threat score, not prioritized individual vulnerabilities as alleged (*cf.* Reply 8). *See* Hufsmith ¶¶36 ("scoring information" for "combined threat scores" that "account [for] contextual information and the scanner properties"), 95-96 ("resulting metrics" as "combined threat score metric of the result[s] engine").

Orca also explained POSAs wouldn't be motivated to apply nor expect success applying Hufsmith's code annotation techniques to Veselov's read-only VM-snapshots. POR 23-24. This isn't about "bodily-incorporation" (Reply 8), rather, it's whether Wiz has shown that POSAs would have modified Veselov with Hufsmith as proposed. *InTouch Techs., Inc. v. VGO Commc'ns, Inc.*, 751 F.3d 1327, 1352 (Fed. Cir. 2014). They would not. *See* POR 23-24. Wiz contends Hufsmith "express[ly] disclos[es]" "broader applicability" of code annotations (Reply 8), but boilerplate statements of combining embodiments in unspecified ways (Hufsmith ¶154), or disclosures of a different embodiment's results engine (*id.* ¶108), don't support that. Even if theoretical reasons for combining Hufsmith's disclosures existed, Wiz doesn't explain why POSAs would apply them to Veselov.

Objective evidence further cements nonobviousness of “prioritized alerts” when combined with other limitations. POR 23.

3. Claims 2-5

Orca explained Hufsmith's active/dormant code determinations don't disclose claims 2-5. POR 25-27; Kaeli ¶¶ 114-119. Wiz adds nothing new for claims 2-3. Reply 9. Wiz's claim 4-5 arguments fail for additional reasons.

Wiz concedes Hufsmith “does not expressly state that these [execution] records include access times by an operating system” (Pet.46), as claim 4 requires, contending POSAs “would have known” about access time records. Reply 26. Wiz's expert testimony and “general knowledge” reliance to supply claim limitations violates 37 C.F.R. §42.104(b)(4).⁴ Furthermore, Wiz arguing file access times were “routinely and predictably used” (Reply 9), still doesn't mean that POSAs would have used them with Veselov/Hufsmith. POR 26-27. Wiz's Petition identified no benefits for the combination. *Cf.* Reply 9 (citing Pet.22-23, 46-48). The alleged independent claim motivations (Pet.22-23), don't explain why POSAs

⁴ *See also* Acting Director's Memorandum, Enforcement and Non-Waiver of 37 C.F.R. § 42.104(b)(4) and Permissible Uses of General Knowledge in Inter Partes Reviews (July 31, 2025), https://www.uspto.gov/sites/default/files/documents/aapa_memo_final__signed.pdf.

would use file access times in Veselov/Hufsmith, nor do pages 46-48. Orca, however, explained why POSAs would not: application-use analyses are inapplicable in Hufsmith's pre-deployment environment. POR 27. Wiz has no response.

Claim 5's application-use determinations using "application logs or system logs," is similarly nonobvious. *Id.* Wiz's Petition didn't show that application/system logs were a "routine part[] of [Hufsmith's] execution-environment records [] use[d] to determine application usage" (Reply 10); Wiz just cited disparate tertiary references to show logs existed. POR 27. Showing something **could be** done is insufficient. *Fanduel*, 966 F.3d at 1344. Moreover, Orca explained using system/application logs for application-use determinations would contradict Veselov's minimal complexity goal. POR 27. Wiz claims Orca "ignores the undisputed benefits," but Wiz identified none. *Cf.* Pet.47-48.

4. Claims 16/20

Orca explained Veselov's Figures 5A/5B embodiment doesn't disclose the claimed cloud management console nor the claimed querying locations of virtual disks. POR 28-31.

Wiz retreats to improperly mixing embodiments, applying the "cloud" aspect of Figures 1/3A-3B embodiments to Figures 5A/5B (Reply 10-11), but Wiz doesn't provide motivation for modifying Figures 5A/5B that way. *In re Stepan Co.*, 868

F.3d 1342, 1346 n.1 (Fed. Cir. 2017). Wiz also misquotes Veselov's Figures 5A/5B description, contending every aspect of those figures has the same "implementation" and "interactions" as Figures 3A/3B. Reply 4-5. Veselov explicitly lists what elements are similar, expressly omitting the "computing resource service provider 300 or 350." *See* Veselov, 16:56-67. POSAs wouldn't gloss over these express distinctions, as Wiz does, which would lead POSAs to understand Veselov's Figures 5A/5B perform snapshot analyses on-premises, not in the cloud like the claims. POR 28.

Wiz's Reply, like its Petition, also points to no explicit disclosure of virtual-disk-location-queries in Veselov. Reply 11-13; POR 28-31. Despite relying on Veselov's querying **VM** (not disk) locations for querying *virtual disk* locations (Pet.66; POR 29), Wiz concedes "virtual disks and VMs are" not "synonymous." Reply 12. Wiz's rehabilitation attempt alleges general storage locations aren't "typically different." *Id.* That is like equating a car's location with its owner's location—sometimes they coincide, but one doesn't tell you the other. Wiz also concedes its inherency arguments are non-starters, because storage locations aren't necessarily the same. POR 29-30; Reply 12.

Wiz claims this VM scan request is the "starting point of [its] analysis" (Reply 11); the remainder also fails. Pet.66-67; POR 29-31. Wiz's argument citing Veselov's figures that snapshots and virtual disks share the same computing location

still lacks any supporting disclosure. Reply 12. Wiz's expert's opinion lacks support too. *Cf.* Ex.1002¶232. POSAs would not understand Veselov's assessment target selection to include virtual disks (*cf.* Reply 12-13), when Veselov teaches no importance to them. POR 30-31. And even if virtual disk identifications may have been known, that doesn't suffice for obviousness without providing motivation to modify Veselov with them, which Wiz admittedly doesn't provide (Reply 13). *See Virtek Vision Int'l ULC v. Assembly Guidance Sys., Inc.*, 97 F.4th 882, 888 (Fed. Cir. 2024).

Orca's objective evidence confirms that location of virtual disks, combined with other claimed elements, garnered significant praise, and Wiz copied it. POR 31. Wiz doesn't dispute locating virtual disks was important to Orca's success, or that

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REDACTED POR 31; *see* Reply 13. Wiz's nexus arguments incorporate its later independent claim arguments, which are wrong as detailed below. *See infra* §V.

IV. Ground 2

Wiz doesn't address why, absent hindsight, POSAs would select only portions of Hutchins's virus scanning and quarantining technique for "replicated VMs," and combine them with selective Veselov portions directly analyzing VM-volume

images/snapshots and Hufsmith's complex pre-deployment environment analysis.⁵ POR 61-63; *see also supra* §III. Wiz repeats its “bodily-incorporation” and “attack[] the references individually” mantras (Reply 14), but this handwaving emphasizes Wiz's meritless threadbare explanations. Ground 2 simply impermissibly uses the challenged claims “as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit.” *In re NTP, Inc.*, 654 F.3d 1279, 1299 (Fed. Cir. 2011); *see* POR 65-67.

V. Objective Indicia

Orca showed how its objective evidence is “tied to the combination of features” claimed “as a whole” and demonstrated Wiz's piecemeal obviousness arguments were hindsight-biased. POR 32-61. Wiz's Petition didn't address objective considerations, Wiz tried to keep evidence of it from the Board (*see* Paper 24), and Wiz now tries 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 15-17. Nexus does *not* need to be presumed when, as shown, objective indicia ““direct[ly] result”” from the ““unique characteristics of the

⁵ Wiz disclaimed reliance on Veselov's VMs-instantiated embodiments (Reply 2); thus, they are irrelevant to this combination.

claimed invention.” *Fox Factory, Inc. v. SRAM, LLC*, 944 F.3d 1366, 1373-74 (Fed. Cir. 2019); POR 31-32, 36-38.

Other nexus arguments reduce to assertions that each limitation can be individually found in the art. *See* Reply 17-20 (repeatedly discussing individual “known” elements), 21-22 (same), 26-28 (same). These echo Wiz’s improper obviousness arguments “stitch[ing] together prior art patches into something” like the claims. *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, LLC v. Kohler Co.*, 829 F.3d 1317, 1330 (Fed. Cir. 2016); POR 31-32, 36-38.

A. Long-Felt Need and Skepticism

Before Orca’s patent, a long-felt need existed for an unobtrusive, comprehensive security solution that placed application vulnerabilities in context in cloud environments. POR 33-36. Wiz says there wasn’t need for this technology and Orca didn’t solve it. Reply 18-21. This is demonstrably false. The industry recognized Orca’s pioneering the “concept of agentless side scanning” “utilizing the nature of cloud APIs” was a “Pivotal Moment[] in Cloud” redefining cloud security posture management (CSPM). Ex.2076, 5-7. **REDACTED**

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Wiz's post-hoc revisions are less reliable than REDACTED

; Ex.2076, 7 ("CSPM...defined by pre and post-Orca"). SideScanning, as claimed, was the first unobtrusive *and* comprehensive security solution.

Orca also provided significant skepticism evidence with nexus to the claims, citing RED industry reports. POR 39-41. Wiz asserts no nexus with skepticism of "agentless" scanning, but Wiz's expert conceded "agentless workload scanning" discussions "correspond[] to" "the '032...claims." StavrouTr2.112:1-7. RE

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REDACTED; POR 43, 47.

Wiz's attacks on certain documents' weight and Mr. Shua's testimony as "self-interested" and/or "hearsay," are erroneous. Reply 18-21. **First**, inventor and/or patent owner testimony is "substantial evidence" for 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 objective indicia); *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...[that] weighs in favor of nonobviousness.”). **Second**, Wiz ignores the numerous other exhibits and expert testimony corroborating alleged “self-interested” evidence. *See, e.g.*, Exs.2103-2104, 2106, 2073, 2137, 2406, 2412. **Third**, Wiz’s Motion to Exclude addresses hearsay, which is wrong and countered separately. *See* Paper 56.

B. Wiz’s Copying

Orca implemented the patent’s claimed combinations in SideScanning in 2019, and Wiz accessed Orca’s technology to create Wiz’s substantially similar “Agentless Workload Scanning.” POR 36-38, 46-57. To establish **REDACTED**
REDACTED Orca’s declarants provided limitation-by-limitation analyses, supported by thorough evidence, detailing SideScanning’s claim correspondence. *Id.* 36-38; Ex.2074 (Shua) ¶¶28-83; Kaeli¶138. Against Orca’s detailed claim mapping/evidence Wiz offers only attorney argument (Reply 17, 23-25), entitled no weight. *Elbit Sys. of Am., LLC v. Thales Visionix, Inc.*, 881 F.3d 1354, 1359 (Fed. Cir. 2018).⁶ Wiz’s expert didn’t identify any missing limitation. *See* StavrouTr2.92:18-95:2.

⁶ Wiz’s arguments are also wrong. Reply 25. Orca provided detailed evidentiary pincites and expert testimony showing SideScanning’s straightforward practice of

Wiz concedes [REDACTED]

[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 46-57. [REDACTED]

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

Orca showed [REDACTED]

[REDACTED]

[REDACTED] POR 48-57.

Wiz doesn't dispute [REDACTED], instead countering with

testimony and documents from Wiz's self-interested CTO Ami Luttwak, who claims

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

elements 1.5-1.7. POR 36-37. Wiz attorney-argument that the analysis wasn't sufficiently detailed doesn't undermine that evidence.

Initially, Wiz's premise and timetable is wrong. Orca showed Wiz first accessed Orca's technology in May 2019—**REDAC**—when Orca and Wiz's co-founder, Yinon Costica, had a technical meeting. POR 47; Shua¶¶114-120;

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⁷ Wiz's misrepresentation of this evidence undermines its credibility as a whole regarding other documents Wiz produced in these proceedings. And Wiz's withholding Exhibits 1404-1413 until its Reply, having never produced them here or in the District Court litigation, unfairly precluded Orca from addressing them.

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In addition to Wiz's access, Orca showed Wiz's platform is substantially similar to Orca's with respect to the claims. POR 36-39, 54-58. Wiz argues that analysis didn't prove "Wiz practices the claim" (Reply 28); that is the wrong inquiry. The "copying inquiry involves a comparison of the competitor's product with the allegedly copied patented product, rather than the patent's claims." *Medtronic, Inc. v. Teleflex Innovations S.a.r.l.*, 70 F.4th 1331, 1340 (Fed. Cir. 2023). Wiz's expert offers no testimony countering Dr. Kaeli's detailed substantial similarity analysis

between Orca's and Wiz's products (Kaeli ¶¶183-207). Stavrou Tr2.98:3-13, 100:6-105:12 (no opinion disputing similarities). Wiz ostensibly claims Orca didn't "prove substantial similarity," but Wiz doesn't identify *any* differences between products. Reply 25. Orca's Mr. Shua described experiences with dozens of customers remarking about similarities. Shua ¶114; *see id.* ¶¶119-129. **REDACTED**

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REDACTED And the undisputed evidence shows customers **REDACTED** consider Wiz's agentless workload-scanning features indistinguishable from SideScanning. POR 56-57. That is dispositive.

There's much more: **REDACTED**

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Wiz appears to claim, REDACTED

no copying exists. Wiz is wrong. Materials regarding Orca's SideScanning were unquestionably "publicly available...and accessible to [Wiz]

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 VMs "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

Wiz's piecemeal, individual element attacks cannot excuse its copying: Orca's nexus is "tied to the combination of features as a whole." *Medtronic*, 70 F.4th at 1337. Second, Wiz introduces new

evidence where Orca's "public statements emphasize the platforms' differences." Reply 26 (citing Ex.1126). That document shows no differences between the companies "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. Industry Praise

Orca's numerous awards and laudatory statements resulted from the claimed features' unique combination, **REDACTED**. *See, e.g.*, POR 41-43. Wiz's Reply's piecemeal arguments fail factually and legally.

First, Wiz argues Exhibits 2121-2122, 2124-2125, 2128-2130, and 2132 contain Orca's press releases and can't be considered as "self-interested." Reply 21-

23. Wiz is incorrect. 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 press releases); *see also Volvo*, 81 F.4th at 1214-15 .

Second, Wiz incorrectly argues Orca's awards are “irrelevant” without a “nexus presumption.” Reply 21. Orca showed it received the awards due to the novel claim combination. POR 41-43. The quoted statements' alleged relation to “known/unrecited features such as the ‘agentless approach’” is irrelevant (Reply 21); objective indicia doesn't need to be tied exclusively to claimed elements allegedly missing from the art. *Arctic Cat*, 876 F.3d at 1330-32. Regardless, Wiz's expert agreed “agentless workload scanning” corresponds to the claims. StavrouTr2.112:1-7.

Third, it makes no sense to disregard awards from Orca's investors. Reply 21. Orca *attracted* those investors because of Orca's industry-transforming “patent-pending SideScanning.” POR 57-59. Orca also received awards unaffiliated with any investor/partner focused on claimed features. For example, Forbes emphasized Orca's “patent-pending SideScanning™ technology” and specifically noted Orca's agentless reading “cloud configuration[s],” “prioritizing risk,” analyzing “block storage out-of-band,” and “detecting vulnerabilities.” Ex.2120, 7; POR 42-43; *see*

also Ex.2119, 6-10 (similar CRN praise). These awards have nexus to the claims. StavrouTr2.112:4-7 (agentless workload scanning corresponds to '032 patent claims), 114:20-115:11 (“block-level analysis” corresponds to claimed snapshot analysis).

Fourth, Wiz relies on attorney argument to recharacterize REDACTED CTED

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

StavrouTr2.15:11-13, 20:11-17 REDACTED, 21:9-13, 30:3-10. Dr. Stavrou didn't talk to Wiz personnel, nor investigate the documents. *Id.*, 8:5-9. Dr. Stavrou admits: he was “speculating.” *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). 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”); LuttwakTr.24:10-15 (Orca and Wiz are competitors).

Fifth, Wiz erroneously discredits

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Sixth, Wiz takes issue with Ex.2118 as a “commissioned” security report. Reply 21. But it describes a third-party’s 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, 175:18-176:13. TAG Cyber independently performed its own “assessment,” “review” and “validat[ion]” of data 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 57-60. 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, *7-8 (Fed. Cir. 2021) (nonprecedential) (vacating obviousness finding given failure to consider commercial success evidence without presumption). Even crediting Wiz's argument SideScanning has “unrecited features,” no requirement that “the patented invention be solely responsible for the commercial success” 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**

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REDACTED POR 59. 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, 5 years after Orca’s SideScanning commercialization, Orca is a top-five “cloud security” company by revenue within this broader industry. Ex.2076, 21; Reply 27-28.

Wiz’s own press releases also attributed Wiz’s commercial success to its (copied from Orca) “agentless, API-centered approach to seamlessly scan workloads,” further supporting nonobviousness. POR 60-61, 53-57. Wiz argues these features lack nexus, but Dr. Stavrou conceded they do. StavrouTr2.112:1-7, 112:20-113:4, 113:22-114:7. Wiz repeats these features were “known” (Reply 28),

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VI. Conclusion

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

Respectfully submitted,

Dated: September 8, 2025

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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 5,585 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).

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 8th day of August, 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:

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