

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ORCA SECURITY LTD.,

Plaintiff,

v.

WIZ, INC.,

Defendant.

C.A. No. 23-0758 (JLH) (SRF)

**ORCA SECURITY LTD.’S ELEVENTH SUPPLEMENTAL RESPONSES AND
OBJECTIONS TO DEFENDANT WIZ INC.’S FIRST SET OF INTERROGATORIES
(NOS. 1-13)**

Pursuant to Federal Rules of Civil Procedure 26 and 33 and the District of Delaware’s Civil Local Rule 26, Plaintiff Orca Security Ltd. (“Orca” or “Plaintiff”) hereby provides its responses and objections to Wiz, Inc.’s (“Defendant” or “Wiz”) First Set of Interrogatories (“Interrogatories” or “Interrogatory”) as set forth below.

GENERAL OBJECTIONS

The following general objections are incorporated by reference into Plaintiff’s responses to each and every Interrogatory.

1. Orca’s responses are based upon information currently known to it through reasonable investigation thus far, and are subject to amendment, supplementation, and/or other modification. Discovery in this matter is ongoing, and during the course of subsequent discovery, Orca may become aware of additional information that may be responsive to these Interrogatories. As a result, Orca may update, amend, supplement, or otherwise modify these responses. By providing these responses, Orca does not, and does not intend to, waive its right to rely on evidence or information that is subsequently discovered through its continuing investigation and/or included

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INTERROGATORY NO. 11:

Describe with specificity and precision the facts and circumstances concerning Your contention that Wiz copied anything from, or related to, Orca including but not limited to the Asserted Patents, including an identification of all Documents supporting those contentions and identify the Persons knowledgeable about the subject matter of this interrogatory.

RESPONSE TO INTERROGATORY NO. 11:

Orca incorporates all of its General Objections as if specifically set forth herein. Orca further objects to this Interrogatory as overly broad, unduly burdensome, and not proportional to the needs of the case because it is unlimited in time or scope and requests identification of “all Documents.” Orca objects to this Interrogatory because it seeks expert discovery prior to the

[REDACTED]

scheduled time to exchange said information under the Scheduling Order. Orca objects to this Interrogatory to the extent it calls for a legal conclusion. Orca further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, work-product immunity, and/or any other applicable exception or privilege. Orca further objects to this Interrogatory to the extent it seeks information that is publicly available and equally available to Wiz as to Orca.

Subject to and without waiving the foregoing General and Specific Objections, Orca answers as follows:

Orca incorporates by reference its Second Amended Complaint, the documents cited therein, and the attachments thereto.

Wiz was founded in January 2020 by Assaf Rappaport, Ami Luttwak, Yinon Costica, and Roy Reznik, a team that previously led the Cloud Security Group at Microsoft, one of the top providers of cloud computing environments in the world. <https://www.darkreading.com/cloud/former-microsoft-cloud-security-leads-unveil-newstartup>; <https://www.forbes.com/sites/davidjeans/2020/12/09/wiz-sequoia-index-cybersecurity-100-million-former-microsoft-executives/?sh=4414df63254c>. According to those founders, it was their time at Microsoft that provided them the “insight” that current cloud security tools were too complicated, fragmented, and generate too many alerts. <https://www.darkreading.com/cloud/former-microsoft-cloud-security-leads-unveil-newstartup>. Wiz was thus founded to “build a platform that lets teams scan their environments across compute types and cloud services for vulnerabilities and configuration, network, and identity issues without agents”; *i.e.*, to do exactly what Orca had already been doing for over a year. [https://www.darkreading.com/cloud/former-microsoft-cloud-security-leads-unveil-newstart up](https://www.darkreading.com/cloud/former-microsoft-cloud-security-leads-unveil-newstartup).



This was not a coincidence or a simultaneous stroke of genius. On the contrary, Wiz was birthed from the very beginning as a counterfeit copy of Orca’s ideas—Mr. Shua had presented Orca’s Platform to Wiz’s founders at Microsoft in May 2019, and the so-called “insight” of which Wiz boasts was nothing more than the misappropriation of Mr. Shua’s ideas and Orca’s technology as presented to Wiz’s founders before they formed Wiz and sought to launch a copycat competitor to Orca. It was at this 2019 meeting that Mr. Shua explained how cloud security would forever be changed by his novel agentless cloud security platform as implemented in Orca’s cloud-native security platform. Within months, the Wiz founders left their lucrative careers at Microsoft to start Wiz, build a clone of Orca’s technology, and compete directly with Orca.

Because of the massive head start it received from Orca and Mr. Shua, it took Wiz just months from the time the company was founded before it had a fully functioning “cloud visibility solution for enterprises that provides a complete view of security risks across clouds, workloads and containers” that was “already used by Fortune 100 companies.” <https://www.securityweek.com/cloud-security-firm-wiz-emerges-stealth-100m-funding/>. In August 2022, Wiz announced it had become the “fastest-growing software company ever” reaching “\$100M ARR [annual recurring revenue] in 18 months.” <https://www.wiz.io/blog/100m-arr-in-18-months-wiz-becomes-the-fastest-growingsoftware-company-ever>. And just eight months later in February 2023, Wiz raised \$300 million and achieved a company valuation of \$10 billion. <https://techcrunch.com/2023/02/27/cloud-security-startup-wiz-now-valued-at-10b-raises-300m/>.

Wiz’s wholesale copying of Orca’s technology has been observed by third party industry analysts. For example, SOURCEFORGE’s comparison of Orca and Wiz lists identical “Cloud Security Features” for each platform:

 Orca Security	 Wiz
Learn More Update Features	Learn More Update Features
Cloud Security Features	Cloud Security Features
Antivirus	Antivirus
Application Security	Application Security
Behavioral Analytics	Behavioral Analytics
Encryption	Encryption
Endpoint Management	Endpoint Management
Incident Management	Incident Management
Intrusion Detection System	Intrusion Detection System
Threat Intelligence	Threat Intelligence
Two-Factor Authentication	Two-Factor Authentication
Vulnerability Management	Vulnerability Management

<https://sourceforge.net/software/compare/Orca-Security-vs-Wiz/>.

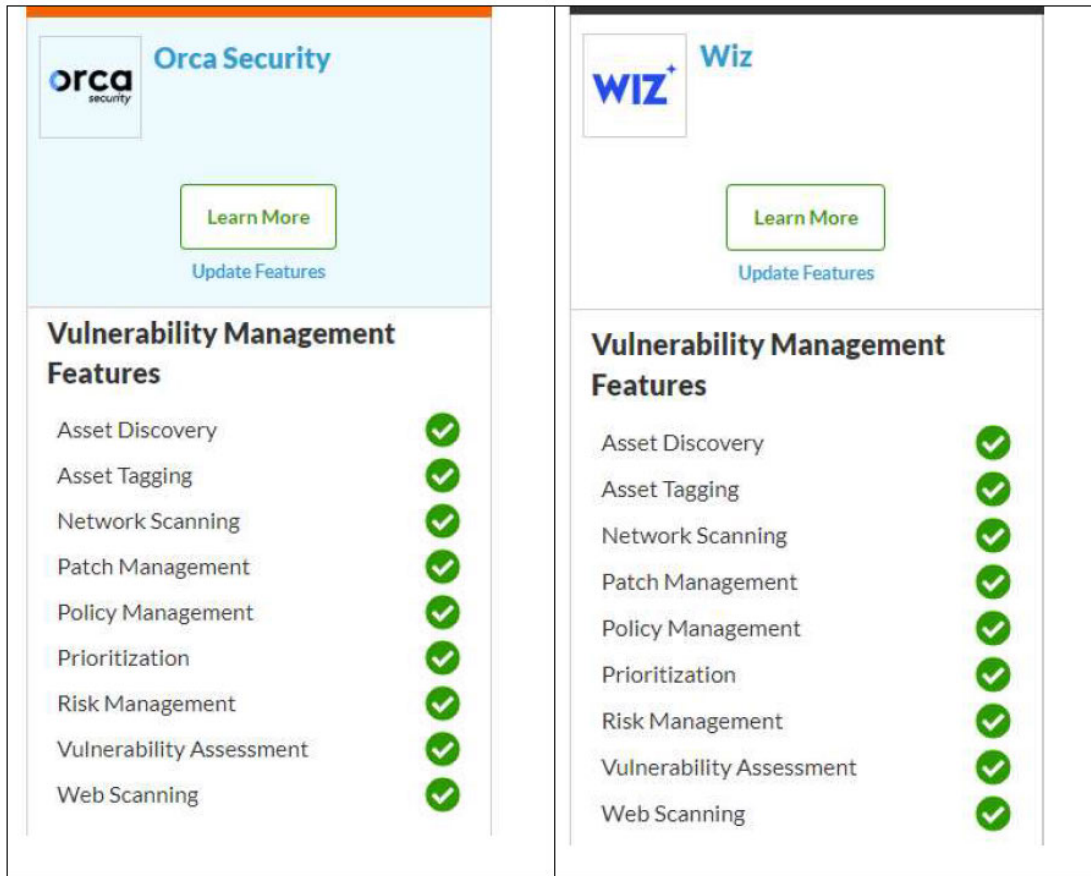
SOURCEFORGE also notes that Wiz has the same “Cybersecurity Features” as Orca:



 Orca Security Learn More Update Features Cybersecurity Features AI / Machine Learning Behavioral Analytics Endpoint Management Incident Management IOC Verification Tokenization Vulnerability Scanning Whitelisting / Blacklisting ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓	 Wiz Learn More Update Features Cybersecurity Features AI / Machine Learning Behavioral Analytics Endpoint Management Incident Management IOC Verification Tokenization Vulnerability Scanning Whitelisting / Blacklisting ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓
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Id.

SOURCEFORGE further shows that Wiz has the same “Vulnerability Management Features” as Orca:



Id.

Through all of its copying, Wiz has attributed none of its technology to Orca. In fact, Wiz has done the opposite. Wiz has claimed it was the “first cloud visibility solution” (<https://web.archive.org/web/20210128014251/https://wiz.io/>) and the “first full stack multi-cloud security platform” (<https://web.archive.org/web/20210422201202/https://www.wiz.io/product>). But even its “full stack” descriptor was copied from Orca. It was Orca that first announced its “Unprecedented Full Stack Cloud Visibility” platform in June 2019, months before Wiz was even founded. <https://orca.security/resources/blog/orca-security-lands-6-5m-seed-round-to-deliver-itsecurity-teams-unprecedented-full-stack-cloud-visibility-securing-high-velocity-cloud-growth/>. As another more recent example, Wiz announced in June 2022 that it had a “new vision for cloud

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security” with the “introduction of attack path analysis.” <https://www.wiz.io/blog/uniting-builders-and-defenders-a-new-vision-for-cloud-security>. But Wiz’s “attack path analysis” was not new, and it wasn’t Wiz’s vision. It was Mr. Shua’s from just two months earlier. On March 31, 2022, Mr. Shua blogged about Orca’s new “Cloud Attack Path Analysis” dashboard, which Wiz copied. <https://orca.security/resources/blog/cloud-attack-path-analysis/>.

Wiz’s copying of Orca has not stopped with the technology, but pervades Wiz’s business as a whole. For example, Orca realized early on that its cloud-native approach could be analogized to a medical MRI, providing a full model of the cloud environment without affecting it in any way. Early Orca marketing materials noted: “An apt analogy is to think of a medical MRI. Instead of probing inside the body with needles and scalpels, such imaging is an out-of-band method of obtaining a detailed picture of the organs and tissue within. The person is never physically touched.” *See* Second Amended Complaint, Ex. 3 at 5. Wiz copied this message: “Instead of using an intrusive agent, Wiz leverages cloud-native tools to perform scans without interrupting or impacting production workloads. Just like an MRI performs a 3D scan of the body without affecting the body itself, snapshot scanning achieves deep analysis of the workload without any impact or interruption to the live workload.” *See* Second Amended Complaint, Ex. 4. And Wiz knew, or should have known, that the technology Orca analogized to an “MRI” that Wiz copied would be protected by Orca’s patent portfolio. *See* Second Amended Complaint, Ex. 3 at 5.

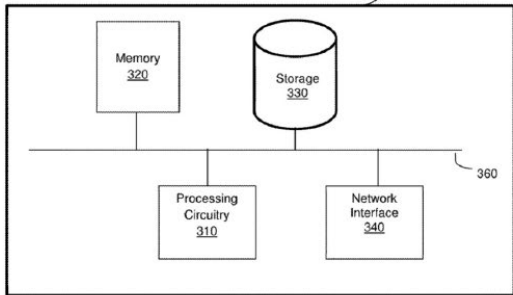
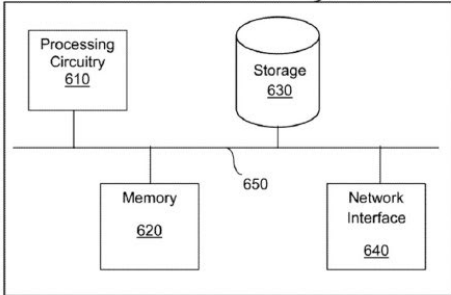
As another example, Orca promoted its technology as assuming the “heavy lifting” of contextualizing detected security threats and prioritizing those that matter most. *See* Second Amended Complaint, Ex. 3 at 15. (“Context is critical; it’s the difference between effective security and dreaded analyst alert fatigue. Orca assumes responsibility for the heavy lifting associated with this additional context and assesses the real and effective risk. Orca’s mission is

[REDACTED]

to provide the best contextualized security intelligence possible.”). Wiz copied this too beginning with its very first website in 2020: “We do the heavy lifting, you get total visibility.” <https://web.archive.org/web/20201209145922/http://www.wiz.io/>.

Wiz even copied the more mundane aspects of Orca’s marketing. For example, at a multi-day security conference in London, Orca decided that it would break away from typical technology booths and instead sponsor a coffee booth. Wiz attended the same conference. On the first day, Wiz sponsored a typical technology booth. The following day, Wiz showed up with its own coffee machine. Just like Orca.

Wiz also has knowingly copied Orca’s patents, its prosecution strategy, and even its prosecuting attorney. Orca’s first patent applications were filed and prosecuted by a lawyer at a small boutique firm with less than 10 attorneys, with whom Mr. Shua worked directly and confidentially. That engagement was terminated in 2021 when Orca learned that Wiz had engaged the same lawyer to file patents for Wiz on overlapping technology. Wiz’s patent applications now include figures and descriptions that are nearly identical to those found in Orca’s ’031 and ’032 patents:

Orca	Wiz
 FIG. 3 FIG. 3 is an example block diagram of the security system 140 according to an embodiment. The security system 140 includes a processing circuitry 310 coupled to a memory 320, a storage 330, and a network interface 340. In an embodiment, the components of the security system 140 may be communicatively connected via a bus 360. The processing circuitry 310 may be realized as one or more hardware logic components and circuits. For example, and without limitation, illustrative types of hardware logic components that can be used include field programmable gate arrays (FPGAs), application-specific integrated circuits (ASICs), application-specific standard products (ASSPs), system-on-a-chip systems (SOCs), general-purpose microprocessors, microcontrollers, digital signal processors (DSPs), and the like, or any other hardware logic components that can perform calculations or other manipulations of information. '032 patent at Fig 3, 8:7-23; '031 patent at Fig. 3, 9:15-31.	 FIG. 6 FIG. 6 is an example hardware block diagram 600 depicting a cyber-security system 150, according to an embodiment. The cyber-security system 150 includes a processing circuitry 610 coupled to a memory 620, a storage 630, and a network interface 640. In an embodiment, the components of the cyber-security system 150 may be communicatively connected via a bus 650. The processing circuitry 610 may be realized as one or more hardware logic components and circuits. For example, and without limitation, illustrative types of hardware logic components that can be used include field programmable gate arrays (FPGAs), application-specific integrated circuits (ASICs), Application-specific standard products (ASSPs), system-on-a-chip systems (SOCs), graphics processing units (GPUs), tensor processing units (TPUs), general-purpose microprocessors, microcontrollers, digital signal processors (DSPs), and the like, or any other hardware logic components that can perform calculations or other manipulations of information. Wiz's U.S. Patent No. 11,374,982 at Fig. 6, 20:61-21:12.

Again, this was no coincidence. On information and belief, Wiz knew that the lawyer it hired had prosecuted Orca's patent applications and hired him to assist Wiz in its attempts to pass off Orca's technology and intellectual property.

In furtherance of its scheme to copy Orca, Wiz also recruited Orca's outside corporate counsel to work for Wiz. That lawyer attended Orca's Board of Director meetings and, as a result, was exposed to Orca's highly confidential technology and business plans. Orca replaced its outside corporate counsel in November 2020 after it learned that Wiz had engaged the very same lawyer

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as its own corporate counsel. On information and belief, Wiz knew that the lawyer it hired was Orca's outside corporate counsel and Wiz hired him to assist Wiz in its attempts to copy Orca.

Beyond the foregoing examples, on information and belief, Wiz has hired former Orca employees and worked with third parties to acquire Orca's confidential information relating to current and future product plans, marketing, sales, prospective customers, and prospective employees, and has used that confidential information in furtherance of its collective pattern of efforts to copy and to compete unfairly with Orca.

Wiz's pattern of copying pervades Wiz's business as a whole. This pattern leads to the further conclusion, on information and belief, that Wiz monitors virtually every aspect of Orca's business, from the mundane aspects of how it presents itself at conferences, to its marketing, and Orca's fundamental technology and patent portfolio. Wiz would have had reason to, and, on information and belief, does monitor Orca's patent portfolio because Orca's website and marketing materials—including those Wiz copies—explained the Orca Platform used “patent-pending” and “patented” technology. *See e.g.*, <https://orca.security/platform/> (“The Orca Cloud-Native Application Protection Platform (CNAPP) is built on Orca's patented SideScanning technology”); <https://orca.security/platform/agentless-sidescanning/> (“Our patented SideScanning™ technology is at the heart of the Orca Platform . . .”); <https://orca.security/platform/vulnerability-management/> (“Orca's patented SideScanning™ technology is a radical new approach that addresses the shortcomings of traditional vulnerability assessment and agent-based cloud security solutions.”).

Discovery in this case is ongoing, including significant relevant discovery that remains outstanding from Wiz. That additional information may additionally bear on Orca's response to this interrogatory, and Orca may supplement, amend, and/or modify its response as discovery proceeds.

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MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Cameron P. Clark

OF COUNSEL:

Douglas E. Lumish
Lucas Lonergan
LATHAM & WATKINS LLP
140 Scott Drive
Menlo Park, CA 94025
(650) 328-4600

Blake R. Davis
Peter Hoffman
LATHAM & WATKINS LLP
505 Montgomery Street, Suite 2000
San Francisco, CA 94111
(415) 391-0600

Christopher Henry
Kristina D. McKenna
LATHAM & WATKINS LLP
200 Clarendon Street
Boston, MA 02116
(617) 948-6000

Ryan Thomas Banks
LATHAM & WATKINS LLP
650 Town Center Drive, 20th Floor
Costa Mesa, CA 92626
(714) 540-1235

Gabriel K. Bell
Nicole Elena Bruner
LATHAM & WATKINS LLP
555 Eleventh Street, NW, Suite 1000
Washington, DC 20004
(202) 637-2200

December 13, 2024

Jack B. Blumenfeld (#1014)
Rodger D. Smith II (#3778)
Cameron P. Clark (#6647)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899-1347
(302) 658-9200
jblumenfeld@morrisnichols.com
rsmith@morrisnichols.com
cclark@morrisnichols.com

Attorneys for Plaintiff Orca Security Ltd.

CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2024, copies of the foregoing were caused to be served upon the following in the manner indicated:

Frederick L. Cottrell, III, Esquire
Kelly E. Farnan, Esquire
Christine D. Haynes, Esquire
RICHARD, LAYTON & FINGER, P.A.
One Rodney Square
920 North King Street
Wilmington, DE 19801
Attorneys for Defendant

VIA ELECTRONIC MAIL

Jordan R. Jaffe, Esquire
Catherine Lacey, Esquire
Callie Davidson, Esquire
Alex Miller, Esquire
WILSON SONSINI GOODRICH & ROSATI, P.C.
One Market Plaza
Spear Tower, Suite 3300
San Francisco, CA 94105
Attorneys for Defendant

VIA ELECTRONIC MAIL

Praatika Prasad, Esquire
WILSON SONSINI GOODRICH & ROSATI, P.C.
1301 Avenue of the Americas, 40th Floor
New York, NY 10019-6022
(212) 999-5800
Attorneys for Defendant

VIA ELECTRONIC MAIL

Lisa D. Zang, Esquire
WILSON SONSINI GOODRICH & ROSATI, P.C.
1900 Avenue of the Stars, 28th Floor
Los Angeles, CA 90067
Attorneys for Defendant

VIA ELECTRONIC MAIL

/s/ Cameron P. Clark

Cameron P. Clark (#6647)