

Filed on behalf of: Orca Security Ltd.

Entered: October 3, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WIZ, INC.,
Petitioner,

v.

ORCA SECURITY LTD.,
Patent Owner.

IPR2024-01191
Patent 11,775,326

PATENT OWNER'S SUR-REPLY

TABLE OF CONTENTS

I.	Introduction.....	1
II.	Claim Construction.....	2
	A. “Location”	2
	B. “Analyzing ...”.....	2
III.	Ground 1	3
	A. Wiz’s Reply Cannot Be Used To Rewrite The Petition.....	3
	B. Claims 6/8.....	12
	C. Claim 14	13
	D. Ground 3	15
IV.	Objective Indicia.....	16
	A. Nexus.....	16
	B. Long-Felt Need & Skepticism.....	18
	C. Wiz’s Copying.....	21
	D. Praise	33
	E. Commercial Success.....	36
V.	Conclusion	38

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Exhibit List¹

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2001	Declaration of David R. Kaeli, Ph.D. (“Kaeli Decl.”)
2002	<i>Curriculum Vitae</i> of David R. Kaeli, Ph.D.
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, <i>Trend Micro Enterprise Security</i> ”)
2004	Red Hat, <i>Red Hat Virtualization 4.0: Technical Reference: The Technical Architecture of Red Hat Virtualization Environments</i> (updated Mar. 29, 2018), https://docs.redhat.com/en-us/documentation/red_hat_virtualization/4.0/pdf/technical_reference/Red_Hat_Virtualization-4.0-Technical_Reference-en-US.pdf (“Red Hat Virtualization 4.0”)
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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 – <i>Virtual Machine Snapshots</i> ”)

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2012	U.S. Pat. No. 9,594,912 B1 (“Thioux”)
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”)
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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”)
2020	RESERVED

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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> ”)
2023-2024	RESERVED
2025	Red Hat, <i>Red Hat OpenStack Platform 11: Instances and Images Guide – Managing Instances and Images</i> (updated Feb. 19, 2018), https://docs.redhat.com/en-us/documentation/red_hat_openstack_platform/11/pdf/instances_and_images_guide/Red_Hat_OpenStack_Platform-11-Instances_and_Images_Guideen-US.pdf (“Red Hat Open Stack”)
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”)
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2043	Pallavi Vishwakarma, <i>Agent-Based Vs Network Based Internal Vulnerability Scanning</i> , SecOps Solution.com (July 2, 2023)
2044	<i>Agentless vs Agent-Based Scanning: A Comparative Analysis</i> , Runecast.com (July 20, 2023)
2045	Joint Claim Construction Chart, <i>Orca Sec. Ltd. v. Wiz, Inc.</i> , No. 1:23-cv-00758 (D. Del. Sept. 25, 2024) (“Jt. Claim Constr. Chart”)

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2046-2047	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	Appendix F, Invalidity of United States Patent 11,775,326 (the "326 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)
2050	Appendix F-1, Invalidity of United States Patent 11,775,326 (the "326 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)
2051	Declaration of Douglas E. Lumish Pursuant to 37 C.F.R. § 42.10(c)(2)
2052	Declaration of Steven W. Peters In Response to Petitioner's First Objections to Evidence [<i>served, not filed</i>]
2053	Listing of Requested Documents
2054-2055	RESERVED
2056	Orca Security Ltd.'s Eleventh Supplemental Responses and Objections to Defendant Wiz's First Set of Interrogatories, <i>Orca Sec. Ltd. v. Wiz, Inc.</i> , No. 1:23-cv-00758 (D. Del. Dec. 13, 2024) (excerpts)
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/
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
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2070	Francis & James Berthoty, <i>Redefining CNAPP: A Complete Guide to the Future of Cloud Security</i> , Software Analyst Cyber Research, (Sept. 12, 2024), https://softwareanalyst.substack.com/p/redefining-cnapp-a-complete-guide
2071	Memorandum Order, <i>Orca Sec. Ltd. v. Wiz, Inc.</i> , No. 1:23-cv-00758 (D. Del. Oct. 22, 2024), ECF No. 182
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]
2074	Declaration of Avi Shua ("Shua") [PROTECTIVE ORDER MATERIAL]

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2075	Wiz Experts Team, Containers vs. VMs: What's the difference? (Apr. 8, 2024) [Stavrou Dep. Ex. 2075]
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2077	Transcript of Deposition of Angelos Stavrou, Ph.D., taken March 5, 2025 ("StavrouTr1.")
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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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
2085	Orca Security, <i>CNBC Interview with Avi Shua Orca Security Through the Years</i> (last visited Mar. 19, 2025), https://www.youtube.com/watch?v=r9aBmLHpSnY

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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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2097	<i>Define AWS Role</i> (last visited Mar. 19, 2025), https://www.youtube.com/watch?v=SOw046Fnafo (first made available June 11, 2019)
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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2108	Orca Security, <i>Orca Security Lands \$20 Million Series A to Help More Global Enterprises Gain Deeper Multi-Cloud Visibility in Minutes, Not Months</i> (May 5, 2020), https://orca.security/resources/press-releases/orca-security-funding-20m-multi-cloud-visibility/
2109	TechCrunch, <i>Orca Security Raises \$20M Series A for Its Multi-Cloud Security Platform</i> (May 5, 2020), https://techcrunch.com/2020/05/05/orca-security-raises-20m-series-a-for-its-multi-cloud-security-platform/
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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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2120	Louis Columbus, <i>The Top 20 Cybersecurity Startups to Watch in 2021</i> (Nov. 29, 2020), https://www.forbes.com/sites/louis-columbus/2020/11/29/the-top-20-cybersecurity-startups-to-watch-in-2021-based-on-crunchbase/
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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/
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
2151-2157	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

Exhibit	Description
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
2166-2167	RESERVED
2168	Wiz, <i>Agentless and Cloud-Native Vulnerability Management</i> (last visited May 5, 2025), https://www.wiz.io/solutions/vulnerability-management
2169	Thomas Nuth et al., <i>The Essential Steps for Cloud Vulnerability Management</i> (Oct. 30, 2024), https://www.wiz.io/blog/essential-steps-for-cloud-vulnerability-management
2170	Shaked Rotlevi, <i>Vulnerability Prioritization in the Cloud: Strategies + Steps</i> (Sept. 12, 2024), https://www.wiz.io/academy/vulnerability-prioritization
2171	RESERVED
2172	Transcript of Deposition of Angelos Stavrou, Ph.D., taken April 2, 2025 ("StavrouTr2.")
2173-2188	RESERVED

Exhibit	Description
2189	U.S. Patent Application Pub. No. 2020/0244678 A1
2190-2191	RESERVED
2192	Declaration of Raghav Bajaj in Response to Petitioner's Third Objections to Evidence [PROTECTIVE ORDER MATERIAL] [served, not filed]
2193	Jordan Novet, <i>A Tiny Security Start-Up Founded By Engineers Who Sold Their Last Company to Microsoft is Already Worth \$1.7 Billion</i> , CNBC (updated Mar. 22, 2021, 11:40 A.M. EDT), https://www.cnbc.com/2021/03/22/security-start-up-wiz-valued-at-1point7-billion-after-a-year-of-existence.html (last visited Sept. 19, 2025)
2194	Assaf Rappaport, <i>Wiz Becomes Fastest Growing Security Startup Ever With New \$1.7B Valuation</i> , WIZ, Inc. (updated Apr. 7, 2021), https://www.wiz.io/blog/wiz-fastest-growing-security-startup-ever-with-new-valuation (last visited Sept. 19, 2025)
2195	Transcript of Deposition of Angelos Stavrou, Ph.D., taken September 24, 2025 ("StavrouTr4.") [PROTECTIVE ORDER MATERIAL]
2196	Transcript of Deposition of Ami Luttwak, taken September 2, 2025 ("LuttwakTr."), as to IPR2024-00863, -00864, -00865, -01109, -01190, and -01191 [PROTECTIVE ORDER MATERIAL]
2197	Transcript of Deposition of Angelos Stavrou, Ph.D., taken August 19, 2025 ("StavrouTr3."), as to IPR2024-00863, -00864, and -00865 [PROTECTIVE ORDER MATERIAL]
2198-2299	RESERVED
2300	Excerpt from Orca Product Documentation (2024) [PROTECTIVE ORDER MATERIAL]

Exhibit	Description
2301	<i>API Onboarding with GCP Multi Scanner for In-Account</i> [PROTECTIVE ORDER MATERIAL]
2302	Email from Liran Antebi to Avi Shua re [Confluence] Project: MVP > AWS Permissions (Feb. 5, 2019) [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	[REDACTED] [PROTECTIVE ORDER MATERIAL]
2310	RESERVED
2311	Excerpt from Orca Product Documentation (2024) Part 2 [PROTECTIVE ORDER MATERIAL]
2312	[REDACTED] [PROTECTIVE ORDER MATERIAL]
2313-2399	RESERVED
2400	[REDACTED] [PROTECTIVE ORDER MATERIAL]

Exhibit	Description
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]
2413	[REDACTED] [PROTECTIVE ORDER MATERIAL]

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

Exhibit	Description
2427	[REDACTED] [PROTECTIVE ORDER MATERIAL]
2428	[REDACTED] [PROTECTIVE ORDER MATERIAL]
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 (Paper 42) tries to rehabilitate its hindsight-based obviousness arguments in two ways; the Board should reject both and confirm all claims.

First, because Orca's POR revealed numerous failures in Wiz's analysis, Wiz's Reply obfuscates its original arguments, which incorporated Basavapatna's sensor-based vulnerability identification, and shifts focus to a combination abandoning Basavapatna's vulnerability identification and using allegedly "equivalent data" from Veselov with Basavapatna — something its Petition didn't argue. Precedent forbids petitioners shifting arguments; the Board shouldn't condone it either; regardless, Wiz's new theory also lacks viability. The Petition's obviousness analysis was and remains fatally flawed.

Second, Wiz's piecemeal attacks can't overcome Orca's overwhelming objective indicia of non-obviousness. Wiz can't erase the extensive praise for Orca's claimed features [REDACTED]. Wiz's [REDACTED] [REDACTED] doesn't withstand scrutiny. Properly considering the fourth *Graham* factor demonstrates this case's uniqueness; when objective indicia is appropriately evaluated, no claim is obvious.

II. Claim Construction

A. “Location”

Wiz’s attempt to broaden “location” to include any “identifier” is new, non-responsive, and should be disregarded. *See* Pet.9 (construing “location”); POR 7-9 (no dispute); Reply 1. It is also wrong. VM identifiers, for example, are not virtual disk locations. POR 29-33; Ex.2073 (“Kaeli”) ¶146.

B. “Analyzing ...”

Wiz abandons its earlier unsupported and incorrect construction that “analyzing the at least one snapshot” encompasses analyzing VMs instantiated from snapshots. Pet.10-11. Wiz doesn’t remedy that its construction was untethered to the intrinsic record and unsupported by its expert; not even on reply does Dr. Stavrou support Wiz. POR 7-9; Ex.1400¶10.

Rather than bolster its construction, Wiz confusingly contends the Petition “does not depend on” Veselov’s “assessment-VM approach” so “PO’s claim-construction argument” is “moot[.]” *See* Reply 1-2. The Petition *did* depend on these Veselov teachings, but now that Wiz has disavowed reliance on these teachings, the Board should too and disregard arguments citing Veselov’s assessment-VM approach (Figs.1/3A-3B) because Wiz doesn’t depend on it. Pet.15-16 (“analyzes...assessment VM”), 17-18 (“agent example”), 32 (“duplicate/assessment VM”). If assessment-VM reliance isn’t deemed abandoned (and it should be, as the Petition cannot be a moving target), Wiz’s assessment-VM

theories are wrong for the undisputed reasons Orca presented. POR 10-14. Wiz's "contradictions" assertion is incorrect² and, as Wiz states, "moot" because Wiz abandoned its construction.

III. Ground 1

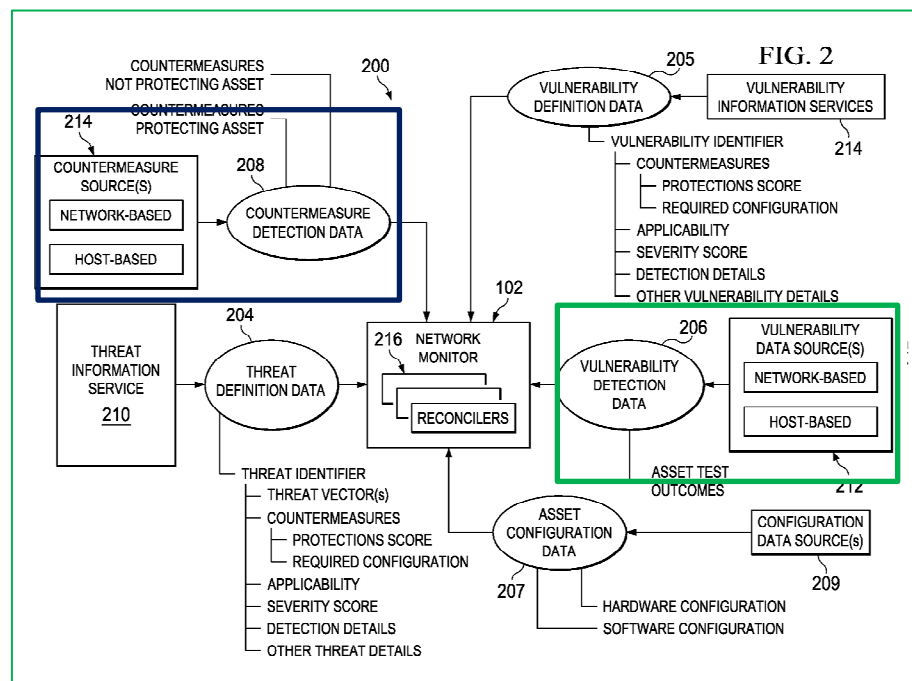
A. Wiz's Reply Cannot Be Used To Rewrite The Petition

Wiz wrongly views Orca's arguments as invoking a bodily-incorporation strawman, requiring Basavapatna's agents/sensors with Veselov's Fig.5A-5B agentless snapshot analysis. Wiz instead argues its analysis is unrebutted because "the combination does not incorporate agents." *See generally* Reply 3-7. Wiz's creative Petition reinterpretation fails to salvage its obviousness case.

Wiz's Petition argued POSAs would have "perform[ed] snapshot-based security assessments, as taught by Veselov, while **further applying** Basavapatna's teachings involving **identification of vulnerabilities** [and] **determining risk**

² Wiz's vague citation to Dr. Kaeli's deposition includes no admission about "analyzing an instantiated VM as an example of analyzing the snapshot" (*cf.* Reply 2 (citing Ex.1401, 33:12-36:11). Dr. Kaeli's declaration resolves any ambiguity. Kaeli¶47 (specification "*distinguishes* analyzing a snapshot" from "instantiat[ing] a copy of the VM") (discussing Ex.1001 5:20-21, 5:56-63). Wiz's expert doesn't dispute this. *See* Ex.1400¶10.

levels.” Pet.20-21. Wiz doesn’t dispute Basavapatna’s vulnerability detection and risk level determinations are inextricably tied to outputs of Basavapatna’s host-based/network-based sensors/agents, which its expert conceded can’t be applied to analyzing snapshots. POR 14-18; Kaeli¶¶99-105; *see* Reply 4. And the Petition references/cross-references numerous Basavapatna sensor-based teachings. *See, e.g.*, Pet.20-23 (cross-referencing §X.B) (citing Ex.1008¶¶22-24, 26-28, 36, 46, 58, 59, 61, Figs.3A-3B, 5-6 (all expressly referring to sensors/agents)). Wiz’s limitation [1.2.d] analysis alone—relying solely on Basvapatna with no “combination” mention—cites 41 Basavapatna paragraphs (Ex.1008¶¶73-113) that repeatedly refer to previously-discussed sensor teachings (e.g., *id.*¶¶105 (“**vulnerability detection data 206**”), 108 (“**countermeasure detection data (e.g., 208)**”).



Combing through Basavapatna's teachings to extricate any sensor reliance transparently engages in improper hindsight, picking and choosing only so much of the reference as will advance Wiz's positions while ignoring the extensive contrary Basavapatna teachings.³ *In re Wesslau*, 353 F.2d 238, 241 (C.C.P.A. 1965).

Wiz's Basavapatna sensor-based risk assessments reliance is fatal to the combination. Dr. Stavrou admitted Basavapatna's sensors cannot work with analyzing snapshots. POR 14-15; StavrouTr2.53:14-20, 256:21-257:3. Dr. Kaeli and Mr. Shua confirmed the same. Kaeli¶¶86-98, 100; Ex.2074 ("Shua") ¶161. It is therefore undisputed that POSAs would have understood the relied-upon Basavapatna teachings "were (...actually or apparently) incompatible" with the Veselov relied-upon teachings, and POSAs "would not have reasonably expected to

³ Wiz's expert newly argues "collecting the types of data used in the combination does not require agents or network sensors," citing Basavapatna's statement that "aggregators can receive configuration data **from the assets themselves** or from the sensors monitoring the assets." Ex.1400¶20. Even if considered, this lacks merit: assets, i.e., computers, sending data, requires **operation**, which isn't applicable to snapshot analyses. Wiz's other new tertiary references (Exs.1139-1140) don't analyze snapshots.

succeed in combining those teachings.” *Intel Corp. v. PACT XPP Schweiz AG*, 2023 WL 2198649, *3 (Fed. Cir. 2023).

Even if considered, Wiz’s argument that Basavapatna’s risk assessments could be applied *without* Basavapatna’s sensors fails, because Wiz doesn’t explain how POSAs would “appl[y] Basavapatna’s teachings to snapshot analysis.” Reply 3. Wiz’s limitation [1.2.d] Petition analysis highlights these failures: Wiz relied exclusively on Basavapatna (not Veselov/the combination). Pet.31-33; POR 16-17. It remains unclear **how** Wiz proposes incorporating Basavapatna’s teachings, and **what** Basavapatna teachings are used, to create a combination that would allegedly render obvious the claims with any expectation of success.

Wiz’s Reply assumes “the combination *collects* the same *types* of data used in Basavapatna.” Reply 4. But that cannot be assumed here, because the “*process* for collecting data” in the two references are directly at odds, and POSAs would have understood different collection processes result in different collected data. *See* Ex.1400¶18 (differentiating between “process for collecting data” and “collected data itself”); POR 18-21; *see also* Ex.2067-005 (describing Orca’s SideScanning using snapshots analogous to “a medical MRI” compared to agent-based techniques “probing inside the body with needles and scalpels”).

Wiz also argues some data “types” between Basavapatna’s sensor-based processes might be “equivalent” to Veselov’s snapshot-based analysis, specifically

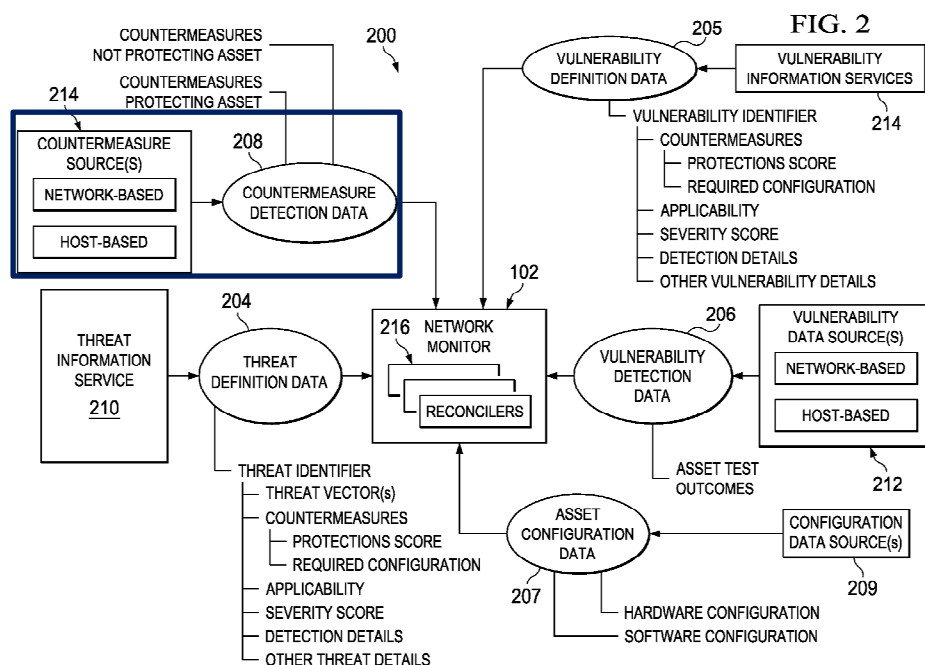
“files, applications, [and] configurations.” Reply 4. Wiz tacitly concedes it didn’t argue this for claim 1, citing its claim 8 analysis instead. *Id.* (citing Pet.46-47). That is improper. *Netflix, Inc. v. DivX, LLC*, 84 F.4th 1371, 1377, 1379 (Fed. Cir. 2023) (affirming nonobviousness because Board “is not obligated to cobble together assertions from different sections of a petition”).⁴

Wiz’s data “type” argument is only sensible if the combination’s risk level determinations from Basavapatna can be determined from the supposedly-equivalent data types, i.e., “files, applications, [and] configurations,” which Wiz cannot show. Wiz’s “determining a risk” analysis (Pet.[1.2.d]), relied exclusively on Basavapatna’s “vulnerability-centric” and “threat-centric” risk metrics. *Id.* 33. Both metrics consider multiple factors (*see, e.g.*, Kaeli¶¶89-98); common to both is, at minimum, “countermeasure score C.” Ex.1008¶¶82 (exposure factor E calculation in generating threat-centric metric), 112 (equations for vulnerability-centric metric).

⁴ Claim 8’s analysis further emphasizes reliance on Basavapatna’s sensor-dependent teachings. *See, e.g.*, Pet.45-47 (citing Ex.1008¶¶36-37 (sensor-collected asset “configuration” including “software running”), 105).

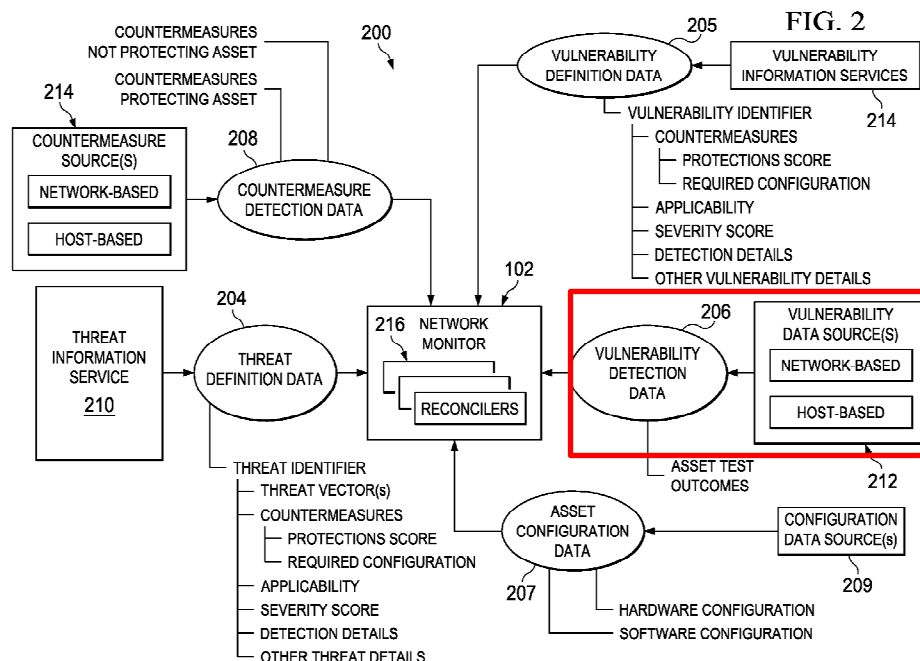
$E = \frac{TV}{C}.$	Basavapatna ¶82
$\frac{V_C}{C} \cdot \frac{BX_T(X_{CDP}X_{TD}X_{CIA})V_D}{C}.$ or	Basavapatna ¶112

“[C]ountermeasure score C” is determined from “what countermeasures...are protecting the asset” based on “countermeasure detection data” provided from **host-based/network-based sensors**.



Ex.1008, Fig.2, ¶¶87, 64. Wiz doesn't allege (let alone provide evidence showing) “files, applications, configurations, etc.” are “equivalent data” to “countermeasure

detection data,” or otherwise show how the “vulnerability-centric” or “threat-centric” metrics could be calculated with only “files, applications, configurations, etc.” Even further, Basavapatna’s “vulnerability-centric risk metric” incorporates “vulnerability detection data 206” “specif[ying] what tests were run by sensors protecting the asset” like “system configuration checks.” *Id.* ¶59.



Id. Fig. 2, ¶¶87, 64. It is therefore undisputed that Basavapatna’s sensor-based risk determinations wouldn’t work with the relied-upon Veselov snapshot-analysis teachings. Accordingly, POSAs “would not have reasonably expected to succeed in combining those teachings.” *Intel Corp.*, 2023 WL 2198649, *3.

Wiz’s **third-seventh** rebuttals fail too. *See* Reply 4-7.

Wiz **third** rebuttal challenges an argument Orca didn't make. Reply 4-5. Orca didn't argue "the robust data in Veselov's 3A/B snapshot is 'absent' from Veselov's 5A/B snapshot." *Id.* 4. Rather, Orca explained how *Veselov taught* the data *collected* from a security analysis depends on collection techniques, including agent-based duplicate-VM analysis resulting in *different* data than analyzing snapshots, consistent with the industry's view before Orca's inventions, and directly contradicting Wiz's motivations. *See* POR 19-20; *see also* Veselov, 15:50-59 (Fig.3A/3B "scanning service 310" captures stored activity/connection data), 16:58-67 (310/510 implemented differently).

Fourth, Wiz can't reason around its use of hindsight. Along with Orca's correct constructions, "[f]undamental differences between the references are central to [the] motivation to combine inquiry." *Adidas AG v. Nike, Inc.*, 963 F.3d 1355, 1359 (Fed. Cir. 2020). Fundamental differences between Veselov's "direct-snapshot analysis" where agents can't be installed, and Basavapatna's agent-heavy relied-upon teachings, wouldn't have motivated POSAs to combine them. That a "POSA can be motivated to do more than one thing" doesn't save Wiz, because both "thing[s]" must be suitable options (*see Janssen Pharms., Inc. v. Teva Pharms. USA, Inc.*, 97 F.4th 915, 930 (Fed. Cir. 2024)); Orca showed combining Veselov's snapshot-analysis with Basavapatna's risk determinations isn't suitable.

Fifth, irrespective of self-criticism (*cf.* Reply 6), Veselov's goal (avoiding complexity) is **more** relevant when considering Basavapatna, which requires installing multiple agents/sensors, adding further complexity to Veselov, which desires the opposite. POR 23-24. Veselov criticizes "drawbacks" requiring "complexity of installation and monitoring of the assessment system," which is what combining Basavapatna entails. Veselov, 2:42-54; POR 23-24.

Sixth, the POR squarely rebutted Wiz's "known element/function showing" and Wiz's "bodily-incorporation strawman" mantra avoids and doesn't address the issue: Wiz's Petition relied on Basavapatna's agents/sensors, and was factually and legally deficient. Wiz's abstaining from the word "sensor" in its motivation-to-combine Petition pages doesn't erase Wiz's reliance on Basavapatna's sensor teachings to show obviousness, which cannot support unpatentability.

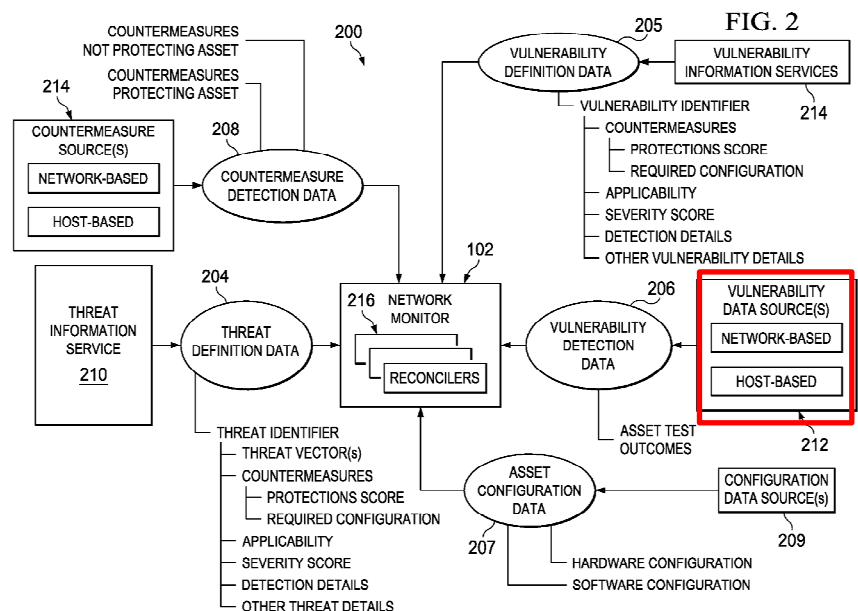
Seventh, as detailed above, Wiz's expectation of success showing was, and remains, inadequate. Reply 7. Wiz again asserts it showed "that snapshots contain the same types of data used by Basavapatna." *Id.* (citing Veselov, 9:42-67). This is wrong and incomplete: Wiz didn't show POSAs "would have and could have modified Veselov's snapshot-assessment embodiments to collect the data needed to apply Basavapatna's teachings" (POR 25), like the data needed to determine Basavapatna's countermeasure score C, which requires sensor-obtained information. And merely noting the two references analyze "the same types of data," at best,

shows analogous art, not enough to motivate a combination or establish success. *See Virtek Vision Int’l ULC v. Assembly Guidance Sys., Inc.*, 97 F.4th 882, 888 (Fed. Cir. 2024).

Wiz's obviousness arguments should be rejected.

B. Claims 6/8

Wiz again repeats “the combination does not rely on bodily incorporation of agents” but that is false. *See supra* §II.A. Wiz’s claim 6/8 analysis cited, e.g., Basavapatna (Ex.1008¶60), detailing information about assets running software from “vulnerability detection data 206” obtained, as Basavapatna depicts, from

sensors:

Wiz argues it “showed that Veselov and Basavapatna collect the same types of configuration information” (Reply 8 (citing Pet.46-47)), but its claim 6 analysis referenced **only** Basavapatna; Veselov/Ex.1007 citations don’t appear. Orca showed flaws in Wiz’s **presented** analysis, not what Wiz now wishes it would have presented. Wiz’s claim 8 analysis similarly fails. POR 27-29.

C. Claim 14

Wiz hasn’t shown Veselov’s Figs.5A/5B snapshot analyses render obvious “querying a cloud management console...for the location of the snapshot and the location of a specific virtual disk.” Wiz’s new references (Reply 10-11, Exs.1118-1120) discuss computing resource service providers as cloud providers, but aren’t relevant because Figs.5A/5B don’t involve such a service provider.

Wiz improperly mixes embodiments, applying Figs.1/3A/3B “cloud” aspect to Figs.5A/5B (Reply 10-12), but doesn’t provide motivation for modifying Veselov that way; this is fatal. *See Bos. Sci. Scimed, Inc. v. Cordis Corp.*, 554 F. 3d 982, 991 (Fed. Cir. 2009) (motivation to combine reference’s separate embodiments required even when embodiments were adjacently disclosed); *see also Tesla, Inc. v. Graphite Charging Co.*, IPR2024-00388, Paper 49 at 34-40 (Aug. 19, 2025), *Intel Corp. v. Tela Innovations, Inc.*, IPR2019-01520, Paper 64 at 23-26 (Mar. 9, 2021) (both applying *Cordis*).

Wiz's "several independent arguments" citing Veselov also don't suffice, because Wiz's Reply points to no virtual-disk-location-queries disclosure in Veselov. Reply 11-13; POR 29-33. Despite relying on Veselov's querying VM (not disk) locations for querying *virtual disk* locations (Pet.56-57; POR 30-31), Wiz's rehabilitation attempt alleges general storage locations aren't "typically different." Reply 12

Wiz's inherency arguments are admittedly non-starters, because storage locations aren't necessarily identical. POR 31-32. Wiz's suggestion, citing Veselov's figures, that snapshots and virtual disks share computing locations, lacks supporting disclosure. Reply 12. Wiz's expert's opinion lacks support too. Without inherency, Wiz's combination has no disclosure of claim 14, and Wiz/its expert can't avoid "the rigorous requirements of an inherency finding" by elevating form over substance and "asking [the Board] to accept its expert's inferences as to how a skilled artisan would have viewed [Veselov's] teachings." *See Dropbox, Inc. v. Synchronoss Techs., Inc.*, IPR2016-00851, Paper 40 at 17-18 (Oct. 5, 2017); *cf.* Ex.1002¶257. Even if virtual disk identifications were known, that doesn't suffice for obviousness without providing motivation to modify Veselov with them, which Wiz admittedly doesn't provide (Reply 12). *See Virtek*, 97 F.4th at 888.

Orca's objective evidence confirms that virtual disk locations, combined with other claimed elements, garnered significant praise, and [REDACTED]. POR 32-33.

Wiz doesn't dispute [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. POR 32-33; *see* Reply

13. [REDACTED]

[REDACTED] *Iron Grip Barbell Co. v. USA Sports, Inc.*, 392 F.3d 1317, 1325 (Fed. Cir. 2004).

D. Ground 3

Ground 3's Veselov-Basavapatna-Giakouminakis combination fails for reasons similar to Ground 1. Wiz relied on Giakouminakis' "security tool...configured to run on one or more of the computing systems"—i.e., an installed agent. *See* Ex.1044, 3:34-45; Pet.67 (citing same passage). Wiz's key disclosure for claims 22/27, Giakouminakis's allegedly "more comprehensive" (Pet.65) consideration of "vulnerabilities in connected assets" is performed by "security tool 102." Ex.1044, 8:46-9:3 (*see* Pet.67). Like Veselov-Basavapatna, Wiz doesn't explain **how** Veselov-Basavapatna-Giakouminakis combined would work after Wiz extricates the very agent/sensor tools from Basavapatna/Giakouminakis that teach the concepts Wiz needs for obviousness. Ground 3 fails.

15

PROTECTIVE ORDER MATERIAL
REDACTED

IV. Objective Indicia

A. Nexus

Orca's objective evidence is "tied to the combination of features" claimed "as a whole" (i.e., nexus) and demonstrated Wiz's piecemeal, hindsight-biased, obviousness arguments. POR 33-66. Wiz argues no nexus for two reasons; both are wrong.

First, Orca doesn't rely on a nexus presumption (*cf.* Reply 15-17), which isn't needed, when, as shown, objective indicia "direct[ly] result" from "unique characteristics of the claimed invention." *Fox Factory, Inc. v. SRAM, LLC*, 944 F.3d 1366, 1373-74 (Fed. Cir. 2019); POR 34-35. Following Board precedent, Orca proved how each objective indicia—long-felt need, skepticism, copying, praise, and commercial success—had direct nexus through testimonial and documentary evidence "refer[ring] generally" or "specifically" to the claimed combinations' limitations. *See Lectrosonics, Inc. v. Zaxcom, Inc.*, IPR2018-01129, Paper 33 at 61-63 (Jan. 24, 2020) (precedential). For example, Orca showed [REDACTED]

[REDACTED] had nexus to the claims, including [1.2.a]-[1.2b]. *See* POR 40 n.5. Orca similarly showed [REDACTED]

[REDACTED] referred generally or

specifically to [1.2c-d] and [1.3]. *See Id.* 40 n.6. And [REDACTED]

[REDACTED]

[REDACTED] praised Orca's claimed combination, e.g., [1.4]. *See id.* n.7.

Second, Wiz's other nexus arguments reduce to assertions that limitations were individually known. *See, e.g.*, Reply 17-28. But Wiz's "argument misses the mark because it focuses on isolated claim limitations allegedly known in the art rather than the claim as a whole." *Echelon Fitness Multimedia, LLC v. Peloton Interactive, Inc.*, IPR2020-01541, Paper 54 at 60 (Mar. 2, 2022). Even assuming "every element" "was individually known," Mr. Shua and Dr. Kaeli's largely-unrebutted testimony shows that when "various features of the prior art were combined to form [SideScanning],...the result was a new, market-making, commercially successful product that provided significant benefits over prior art devices, received praise in the art, and was copied by competitors." *Medtronic, Inc. v. Teleflex Life Scis. Ltd.*, IPR2020-01344, Paper 69 at 52-53 (Feb. 23, 2022) (objective indicia overcame obviousness case, crediting testimony practicing claims "as a whole" resulting in secondary considerations); *Chemours Co. FC, LLC v. Daikin Indus., Ltd.*, 4 F.4th 1370, 1378 (Fed. Cir. 2021) (nexus for "unique combination" invention not negated by separate individual limitation disclosure); POR 37-40.

B. Long-Felt Need & Skepticism

Before the '326 patent, a long-felt need existed for an unobtrusive, comprehensive cloud security solution that could detect vulnerabilities and provide contextualized alerts. POR 34-37. Wiz says there wasn't need for this technology and Orca didn't solve it. Reply 19-20. This is demonstrably false. The industry recognized Orca's pioneering "concept of agentless sidescanning" "utilizing the nature of cloud APIs" was a "Pivotal Moment[] in Cloud" redefining cloud security posture management (CSPM). Ex.2076-005-7. [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Wiz also claims "agentless scanning[] was known." Reply 18-20.

[REDACTED]

[REDACTED]

[REDACTED]; Ex.2076-007 ("CSPM...defined by pre and post-Orca").

Orca also provided significant skepticism evidence tied directly to the claims using [REDACTED] others' reports. POR 41-43. Wiz wrongly asserts no nexus with skepticism of "agentless" scanning. Wiz acknowledges "agentless analysis approaches are based on two fundamental principles:" (1) "[p]rivileged access to

customer's cloud environment via APIs" and (2) "[s]napshot scanning." Ex.2026-003. The claims expressly embody those fundamental principles (e.g., [1.1], [1.2]-[1.2.c]).⁵ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5 [REDACTED]

[REDACTED] [REDACTED]

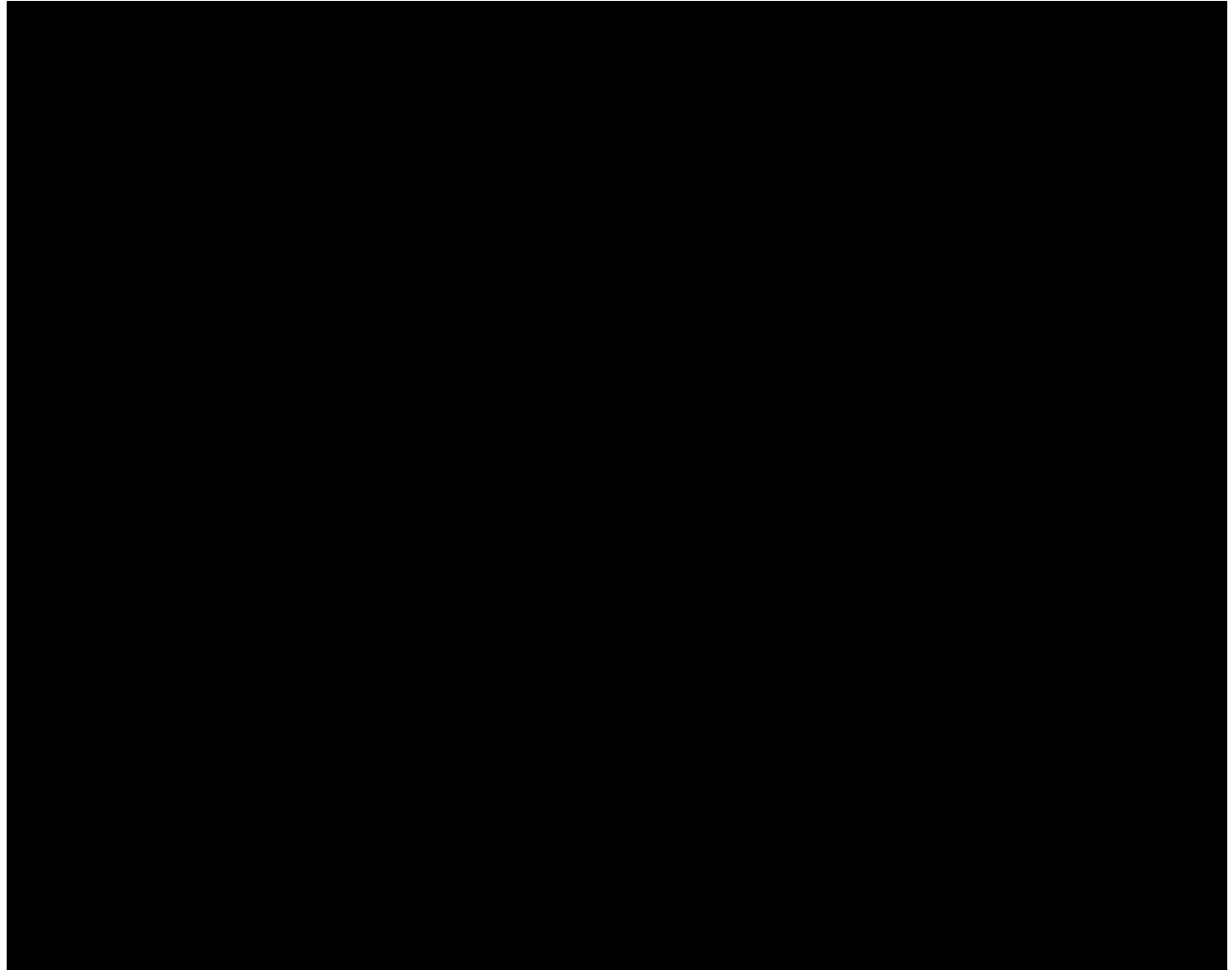
[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Attacks on certain documents weight and Mr. Shua's testimony as "self-interested" and/or "hearsay," are erroneous. Reply 19-21. **First**, inventor and/or patent owner testimony is "substantial evidence" of objective indicia. *See, e.g., 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 testimony corroborating alleged "self-interested"

evidence. *See, e.g.,* Exs.2103-2104, 2106, 2073, 2135, 2137, [REDACTED] 2074.

Third, Wiz overlooks [REDACTED]

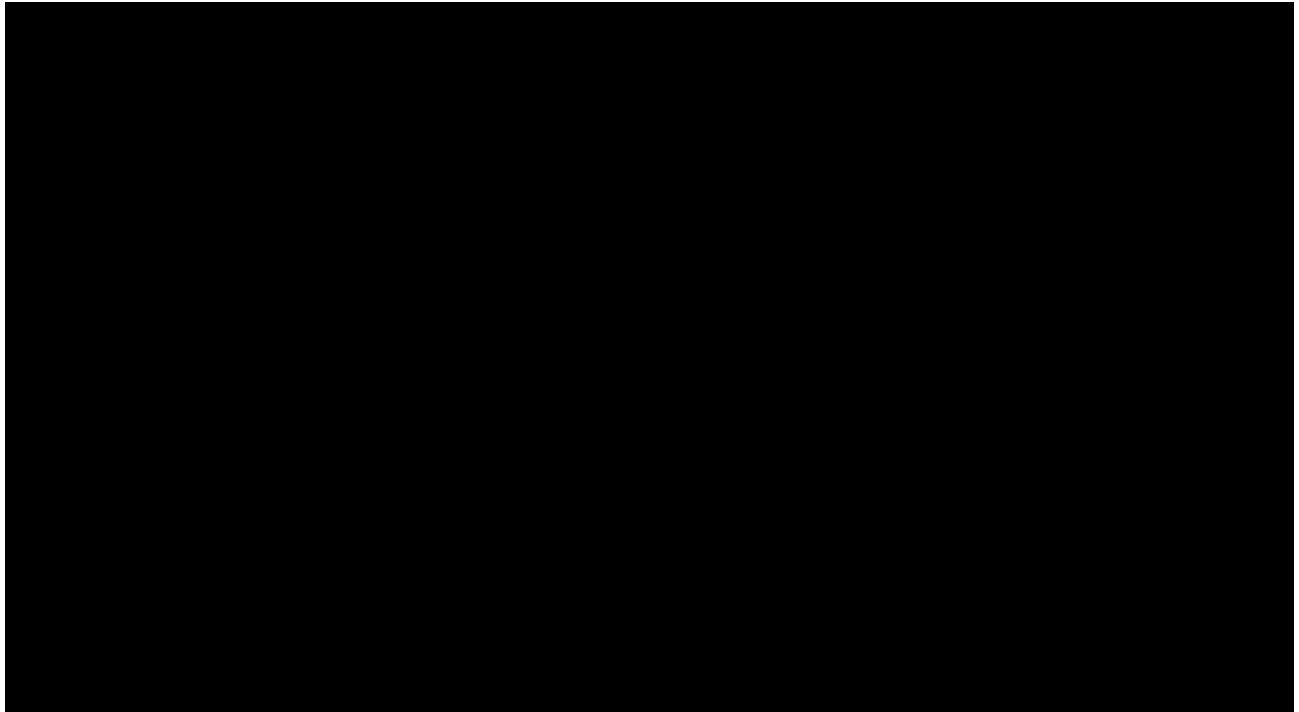
[REDACTED].

C. Wiz's Copying

Orca implemented the patent's claimed combinations in SideScanning in 2019, and Wiz accessed Orca's technology [REDACTED] [REDACTED] POR 37-40, 48-62. To establish [REDACTED] [REDACTED] had direct nexus, Orca provided limitation-by-limitation analyses, supported by thorough evidence, detailing SideScanning's claim correspondence. *Id.* 37-40; Shua¶¶26-84; Kaeli¶157. Orca did not improperly "outsource" that analysis (Reply 25),⁶ which requires little explanation due to close overlap between

⁶ Although Orca did far more here, presenting patent-practicing nexus in declarations is consistent with Board practice. *See, e.g., Gene Co. Pty Ltd. v. Trs. of Columbia Univ. in the City of N.Y.*, IPR2024-00313, Paper 54 at 62 (June 23, 2025) (finding nexus from expert "claim chart"); *Quanergy Sys., Inc. v. Velodyne Lidar, Inc.*, IPR2018-00255, Paper 59 at 29-30 (May 23, 2019) (finding nexus from 150+ declaration paragraphs); *Medtronic*, IPR2020-01344, Paper 69 at 51-52 (nexus based on expert's "unrebutted claim charts").

the documentary evidence and the claims, and Mr. Shua confirmed SideScanning's operation. For [1.2.d], for example:



For [1.3]:

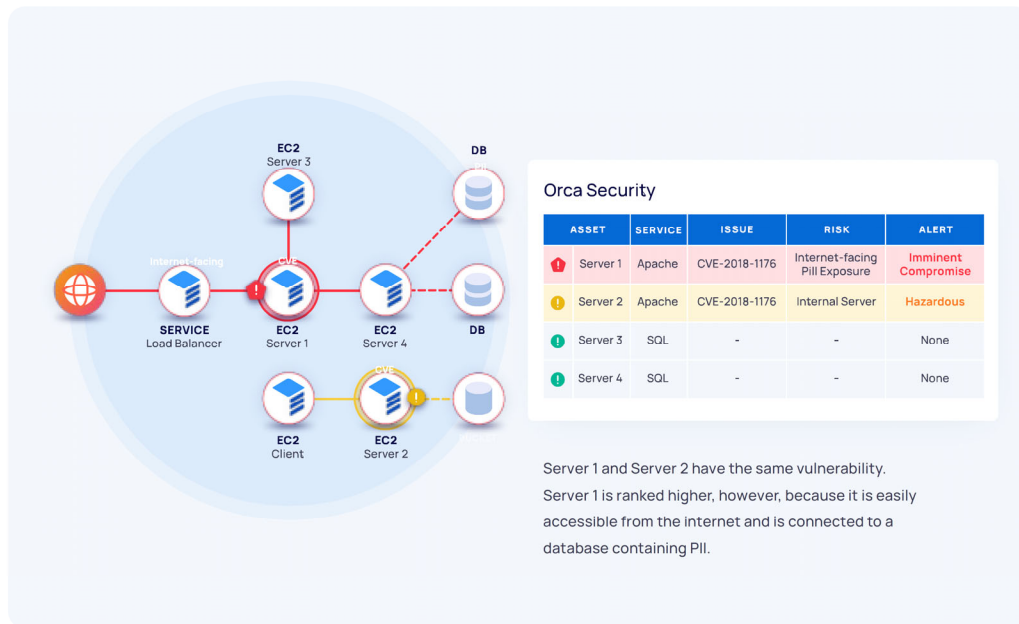


FIGURE 7: Orca combines asset and data characteristics with context information to prioritize risk and alerts in your environment.

POR 39; Shua¶¶52-53.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Orca showed [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Orca showed Wiz first accessed Orca's technology in May 2019—[REDACTED]—when Orca and Wiz's co-founder, Yinon Costica, had a technical meeting. POR 49-50; Shua¶¶115-119; LuttwakTr.20:17-21:19. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

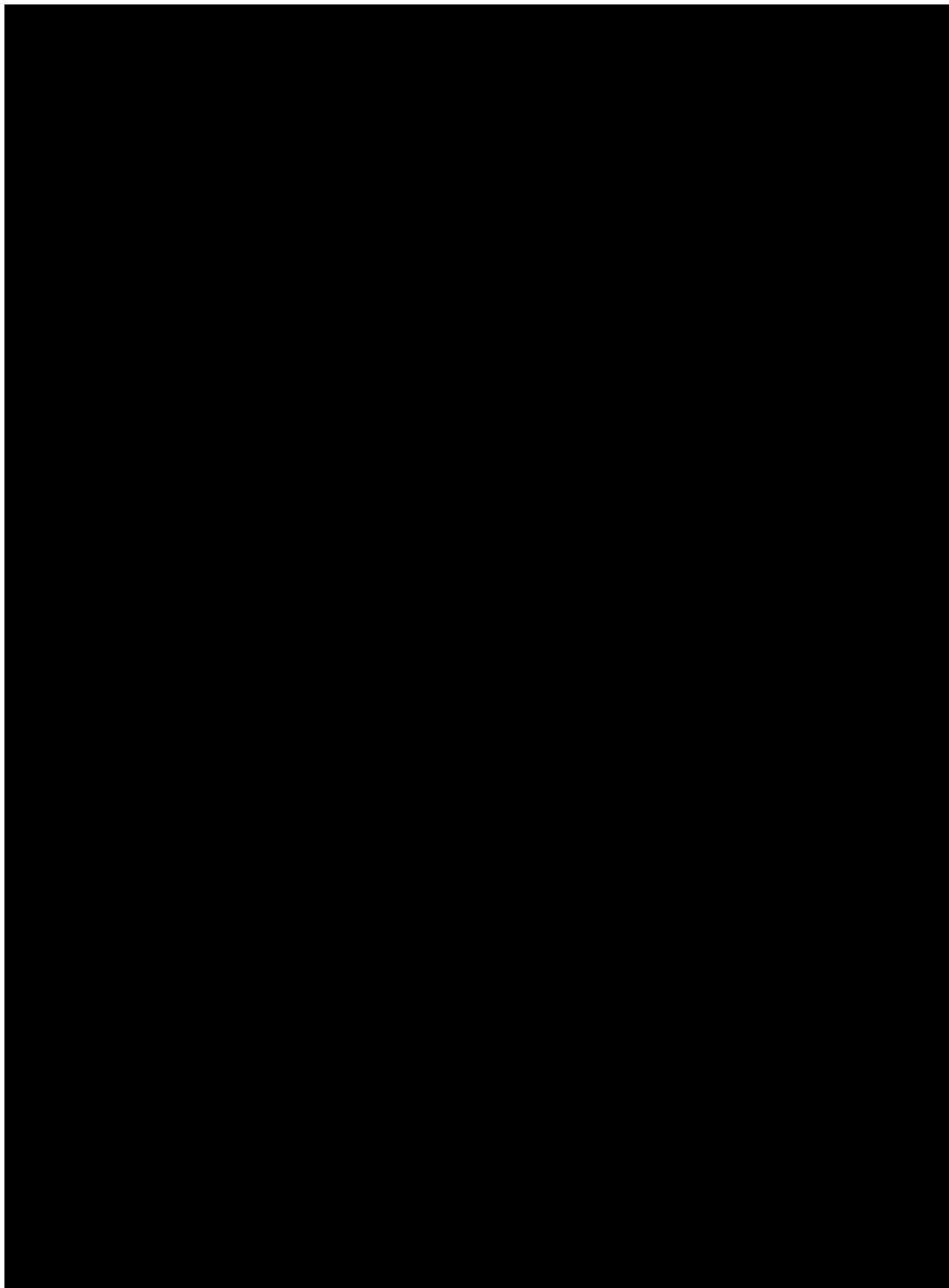
[REDACTED]

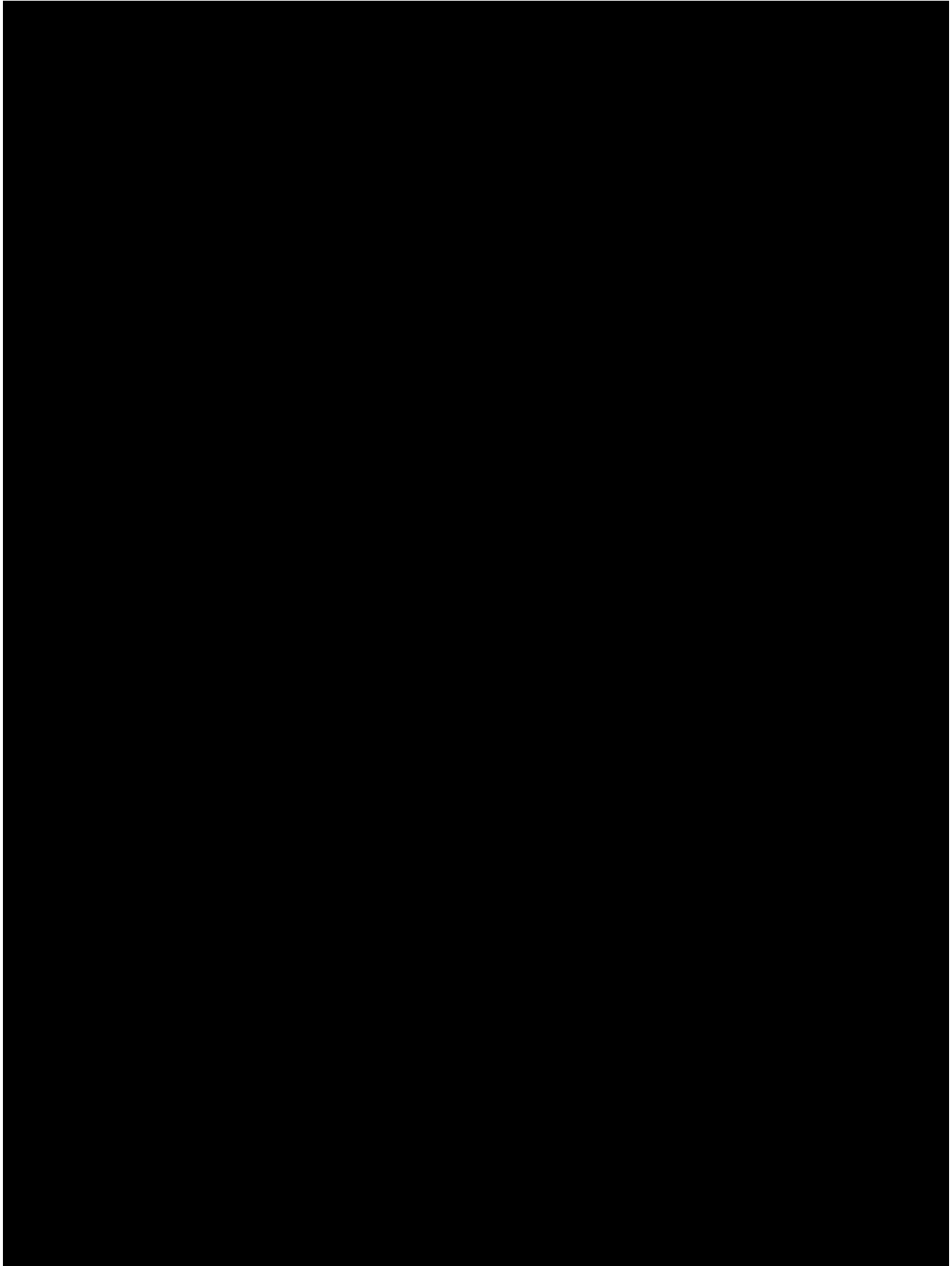
[REDACTED]

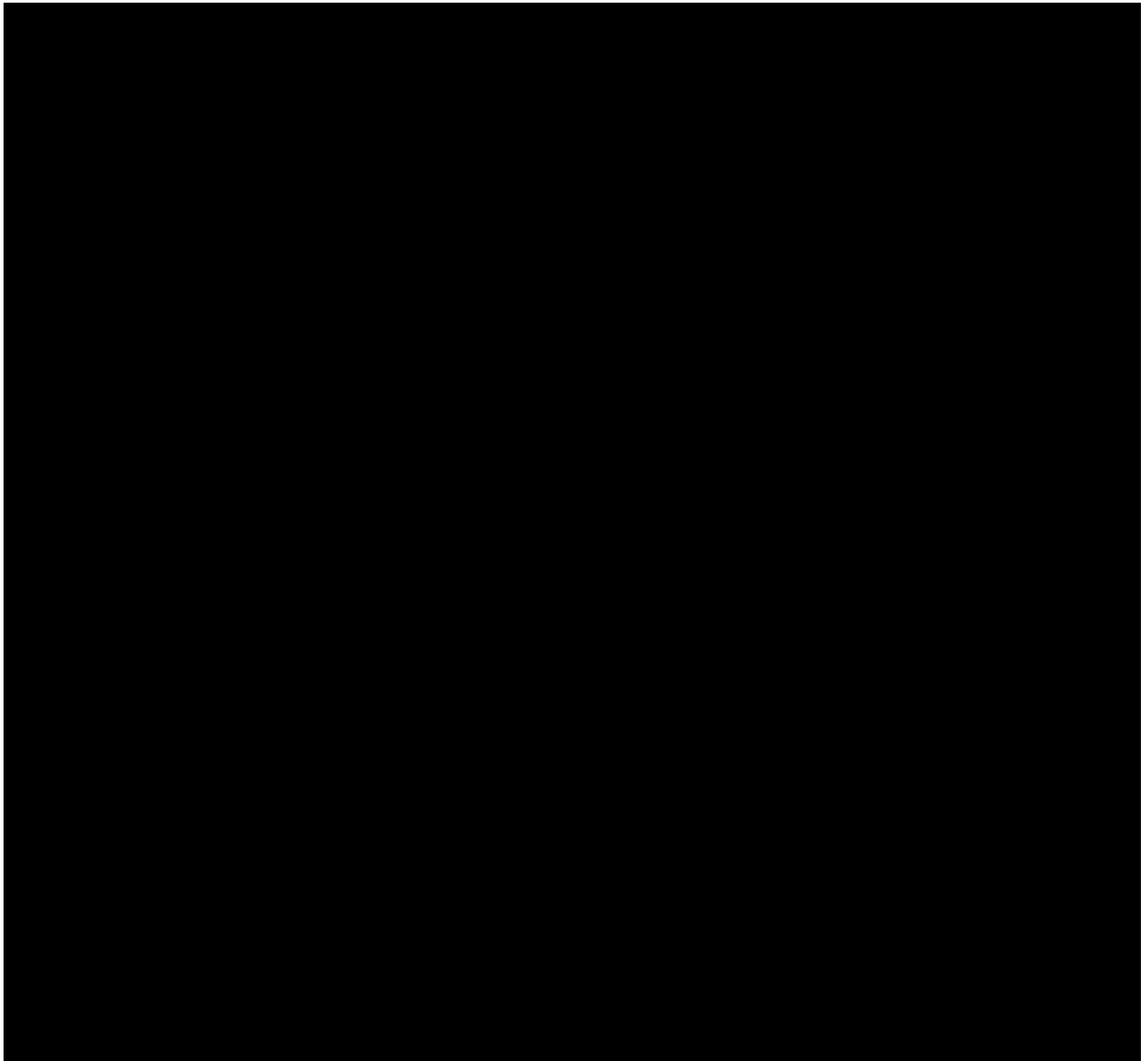
[REDACTED]

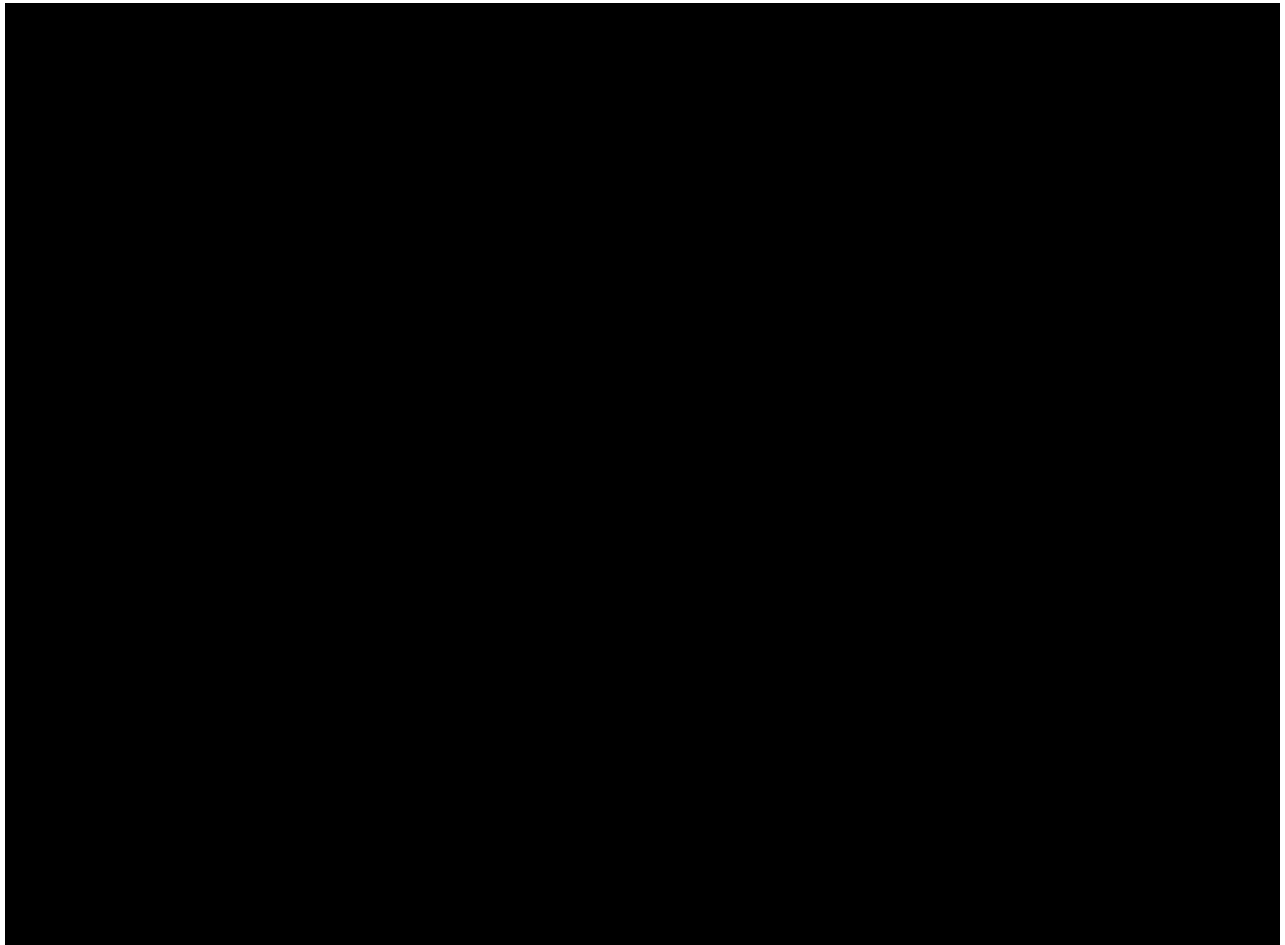
[REDACTED]

[REDACTED]









Adding to Wiz's access, Orca showed Wiz's platform is substantially similar to Orca's with respect to the claims. POR 57-62. Orca wasn't required to prove "Wiz practices the claims." Cf. Reply 25. 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). 



[REDACTED] Dr. Kaeli's detailed substantial similarity analysis (Kaeli ¶¶202-232).

[REDACTED]

[REDACTED]

Wiz wrongly quibbles with the evidence (addressed below), but doesn't identify any relevant differences. Reply 25. Mr. Shua described experiences with dozens of customers remarking about similarities. Shua ¶115; *see id.* ¶¶120-131. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

There's much more: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Even without [REDACTED]

[REDACTED], still other materials describing SideScanning were unquestionably

"publicly available...and accessible [REDACTED]

[REDACTED] *Medtronic*, 70 F.4th at 1340 n.7. One example: Orca-published video in October 2019 described Mr. Shua's "patent-pending" technology implemented 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.2133-003-5; 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 (footnote omitted).

Wiz's remaining copying excuses fail. [REDACTED]

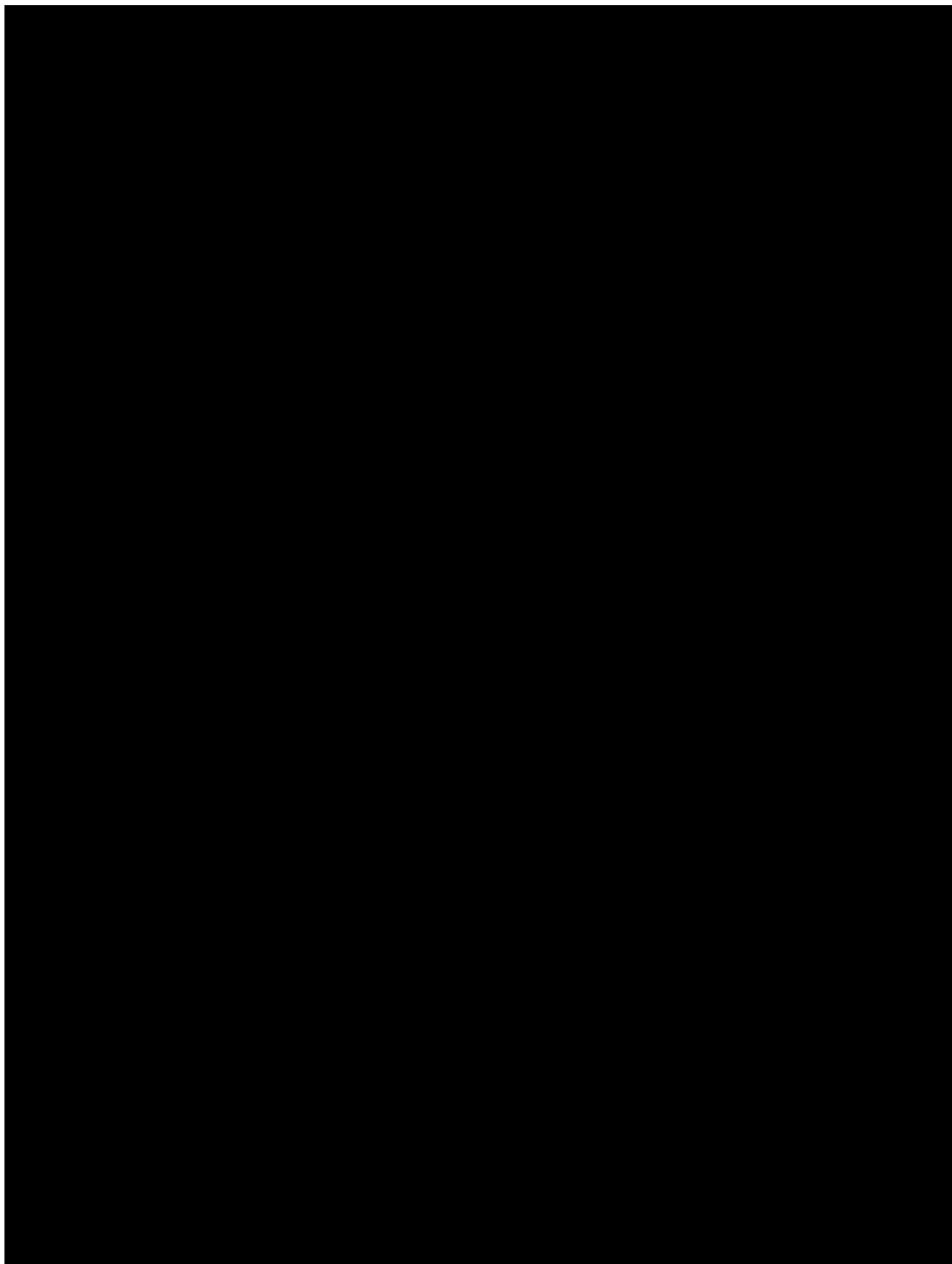
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





Wiz's new Reply evidence includes alleged "public statements [that] emphasize the platforms' differences" (Reply 26; Ex.1126), but the document confirms 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.

Third, Wiz also contends no nexus with copying because “cloud-API-based agentless scanning” isn’t recited⁸ or novel and specific API calls were common.

Reply 24, 26; *see also id.* 19. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

D. Praise

Orca’s numerous awards and laudatory statements resulted from the claimed features’ unique combination. *See, e.g.*, POR 43-48. Wiz’s piecemeal arguments fail factually and legally.

First, Wiz wrongly argues exhibits containing Orca’s press releases cannot be considered as “self-interested” (Reply 21), but the exhibits describe awards *Orca received* from **outside** sources (*see* Exs.2121-2125, 2128-2129), and include statements from industry veterans with direct nexus, constituting “substantial evidence” of industry praise. *Arctic Cat*, 876 F.3d at 1364-65 (crediting industry

⁸ Wiz’s late attempt to distinguish relevance of “agentless” techniques stands in stark contrast to its Petition, where it recognized it could only plausibly rely on Veselov’s teachings that did not use “an agent.” *See* Pet.32; Ex.1002¶157.

comments in PO's press releases); *Volvo Penta of the Ams., LLC v. Brunswick Corp.*, 81 F.4th 1202, 1214-15 (Fed. Cir. 2023).

Second, Wiz incorrectly argues Orca's awards are "irrelevant" without "nexus presumption" (Reply 21), but Orca showed nexus between the awards and the novel claimed combination. POR 43-48. Wiz argues quoted statements relate to "known/unrecited features such as the agentless approach" (Reply 21); objective indicia doesn't need to be tied exclusively to claimed elements allegedly missing from the art. *See Volvo*, 81 F.4th at 1212. Regardless, "agentless workload scanning" corresponds to the claims. *See supra*.

Third, disregarding awards from investors makes no sense. Orca attracted investors because of Orca's industry-transforming "patent-pending SideScanning™" embodied in the claims. POR 43-48. Orca also received awards unaffiliated with any investor/partner focused on claimed features. For example, "[a] panel of AWS experts" resulted in **Amazon**, Veselov's assignee, naming Orca its 2022 Global Security AWS Partner. Ex.2122-002. A press release detailing the award quoted a customer as lauding Orca's "comprehensive cloud security solution," which is tied directly to the claims' determining a "risk level to the cloud computing environment." Ex.2122-001. These awards' general and/or specific reference to limitations in the claimed combination show direct nexus and "strongly

weighs in favor of nonobviousness.” *Lectrosonics*, IPR2018-01129, Paper 33 at 69-70.

Fourth, Wiz’s attorney-argument recharacterization of [REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED]

Fifth, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sixth, Wiz's complaint against Ex.2118 (Reply 21) is meritless, as it describes third-party independent analysis of SideScanning by TAG Cyber, who Wiz doesn't dispute is a "known and respected...[industry] analyst." Ex.1402, 173:9-22, 175:19-176:13. Ex.2118 reflects TAG's own "assessment," "review" and "validat[ion]" of data and quotes industry experts praising novel aspects. Ex.2118-007 n.1, -013-14.

E. Commercial Success

Orca skyrocketed to unicorn status (\$1 billion+ valuation) less than two years after SideScanning's introduction, [REDACTED] POR 62-66. 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 (Fed. Cir. 2021) (nonprecedential) (vacating obviousness for failure to consider evidence of commercial success without nexus presumption); *Echelon*, IPR2020-01541, Paper 54 at 60-63. Wiz's "unrecited" features argument doesn't matter; there's no requirement "the patented invention be solely responsible for the commercial

success.” *Cont'l Can Co. USA, Inc. v. Monsanto Co.*, 948 F.2d 1264, 1273 (Fed. Cir. 1991); *see also Lectrosonics*, IPR2018-01129, Paper 33 at 69-70 (in direct nexus analysis, objective evidence directed to not “explicitly recited” features neutral against nonobviousness). Orca’s success is due significant weight because Wiz doesn’t identify features driving Orca’s success besides the claims’.

Orca provided market-share data (*cf.* Reply 27-28): [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] A patented product creating a “new market,” even without presumed nexus, requires giving commercial success more than just “some weight” as nonobviousness evidence. *See Volvo*, 81 F.4th at 1213-14 (vacating nonobviousness decision); *Echelon*, IPR2020-01541, Paper 54 at 60-63. Still: “market share data, though potentially useful, is not required to show commercial success.” *Chemours*, 4 F.4th at 1378-79 (sales figures **alone** can evidence commercial success). Third-party reports show Orca’s revenues are so significant that, five years after commercialization, Orca is a top-five “cloud security” company by revenue. Ex.2076-021; Reply 27-28.

Orca also showed Wiz’s press releases attributed Wiz’s commercial success to its [REDACTED] “agentless, API-centered approach to seamlessly scan

workloads,” further supporting nonobviousness. POR 65-66, 57-60. Wiz argues these features don’t have nexus to the claimed combinations, but its pre-IPR blog posts say otherwise. Wiz repeats these features were “known” (Reply 27-28), [REDACTED]

[REDACTED]

[REDACTED]

V. Conclusion

The Board should confirm the patentability of every challenged claim.

Respectfully submitted,

Dated: October 3, 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 5,594 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 3rd day October, 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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