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Exhibit 4

(Redacted)

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Page 1

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 1           THE UNITED STATES DISTRICT COURT
 2           NORTHERN DISTRICT OF CALIFORNIA
 3               SAN FRANCISCO DIVISION
 4    --------------------------X
 5    FINJAN, INC., a Delaware
 6    Corporation,
 7           Plaintiff,
 8    V.                    Case No. 3:17-cv-05659-WHA
 9    JUNIPER NETWORKS, INC., a
10    Delaware Corporation,
11           Defendant.
12    --------------------------X
13           Videotaped Deposition of
14               DR. ERIC B. COLE
15
16           Herndon, Virginia 20171
17           Thursday, June 21, 2018
18               8:00 a.m.
19
20
21    Denise Dobner Vickery, RMR, CRR
22    JOB NO. J2328299
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Page 2

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 1
 2
 3
 4
 5
 6
 7                           Thursday, June 21, 2018
 8                               8:00 a.m.
 9
10        Videotaped deposition of DR. ERIC B. COLE, held
11    at the conference rooms of:
12
13           THE WESTIN WASHINGTON DULLES AIRPORT
14               2520 Wasser Terrace
15               Herndon, VA 20171
16
17
18        Pursuant to notice, before Denise Dobner
19    Vickery, Certified Realtime Reporter, Registered
20    Merit Reporter, and Notary Public in and for the
21    Commonwealth of Virginia.
22
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Page 3

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 1    A P P E A R A N C E S
 2
 3    ON BEHALF OF PLAINTIFF AND THE WITNESS:
 4        KRISTOPHER KASTENS, ESQ.
 5        Kramer Levin Naftalis & Frankel LLP
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11    ON BEHALF OF DEFENDANT:
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18
19    Also Present:
20        DANIEL HOLMSTOCK, Videographer
21
22
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 1                   C O N T E N T S
 2
 3    EXAMINATION OF DR. ERIC B. COLE          PAGE
 4    BY MS. CARSON                         6, 271
 5    AFTERNOON SESSION                        187
 6    BY MR. KASTENS                           269
 7
 8                   E X H I B I T S
 9            (Attached to Transcript)
10    DEPOSITION EXHIBITS                      PAGE
11    Exhibit 1033  Declaration of Dr. Eric Cole in     18
12        Support of Plaintiff Finjan, Inc.'s Notice of
13        Motion and Motion for Summary Judgment of
14        Infringement of Claim 10 of U.S. Patent No.
15        8,677,494
16    Exhibit 1034  Sky ATP Analysis Pipeline          151
17        JNPR-FNJN_29017_00552908
18    Exhibit 1035  Exhibit 16:  Sky Advanced Threat    151
19        Prevention Architecture FINJAN-JN 044838
20    Exhibit 1036  Exhibit 11:  Sky Advanced Threat    152
21        Prevention Guide FINJAN-JN 044759
22
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DR. ERIC B. COLE
FINJAN, INC. V JUNIPER NETWORKS, INC

June 21, 2018
53–56

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1   analysis where you're looking at the executable
2   program, that's not always a component. So since
3   both of those would be under the area of scanning,
4   parsing is a component, but not necessarily a
5   requirement of the claim language because it's not
6   specifically listed in Claim 10.
7   BY MS. CARSON:
8   Q.   So it's your understanding under the
9   plain meaning of Claim 10 that a dynamic analyzer is
10 also a scanner?
11   MR. KASTENS: Objection. Form.
12   THE WITNESS: (Reviews document).
13   Yes, dynamic analysis scanner is a
14 type of scanner.
15 BY MS. CARSON:
16   Q.   Does the scanner in Claim 10 require
17 decompiling the code?
18   MR. KASTENS: Objection. Form.
19   THE WITNESS: (Reviews document).
20   In Claim 10, I do not see the word
21 "decompiling" or seeing that as a restrictive
22 element of the claim language.

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1   BY MS. CARSON:
2   Q.   So when you were applying Claim 10 to
3   Juniper's product, it was not your understanding
4   that the term "scanner" required any decompiling of
5   the code; correct?
6   MR. KASTENS: Objection. Form.
7   THE WITNESS: That could be a
8   component of scanning, but that wasn't a limiting
9   element in the claim language.
10 BY MS. CARSON:
11   Q.   What's the difference between
12 decomposing and decompiling?
13   MR. KASTENS: Objection. Form.
14 Outside the scope.
15   THE WITNESS: Are you asking
16 generically, or is there a specific portion of my
17 report you're referring to?
18 BY MS. CARSON:
19   Q.   I'm just asking generically as one of
20 skill in the art whether you have an understanding
21 of the difference between decomposing and
22 decompiling in the context of this technology.

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1   MR. KASTENS: Objection. Form.
2   THE WITNESS: Once again, those
3   terms can have generic specific meaning. So if
4   there's a specific reference, I would adjust, but --
5   but in general, decompiling is when you're going in
6   and reversing the code back to the original
7   language. And decomposing is just breaking down the
8   current code at the components or pieces.
9   But once again, these terms have a
10 lot of meaning. So depending on any specific
11 context, the terms could be adjusted.
12 BY MS. CARSON:
13   Q.   When you were applying Claim 10 to
14 Juniper's products, did you assume that the scanner
15 required any decomposing of the code?
16   MR. KASTENS: Objection. Form.
17   THE WITNESS: When I applied
18 Claim 10 or any claim in any case to a product, I'm
19 looking at the specific claim language. So I'm
20 going through and looking at the exact claim
21 language.
22   And once again, there is no

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1   decompiling or decomposing in Claim 10. So that was
2   not a specific term I was looking at for
3   infringement. I was looking at the exact language
4   of the claim.
5   BY MS. CARSON:
6   Q.   And the term "scanner" as one of skill
7   in the art doesn't necessitate any decomposing,
8   decompiling, or parsing; is that fair?
9   MR. KASTENS: Objection. Form.
10   THE WITNESS: It could absolutely
11 be a key component of it, but it's not a restrictive
12 element of the claim language.
13 BY MS. CARSON:
14   Q.   You mentioned that there's different
15 types of scanners.
16   Do you remember that?
17   MR. KASTENS: Objection. Form.
18   THE WITNESS: Not specifically,
19 but there are different types of scanners. So I
20 won't -- I won't debate that -- that comment.
21 BY MS. CARSON:
22   Q.   Could you provide me some examples of

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1   different types of scanners that you're aware of?

2   A.   (Reviews document).

3   So two -- two general types are static

4   analysis scanner and dynamic analysis scanning.

5   Q.   Can you think of any others?

6   A.   (Pause). And there's also like

7   antivirus scanning, signature scanning. There's a

8   lot of different types of scanning.

9   Q.   Okay. So recognizing that this might

10 not be an exhaustive list, the examples we've talked

11 about today are static, dynamic, antivirus, and

12 signature scanning.

13   Is the '494 patent -- strike that.

14   Is Claim 10 of the '494 patent limited

15 to any particular type of scanning within those

16 examples that we just discussed?

17   MR. KASTENS: Objection. Form.

18   THE WITNESS: (Reviews document).

19   Once again, I always go back to

20 the claim language. So if you look at 10(b), "a

21 Downloadable scanner coupled with said receiver, for

22 deriving security profile data for the

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1   Downloadable."

2   There's no restrictions or

3   specific caveats on the words in the claim.

4   BY MS. CARSON:

5   Q.   So just by way of example, if you had a

6   signature scanner, so long as it met all of the

7   other requirements of the claim, it could satisfy

8   the scanner element; is that fair?

9   MR. KASTENS: Objection. Form.

10   THE WITNESS: (Reviews document).

11   Once again, I'm not an attorney,

12 but my understanding is, if a product meets all the

13 elements of the claim language, then it infringes

14 that claim element. So -- so, yes, if there was a

15 product that met every single element of Claim 10,

16 then it would infringe.

17 BY MS. CARSON:

18   Q.   And that's without regard to what

19 particular type of scanner it is?

20   MR. KASTENS: Objection. Form.

21   THE WITNESS: Once again, it's

22 always driven by the claim language. So looking at

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1   10(b), "a Downloadable scanner." So I don't see any

2   restrictions in the claim language on a specific

3   type or other limiting details on the type of

4   scanner.

5   BY MS. CARSON:

6   Q.   Now, static scanners, did they exist

7   prior to the '494 patent?

8   MR. KASTENS: Objection. Form.

9   THE WITNESS: Once again, I'd

10 have to go back and do research on specific dates.

11 BY MS. CARSON:

12   Q.   Do you know if dynamic scanners existed

13 prior to the '494 patent?

14   A.   Once again, I'd have to go back and --

15 and do some research and check the dates.

16   Q.   Do you know if antivirus scanners

17 existed prior to the '494 patent?

18   MR. KASTENS: Objection. Form.

19   THE WITNESS: Once again, I'd

20 have to go back and -- and research to give you

21 specific -- specific dates and information.

22 BY MS. CARSON:

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1   Q.   What about signature scanners? Did

2   they exist before the '494 patent?

3   MR. KASTENS: Objection. Form.

4   THE WITNESS: Once again, the

5   same answer. If you're giving questions on specific

6   dates when specific things occurred, I would have to

7   go back and check and verify.

8   BY MS. CARSON:

9   Q.   When did you get out of school?

10   A.   The reason I'm laughing, I always

11 believe in improving education. So if you ask for a

12 specific degree, but I still go back to school. I

13 still take classes. So I don't believe you should

14 ever get out of school, so... (laugh).

15   Q.   What -- what kind of degree do you

16 have?

17   A.   I have a bachelor's and master's in

18 computer science and a doctorate in computer science

19 with an emphasis in cybersecurity.

20   Q.   Okay. When did you receive your

21 doctorate?

22   A.   I would have to check my CV. I think

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DR. ERIC B. COLE   June 21, 2018
FINJAN, INC. V JUNIPER NETWORKS, INC   65–68

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1 Finjan invention, they did invent the whole element
2 of receiving an incoming Downloadable, a scanner
3 coupled with deriving a security profile with
4 suspicious operations, and storing in the database
5 manager.
6 BY MS. CARSON:
7   Q. Is Claim 10 limited to something
8 occurring on a network gateway as opposed to an end
9 user computer?
10   MR. KASTENS: Objection. Form.
11   THE WITNESS: Sorry. I missed
12 the one word.
13 BY MS. CARSON:
14   Q.   Is Claim 10 limited to something
15 occurring on a network gateway as opposed to an end
16 user computer?
17   A. (Reviews document).
18   It absolutely includes a gateway
19 computer, but is not limited to just a gateway
20 computer.
21   Q. So could it be implemented on an end
22 user's computer?

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1   MR. KASTENS: Objection. Form.
2   THE WITNESS: There is nothing in
3 the claim language that limits it from being only on
4 a gateway. So it could also be on an end user
5 computer.
6 BY MS. CARSON:
7   Q. When you first -- when I first asked
8 you for your understanding of what a scanner is, you
9 said something along the lines of a piece of code
10 that scans or looks for certain things.
11   Is -- does the term "scanner" limit the
12 hardware in any way?
13   MR. KASTENS: Objection. Form.
14   THE WITNESS: Once again, in the
15 claim language, there's nothing that specifies
16 hardware or software.
17 BY MS. CARSON:
18   Q. So Claim 10 doesn't even require, at
19 least for the term "scanner," any type of hardware?
20   MR. KASTENS: Objection. Form.
21 BY MS. CARSON:
22   Q. Strike that. That was a bad question.

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1 (Laugh).
2   A. Okay.
3   Q. Claim 10 doesn't require any specific
4 type of hardware. The scanning code could be
5 implemented on -- on any type of computer?
6   MR. KASTENS: Objection. Form.
7   THE WITNESS: All right. So the
8 claim is a system for managing a Downloadable. So
9 there needs to be a system for doing that, but
10 there's nothing in the claim language that restricts
11 or specifies certain types of hardware that it can
12 only run on.
13 BY MS. CARSON:
14   Q.   You mentioned earlier that a dynamic
15 analysis engine is one example of a scanner;
16 correct?
17   MR. KASTENS: Objection. Form.
18   THE WITNESS: That is one
19 example.
20 BY MS. CARSON:
21   Q.   Are all dynamic analysis engines
22 scanners?

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1   MR. KASTENS: Objection. Form.
2   THE WITNESS: (Reviews document).
3   Can you potentially rephrase that?
4 I'm having trouble understanding the question.
5 BY MS. CARSON:
6   Q. I'm just trying to figure out if any
7 dynamic analysis engine would be a scanner or
8 whether there could be a dynamic analysis engine
9 that would not qualify as a scanner.
10   MR. KASTENS: Objection. Form.
11   THE WITNESS: I guess I'm
12 struggling with the -- the word "engine." So -- so
13 if you have an engine or component that does dynamic
14 analysis of code, i.e. scanning the code, then that
15 would be a dynamic analysis scanner.
16 BY MS. CARSON:
17   Q. So let me rephrase.
18   Would any code that does dynamic
19 analysis be considered a scanner?
20   MR. KASTENS: Objection. Form.
21   THE WITNESS: (Reviews document).
22   In specific light of Claim 10, if

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