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Exhibit 4  
(Redacted)

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DR. ERIC B. COLE  
FINJAN, INC. V JUNIPER NETWORKS, INC

June 21, 2018  
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<p style="text-align: right;">Page 1</p> <p>1 THE UNITED STATES DISTRICT COURT</p> <p>2 NORTHERN DISTRICT OF CALIFORNIA</p> <p>3 SAN FRANCISCO DIVISION</p> <p>4 -----X</p> <p>5 FINJAN, INC., a Delaware</p> <p>6 Corporation,</p> <p>7 Plaintiff,</p> <p>8 V. Case No. 3:17-cv-05659-WHA</p> <p>9 JUNIPER NETWORKS, INC., a</p> <p>10 Delaware Corporation,</p> <p>11 Defendant.</p> <p>12 -----X</p> <p>13 Videotaped Deposition of</p> <p>14 DR. ERIC B. COLE</p> <p>15</p> <p>16 Herndon, Virginia 20171</p> <p>17 Thursday, June 21, 2018</p> <p>18 8:00 a.m.</p> <p>19</p> <p>20</p> <p>21 Denise Dobner Vickery, RMR, CRR</p> <p>22 JOB NO. J2328299</p>	<p style="text-align: right;">Page 3</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 ON BEHALF OF PLAINTIFF AND THE WITNESS:</p> <p>4 KRISTOPHER KASTENS, ESQ.</p> <p>5 Kramer Levin Naftalis &amp; Frankel LLP</p> <p>6 990 Marsh Road</p> <p>7 Menlo Park, CA 94025</p> <p>8 kkastens@kramerlevin.com</p> <p>9 650.752.1715</p> <p>10</p> <p>11 ON BEHALF OF DEFENDANT:</p> <p>12 REBECCA CARSON, ESQ.</p> <p>13 Irell &amp; Manella LLP</p> <p>14 840 Newport Center Drive, Suite 400</p> <p>15 Newport Beach, CA 92660-6324</p> <p>16 rcarson@irell.com</p> <p>17 949.760.0991</p> <p>18</p> <p>19 Also Present:</p> <p>20 DANIEL HOLMSTOCK, Videographer</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 2</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7 Thursday, June 21, 2018</p> <p>8 8:00 a.m.</p> <p>9</p> <p>10 Videotaped deposition of DR. ERIC B. COLE, held</p> <p>11 at the conference rooms of:</p> <p>12</p> <p>13 THE WESTIN WASHINGTON DULLES AIRPORT</p> <p>14 2520 Wasser Terrace</p> <p>15 Herndon, VA 20171</p> <p>16</p> <p>17 Pursuant to notice, before Denise Dobner</p> <p>18 Vickery, Certified Realtime Reporter, Registered</p> <p>19 Merit Reporter, and Notary Public in and for the</p> <p>20 Commonwealth of Virginia.</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 4</p> <p>1 C O N T E N T S</p> <p>2</p> <p>3 EXAMINATION OF DR. ERIC B. COLE PAGE</p> <p>4 BY MS. CARSON 6, 271</p> <p>5 AFTERNOON SESSION 187</p> <p>6 BY MR. KASTENS 269</p> <p>7</p> <p>8 E X H I B I T S</p> <p>9 (Attached to Transcript)</p> <p>10 DEPOSITION EXHIBITS PAGE</p> <p>11 Exhibit 1033 Declaration of Dr. Eric Cole in 18</p> <p>12 Support of Plaintiff Finjan, Inc.'s Notice of</p> <p>13 Motion and Motion for Summary Judgment of</p> <p>14 Infringement of Claim 10 of U.S. Patent No.</p> <p>15 8,677,494</p> <p>16 Exhibit 1034 Sky ATP Analysis Pipeline 151</p> <p>17 JNPR-FNJN_29017_00552908</p> <p>18 Exhibit 1035 Exhibit 16: Sky Advanced Threat 151</p> <p>19 Prevention Architecture FINJAN-JN 044838</p> <p>20 Exhibit 1036 Exhibit 11: Sky Advanced Threat 152</p> <p>21 Prevention Guide FINJAN-JN 044759</p> <p>22</p>



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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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<p style="text-align: right;">Page 57</p> <p>1 different types of scanners that you're aware of?</p> <p>2 A. (Reviews document).</p> <p>3 So two -- two general types are static</p> <p>4 analysis scanner and dynamic analysis scanning.</p> <p>5 Q. Can you think of any others?</p> <p>6 A. (Pause). And there's also like</p> <p>7 antivirus scanning, signature scanning. There's a</p> <p>8 lot of different types of scanning.</p> <p>9 Q. Okay. So recognizing that this might</p> <p>10 not be an exhaustive list, the examples we've talked</p> <p>11 about today are static, dynamic, antivirus, and</p> <p>12 signature scanning.</p> <p>13 Is the '494 patent -- strike that.</p> <p>14 Is Claim 10 of the '494 patent limited</p> <p>15 to any particular type of scanning within those</p> <p>16 examples that we just discussed?</p> <p>17 MR. KASTENS: Objection. Form.</p> <p>18 THE WITNESS: (Reviews document).</p> <p>19 Once again, I always go back to</p> <p>20 the claim language. So if you look at 10(b), "a</p> <p>21 Downloadable scanner coupled with said receiver, for</p> <p>22 deriving security profile data for the</p>	<p style="text-align: right;">Page 59</p> <p>1 10(b), "a Downloadable scanner." So I don't see any</p> <p>2 restrictions in the claim language on a specific</p> <p>3 type or other limiting details on the type of</p> <p>4 scanner.</p> <p>5 BY MS. CARSON:</p> <p>6 Q. Now, static scanners, did they exist</p> <p>7 prior to the '494 patent?</p> <p>8 MR. KASTENS: Objection. Form.</p> <p>9 THE WITNESS: Once again, I'd</p> <p>10 have to go back and do research on specific dates.</p> <p>11 BY MS. CARSON:</p> <p>12 Q. Do you know if dynamic scanners existed</p> <p>13 prior to the '494 patent?</p> <p>14 A. Once again, I'd have to go back and --</p> <p>15 and do some research and check the dates.</p> <p>16 Q. Do you know if antivirus scanners</p> <p>17 existed prior to the '494 patent?</p> <p>18 MR. KASTENS: Objection. Form.</p> <p>19 THE WITNESS: Once again, I'd</p> <p>20 have to go back and -- and research to give you</p> <p>21 specific -- specific dates and information.</p> <p>22 BY MS. CARSON:</p>
<p style="text-align: right;">Page 58</p> <p>1 Downloadable."</p> <p>2 There's no restrictions or</p> <p>3 specific caveats on the words in the claim.</p> <p>4 BY MS. CARSON:</p> <p>5 Q. So just by way of example, if you had a</p> <p>6 signature scanner, so long as it met all of the</p> <p>7 other requirements of the claim, it could satisfy</p> <p>8 the scanner element; is that fair?</p> <p>9 MR. KASTENS: Objection. Form.</p> <p>10 THE WITNESS: (Reviews document).</p> <p>11 Once again, I'm not an attorney,</p> <p>12 but my understanding is, if a product meets all the</p> <p>13 elements of the claim language, then it infringes</p> <p>14 that claim element. So -- so, yes, if there was a</p> <p>15 product that met every single element of Claim 10,</p> <p>16 then it would infringe.</p> <p>17 BY MS. CARSON:</p> <p>18 Q. And that's without regard to what</p> <p>19 particular type of scanner it is?</p> <p>20 MR. KASTENS: Objection. Form.</p> <p>21 THE WITNESS: Once again, it's</p> <p>22 always driven by the claim language. So looking at</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. What about signature scanners? Did</p> <p>2 they exist before the '494 patent?</p> <p>3 MR. KASTENS: Objection. Form.</p> <p>4 THE WITNESS: Once again, the</p> <p>5 same answer. If you're giving questions on specific</p> <p>6 dates when specific things occurred, I would have to</p> <p>7 go back and check and verify.</p> <p>8 BY MS. CARSON:</p> <p>9 Q. When did you get out of school?</p> <p>10 A. The reason I'm laughing, I always</p> <p>11 believe in improving education. So if you ask for a</p> <p>12 specific degree, but I still go back to school. I</p> <p>13 still take classes. So I don't believe you should</p> <p>14 ever get out of school, so... (laugh).</p> <p>15 Q. What -- what kind of degree do you</p> <p>16 have?</p> <p>17 A. I have a bachelor's and master's in</p> <p>18 computer science and a doctorate in computer science</p> <p>19 with an emphasis in cybersecurity.</p> <p>20 Q. Okay. When did you receive your</p> <p>21 doctorate?</p> <p>22 A. I would have to check my CV. I think</p>



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<p style="text-align: right;">Page 65</p> <p>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?</p>	<p style="text-align: right;">Page 67</p> <p>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?</p>
<p style="text-align: right;">Page 66</p> <p>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.</p>	<p style="text-align: right;">Page 68</p> <p>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</p>



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