


REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

Exhibit 1
(Redacted)

REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED


MICHAEL D. MITZENMACHER Highly Confidential
FINJAN V. JUNIPER NETWORKS July 03, 2018
29

1 Q. In paragraph 15 of your declaration you have 20:51:46
2 the text of Claim 1, correct? 20:51:51
3 A. Yes. 20:51:54
4 Q. Is there anything in Claim 1 that specifies 20:51:57
5 how one would use the Downloadable ID that 20:51:59
6 is generated in a computer security system? 20:52:03
7 MS. HEDVAT: Objection, form. 20:52:07
8 A. I'd say this claim element or this claim 20:52:25
9 here is focused on the method for generating 20:52:29
10 the Downloadable ID and describes it as 20:52:32
11 being used to identify a Downloadable. 20:52:36
12 Q. So there's nothing in the claim that 20:52:39
13 describes how you would use it to protect a 20:52:41
14 computer network, correct? 20:52:43
15 MS. HEDVAT: Objection, form. 20:52:46
16 A. Again, I would say that this claim is 20:52:48
17 focused on using the Downloadable ID to 20:52:51
18 identify a Downloadable. In particular, 20:52:54
19 there may be a variety of ways that 20:52:56
20 identifying the Downloadable would be used 20:52:58
21 to enhance security. 20:53:01
22 Q. But the uses for enhancing security aren't 20:53:03
23 recited in the claim, correct? 20:53:05
24 MS. HEDVAT: Objection, form. 20:53:08

 800.211.DEPO (3376)
EsquireSolutions.com


MICHAEL D. MITZENMACHER Highly Confidential
FINJAN V. JUNIPER NETWORKS July 03, 2018
37

1 A. Yes. 21:03:46
2 Q. And that hashing function existed well 21:03:47
3 before the '780 Patent as well, correct? 21:03:50
4 MS. HEDVAT: Objection, form. 21:03:53
5 A. I would have to say that I would have to go 21:03:55
6 back and look up the dates but I believe 21:03:57
7 that might be true. 21:03:59
8 Q. Within the context of Claim 1 of the '780 21:04:00
9 Patent, is it limited to any particular 21:04:14
10 hashing function? 21:04:16
11 MS. HEDVAT: Objection, form. 21:04:18
12 A. Again, when we discuss limitations, I'm 21:04:19
13 aware that sounds more like validity 21:04:38
14 invalidity issues than infringement issues. 21:04:40
15 I've been focused on infringement issues, 21:04:43
16 like the hash functions that were being used 21:04:49
17 in the context as you've pointed out. Hash 21:04:51
18 functions like MD5 and SHA-256 that arise in 21:04:55
19 my report are known hash functions. I 21:04:59
20 don't -- again, I haven't considered what 21:05:05
21 would require some sort of specific 21:05:07
22 limitations on the possible range of hashing 21:05:09
23 functions. That would be something I'd have 21:05:12
24 to think more about. 21:05:17

 800.211.DEPO (3376)
EsquireSolutions.com


MICHAEL D. MITZENMACHER Highly Confidential
FINJAN V. JUNIPER NETWORKS July 03, 2018
30

1 A. I don't believe it lists out specific 20:53:14
2 requirements regarding how it is used. 20:53:17
3 Q. So, for example, there's nothing in Claim 1 20:53:22
4 that recites the step of blocking a file 20:53:24
5 based on the Downloadable ID, correct? 20:53:27
6 MS. HEDVAT: Objection, form. 20:53:30
7 A. I would say that I don't see language in the 20:53:31
8 claim that specifically discusses blocking a 20:53:35
9 file. 20:53:38
10 Q. Is there anything in Claim 1 that limits the 20:53:40
11 method to network security applications as 20:53:47
12 opposed to, say, file management? 20:53:50
13 MS. HEDVAT: Objection, form. 20:53:54
14 A. Again, that may be a legal question. I'd 20:53:55
15 have to say I have to think about that 20:54:02
16 issue. Again, I was looking for 20:54:04
17 infringement within the context of a network 20:54:09
18 security system, which is again what's 20:54:12
19 described by the patent. I'd say I was 20:54:15
20 focused on that issue. Again, I'd have to 20:54:18
21 understand the -- that is a legal question. 20:54:26
22 Q. As one skilled in the art reading it, the 20:54:29
23 plain meaning of the claim which you've 20:54:33
24 applied to Juniper's products, do you see 20:54:35

 800.211.DEPO (3376)

MICHAEL D. MITZENMACHER Highly Confidential
FINJAN V. JUNIPER NETWORKS July 03, 2018
40


1 analysis, did you have an understanding as 21:08:55
2 to whether Claim 1 requires that you fetch 21:09:01
3 the software components identified by the 21:09:06
4 one or more references before you perform a 21:09:09
5 hashing function? 21:09:13
6 MS. HEDVAT: Objection, form. 21:09:15
7 A. I think the claim language says that you 21:09:26
8 perform a hashing function on the 21:09:29
9 Downloadable and the fetch software 21:09:30
10 components to generate a Downloadable ID. 21:09:33
11 So that was the phrasing and understanding 21:09:42
12 used in my analysis. There are certainly 21:09:45
13 ways that you could perform a hashing 21:09:49
14 function on the Downloadable and the fetch 21:09:51
15 software components that would have 21:09:55
16 different tempo considerations depending on 21:09:57
17 the structure of the hashing function and 21:10:01
18 the timing of the system. 21:10:03
19 Q. So when you were performing your 21:10:09
20 infringement analysis, was it your 21:10:11
21 understanding that a system that started 21:10:12
22 performing a hashing function before it 21:10:15
23 completed the fetching element could 21:10:17
24 infringe? 21:10:20

 800.211.DEPO (3376)

REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED


MICHAEL D. MITZENMACHER Highly Confidential
FINJAN V. JUNIPER NETWORKS July 03, 2018
41

1 MS. HEDVAT: Objection, form. 21:10:23
 2 A. Certainly you were required to perform the 21:10:28
 3 hashing function on the Downloadable and the 21:10:32
 4 fetch software components to generate the 21:10:36
 5 Downloadable ID. The actual timing of when 21:10:38
 6 various parts of that operation may occur I 21:10:43
 7 don't believe is specified or a requirement 21:10:48
 8 in the claim. 21:10:50
 9 Q. Is there anything in Claim 1 that recites a 21:11:02
 10 requirement that you have to store the 21:11:06
 11 Downloadable ID? 21:11:07
 12 A. Do you mind if I look at the patent? 21:11:08
 13 Q. Sure. 21:12:10
 14 (US Patent No. 6,804,780 marked 21:12:10
 15 Exhibit No. 1038 for Identification.) 21:12:36
 16 Q. The patent's been marked as Exhibit 1038. 21:12:36
 17 A. I'd say that may be a legal question. I 21:13:50
 18 don't see any specific language in the claim 21:13:54
 19 as I look at now referring to restoring, 21:13:58
 20 but, again, when I was looking from the 21:14:05
 21 aspect of infringement, as I believe I 21:14:08
 22 mentioned in the declaration, in this case 21:14:11
 23 the Downloadable ID is stored and typically 21:14:15
 24 that would be a use you would generate the 21:14:21

 **ESQUIRE**
800.211.DEPO (3376)
EsquireSolutions.com


MICHAEL D. MITZENMACHER Highly Confidential
FINJAN V. JUNIPER NETWORKS July 03, 2018
48

1 Claims 1 and 9 of the '780 Patent". Do you 21:23:42
 2 see that? 21:23:46
 3 A. Yes. 21:23:46
 4 Q. Do you have an opinion as to whether the SRX 21:23:47
 5 product alone infringes the '780 Patent? 21:23:52
 6 A. I would say I don't believe I've offered 21:23:56
 7 such an opinion. My understanding was that 21:24:03
 8 this declaration is focused on the issue of 21:24:09
 9 summary judgement and, as such, I was 21:24:14
 10 focused on infringement in that context. My 21:24:20
 11 understanding is that, assuming the case 21:24:28
 12 continues forward, I will later be able to 21:24:34
 13 provide a report of my opinions that might 21:24:36
 14 include additional or further infringement 21:24:39
 15 scenarios, and I would expect to do that in 21:24:41
 16 the future. 21:24:45
 17 Q. You understand that -- strike that. 21:24:45
 18 Do you understand that Juniper has 21:24:49
 19 moved for summary judgement that the SRX 21:24:50
 20 products alone do not infringe the '780 21:24:53
 21 Patent? 21:24:56
 22 A. Again, you'd have to show me the document. 21:24:56
 23 My understanding, working with the 21:25:10
 24 attorneys, was that I was going to present 21:25:12

 **ESQUIRE**
800.211.DEPO (3376)
EsquireSolutions.com


MICHAEL D. MITZENMACHER Highly Confidential
FINJAN V. JUNIPER NETWORKS July 03, 2018
42

1 Downloadable ID and store it for later use, 21:14:25
 2 but I don't see any specific language. 21:14:33
 3 Whether that was implicit might be a legal 21:14:38
 4 question but I don't think it would affect 21:14:40
 5 my legal analysis since it's stored in this 21:14:42
 6 case. 21:14:45
 7 Q. Prior to the '780 Patent it was known you 21:14:49
 8 could hash an executable file, correct? 21:14:52
 9 MS. HEDVAT: Objection, form. 21:14:54
 10 A. I'd say generally it was known that you 21:14:55
 11 could hash data in various forms which would 21:14:58
 12 include potentially a single executable 21:15:04
 13 file. 21:15:07
 14 Q. Is it fair to say that prior to the '780 21:15:16
 15 Patent one method of virus detection was to 21:15:19
 16 hash the file and compare the hash to a list 21:15:22
 17 of known hashes that were malware? 21:15:25
 18 MS. HEDVAT: Objection, form. 21:15:27
 19 A. So I'd say that may have been an approach 21:15:28
 20 used for malware detection. I would say the 21:15:54
 21 exact timing of when the hashing of single 21:16:29
 22 files for any sort of malware detection when 21:16:35
 23 that started, I'd have to go back and look 21:16:41
 24 specifically. Again, that's different than 21:16:44

 **ESQUIRE**
800.211.DEPO (3376)


MICHAEL D. MITZENMACHER Highly Confidential
FINJAN V. JUNIPER NETWORKS July 03, 2018
58

1 Q. Would an executable file be an executable 21:56:27
 2 application program? 21:56:30
 3 A. So I would say I haven't considered all 21:56:35
 4 situations. I would say generally no, but 21:56:40
 5 you would have to be careful or consider the 21:56:44
 6 context. For instance, if the text file 21:56:49
 7 contained a C program, for instance, say it 21:56:52
 8 wrote in the C language and that text file 21:57:01
 9 was meant to be interpreted by something 21:57:03
 10 that would then run the corresponding 21:57:07
 11 sealing which file it may be possible, so 21:57:10
 12 I'd say typically a text file would not but 21:57:16
 13 because text files contain programming 21:57:19
 14 language code, you might have to look at the 21:57:22
 15 context specifically. 21:57:26
 16 Q. Would a ZIP file be an executable 21:57:27
 17 application program? 21:57:29
 18 A. I think it would have the same 21:57:30
 19 understanding. I would say you might 21:57:38
 20 typically say no but it would depend on the 21:57:45
 21 setting or the context. So, for example, 21:57:48
 22 JAR files, which is something that contains 21:57:51
 23 Java code constructs, are really just 21:57:57
 24 constructed as ZIP files and are then run on 21:58:01

 **ESQUIRE**
800.211.DEPO (3376)


REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

	MICHAEL D. MITZENMACHER Highly Confidential	July 03, 2018
	FINJAN V. JUNIPER NETWORKS	59
1	computers. So like a JAR file could be	21:58:05
2	considered a ZIP file that would be a	21:58:09
3	Downloadable, for instance, in context.	21:58:12
4	Q. So using your example of JAR files, is the	21:58:15
5	JAR file itself actually run on a computer	21:58:19
6	or are the files that are contained within	21:58:21
7	the JAR file run on the computer?	21:58:24
8	A. So, again, in a typical instance it would be	21:58:26
9	within the JAR file. It would contain	21:58:34
10	potentially a Downloadable and corresponding	21:58:42
11	components with the Downloadable. Again, I	21:58:44
12	think my example is just to point out that	21:58:47
13	it can depend on the context in general,	21:58:51
14	what you consider to be a Downloadable,	21:58:56
15	simply because in computer systems the	21:59:00
16	differentiation between data and actual	21:59:03
17	computer code are executable instructions	21:59:07
18	which depend on the context but, again, as I	21:59:11
19	said, ZIP files would typically not be	21:59:13
20	Downloadables but there are contexts where	21:59:16
21	you could consider.	21:59:19
22	Q. So in this example, the types of files we're	21:59:20
23	talking about are archived files, correct?	21:59:24
24	A. ZIP files are sometimes referred to as a	21:59:27




800.211.DEPO (3376)
EsquireSolutions.com

	MICHAEL D. MITZENMACHER Highly Confidential	July 03, 2018
	FINJAN V. JUNIPER NETWORKS	67
1	care in that a text file could conceivably	22:10:15
2	contain computer code so there may be	22:10:18
3	context where if the text file can be used	22:10:21
4	or treated as an executable application that	22:10:24
5	you may have to be aware of it, but in a	22:10:28
6	typical instance or setting, you would not	22:10:31
7	necessarily think of a text file as a	22:10:36
8	Downloadable.	22:10:38
9	Q. Can you think of any other types of files	22:10:39
10	that do not provide instructions to a	22:10:41
11	computer?	22:10:44
12	A. Something typically that I think of? Files.	22:11:10
13	They're either text files or they're	22:11:14
14	associated with a program or a binary	22:11:16
15	themselves. So I'm trying to expand or go	22:11:19
16	through the list of sorts of files that	22:11:23
17	would not be considered one of those two	22:11:31
18	things.	22:11:33
19	I think there are variations on text	22:11:38
20	files. For instance, you can look at	22:11:40
21	compressed forms of text files, such as JSON	22:11:43
22	files which would fall into sort of the same	22:11:49
23	class. I'd say also, depending on the	22:11:52
24	context, there would be various sorts of	22:11:58




800.211.DEPO (3376)
EsquireSolutions.com

	MICHAEL D. MITZENMACHER Highly Confidential	July 03, 2018
	FINJAN V. JUNIPER NETWORKS	66
1	as being Downloadables in that they provide	22:08:52
2	instructions to the computers and some of	22:08:57
3	those instructions may be -- may yield a	22:08:59
4	threat that we don't understand in advance.	22:09:06
5	Q. Is there any type of file that does not	22:09:10
6	provide instructions to the computer?	22:09:12
7	MS. HEDVAT: Objection, form.	22:09:16
8	A. Yes. I would say in various contexts you	22:09:17
9	would think of documents that do not provide	22:09:25
10	instructions to the computer.	22:09:29
11	Q. Like what?	22:09:30
12	A. So, again, I think we've talked about	22:09:31
13	contexts where you would not think of text	22:09:35
14	files as providing instructions. You may	22:09:38
15	have to take care in other situations where	22:09:45
16	they might lead to executable instructions	22:09:49
17	that you'd have to be aware of them, but	22:09:50
18	they're definitely context or situations	22:09:54
19	where I don't think you'd view text files as	22:09:56
20	threats or as possible executables.	22:09:59
21	Q. So would a text file be a Downloadable	22:10:01
22	within the meaning of Claim 1?	22:10:05
23	A. As I answered before, I would say typically	22:10:07
24	no, although again you may have to have some	22:10:11



800.211.DEPO (3376)

	MICHAEL D. MITZENMACHER Highly Confidential	July 03, 2018
	FINJAN V. JUNIPER NETWORKS	68
1	data files where, again, typically you might	22:12:00
2	not consider them executables so they would	22:12:07
3	not be Downloadables, although I'd provide	22:12:11
4	the same caveat I provide with text files	22:12:17
5	which is that the separation between data	22:12:20
6	and instructions in computer systems is a	22:12:23
7	tentative one that can depend on context.	22:12:32
8	Q. Can you think of any type of file that would	22:12:35
9	never be considered a Downloadable?	22:12:37
10	MS. HEDVAT: Objection, form.	22:12:39
11	A. I would say that's context dependent.	22:12:40
12	Again, in most instances there are various	22:12:49
13	forms of text files or other data files that	22:12:51
14	might have, for instance, a different	22:12:54
15	extension but would correspond to data files	22:12:56
16	that might contain text or binary	22:13:03
17	information that you would typically not	22:13:06
18	consider to be Downloadables. As always,	22:13:08
19	you need to consider or examine the context	22:13:13
20	to see how they might be being used.	22:13:16
21	Q. So I'm just trying to figure out whether	22:13:22
22	there's anything -- regardless of context,	22:13:24
23	right, is there anything that you're willing	22:13:26
24	to say would never be a Downloadable? Any	22:13:28




800.211.DEPO (3376)

REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED


MICHAEL D. MITZENMACHER Highly Confidential
FINJAN V. JUNIPER NETWORKS July 03, 2018
69

1 type of file? 22:13:31
 2 MS. HEDVAT: Objection, form. 22:13:32
 3 A. I would say I haven't considered that 22:13:32
 4 question carefully and the reason, as a 22:13:35
 5 professor of computer science, I'm very 22:13:40
 6 loathe to make such a universal statement, 22:13:42
 7 is one of the key points in computer science 22:13:46
 8 is that the line between data and 22:13:50
 9 instructions precisely can be blurry and 22:13:53
 10 context dependent. Again, examining a 22:14:00
 11 particular system I may be able to look at 22:14:11
 12 it and say, yes, this is not a Downloadable 22:14:14
 13 in the context of this system. Trying to 22:14:17
 14 universalize is kind of dangerous or 22:14:26
 15 concerning in security scenarios and so when 22:14:30
 16 you're trying to say can I remove the 22:14:33
 17 context, I feel uncomfortable doing that. 22:14:35
 18 Q. It's your opinion that the term 22:14:38
 19 "Downloadable" includes executable files or 22:14:41
 20 exe files, correct? 22:14:46
 21 A. I think you said executable files or exe 22:14:48
 22 files and I think you're sort of using 22:14:56
 23 executable in two different ways. 22:14:58
 24 Q. Sure. I'm trying to say .exe files. It's 22:15:00

 800.211.DEPO (3376)
EsquireSolutions.com


MICHAEL D. MITZENMACHER Highly Confidential
FINJAN V. JUNIPER NETWORKS July 03, 2018
71

1 justify the question. 22:16:26
 2 Q. Some type of executable file existed when 22:16:27
 3 you were in school, correct? 22:16:30
 4 MS. HEDVAT: Objection, form. 22:16:31
 5 A. I'd say some type of -- there were files 22:16:32
 6 that would execute and that they would 22:16:36
 7 contain computer instructions and run on a 22:16:38
 8 computer even when I was a kid. 22:16:41
 9 Q. And you could download those from the 22:16:42
 10 internet, correct? 22:16:45
 11 MS. HEDVAT: Objection, form. 22:16:46
 12 A. At some point, yes. 22:16:46
 13 Q. At the time you were in school? 22:16:53
 14 A. Yes. I believe so, that you could download 22:16:54
 15 programs from the internet. 22:17:10
 16 Q. When did you graduate? 22:17:12
 17 A. Graduated college in '91. 22:17:13
 18 Q. Is an HTML file a Downloadable? 22:17:15
 19 A. Yes. 22:17:40
 20 Q. Even if it doesn't contain script? 22:17:44
 21 A. Again, I would say yes, there are instances 22:17:47
 22 certainly where it would not contain what 22:17:54
 23 you would call -- I'm assuming you're 22:17:56
 24 referring to script tags that would be used 22:18:00

 800.211.DEPO (3376)
EsquireSolutions.com


MICHAEL D. MITZENMACHER Highly Confidential
FINJAN V. JUNIPER NETWORKS July 03, 2018
70

1 your opinion Downloadables would include 22:15:04
 2 those, correct? 22:15:06
 3 MS. HEDVAT: Objection, form. 22:15:06
 4 A. Yes, on many, for instance, Microsoft 22:15:07
 5 systems in the exe file, the notes that it's 22:15:09
 6 an executable in the sense that it contains 22:15:15
 7 computer instructions and could be run on 22:15:17
 8 the destination computer. 22:15:19
 9 Q. Do you know when .exe files first existed? 22:15:20
 10 A. No. I'd have to look that up. 22:15:25
 11 Q. Did they exist while you were in school? 22:15:36
 12 MS. HEDVAT: Objection, form. 22:15:38
 13 A. I honestly cannot recall if they were 22:15:39
 14 labeled as .exe files. That was a long time 22:15:43
 15 ago, both in terms of my memory and back in 22:15:48
 16 the day of how they worked. For instance, 22:15:52
 17 when I was a kid I was working at Microsoft 22:16:00
 18 when they were developing the early versions 22:16:04
 19 of Windows, which is what I associate with 22:16:06
 20 exe files. I also would have to go back and 22:16:09
 21 check. Exe files I assume has some long 22:16:12
 22 form of history. Their format or what they 22:16:21
 23 include might have changed. I'd have to go 22:16:22
 24 back to look to see and sort of clarify or 22:16:25

 800.211.DEPO (3376)

MICHAEL D. MITZENMACHER Highly Confidential
FINJAN V. JUNIPER NETWORKS July 03, 2018
89

22:46:15
 22:46:24
 22:46:25
 22:46:30
 22:46:35
 22:46:53
 22:46:55
 22:46:59
 22:47:02
 22:47:03
 22:47:07
 22:47:16
 22:47:19
 22:47:24
 22:47:28
 22:47:28
 22:48:08
 22:48:12
 22:48:15
 22:48:21
 22:48:25
 22:48:28
 22:48:32
 22:48:34

 800.211.DEPO (3376)

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.