

EXHIBIT 12

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FINJAN, INC., a Delaware Corporation,)	
)	
Plaintiff and Counter-)	Case No. 17CV0183-CAB
Defendant,)	
)	
vs.)	
)	
ESET, LLC, a California Limited Liability Corporation, and ESET SPOL. S.R.O., a Slovak Republic Corporation,)	
)	
Defendants and Counter-)	
Plaintiffs.)	

Reporter's Transcript of Claims Construction Hearing
Volume 2, pages 1-198
Before The Honorable Cathy Ann Bencivengo
Tuesday, September 26, 2017, 9:00 a.m.
San Diego, California

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1 issues.

2 THE COURT: Well, I understand that I may not just be
3 following their lead, but that's my fair reading of the patent,
4 of the prosecution history, where the patent holder came in and
5 said no, what's different about this patent is that it is not
6 the work being done at the network gateway where it all had to
7 be done before, it's being done prior to that by this
8 investigator. That is, again, streamlining and creating an
9 efficiency here.

10 And the words "investigator" were specifically
11 included into that claim specifically with the language that
12 this happens before it's made available, and it is consistent
13 with the rest of the claims where subsequent investigation or
14 review of the Downloadable is done where each of those -- it
15 says that the Downloadable was linked to a Security Profile
16 before the web server made it available to the web client.

17 And that's in the Network Gateway System claim 32.
18 It's in 41, it's in 42.

19 And so that's one of the fun things about being a
20 district judge, I can listen to what other district judges have
21 to say, but I don't have to follow it. Until the Federal
22 Circuit says it means something else, I'm on my own.

23 MR. ANDRE: That's correct. And I'm not saying there
24 is anything binding from those other district court judges. I
25 guess what I'm asking is -- I will respect your Honor's