

EXHIBIT 1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FINJAN, INC., A DELAWARE
CORPORATION,

PLAINTIFF,

VS.

BLUE COAT SYSTEMS, INC.,

DEFENDANT.

CASE NO. CV-15-03295-BLF

SAN JOSE, CALIFORNIA

NOVEMBER 1, 2017

VOLUME 3

PAGES 407 - 650

TRANSCRIPT OF TRIAL
BEFORE THE HONORABLE BETH LABSON FREEMAN
UNITED STATES DISTRICT JUDGE AND A JURY

A-P-P-E-A-R-A-N-C-E-S

FOR THE PLAINTIFF: KRAMER, LEVIN, NAFTALIS & FRANKEL,
LLP

BY: PAUL J. ANDRE
LISA KOBIALKA
JAMES HANNAH
KRISTOPHER KASTENS
HANNAH LEE

990 MARSH ROAD
MENLO PARK, CALIFORNIA 94025

FOR THE DEFENDANT: QUINN, EMANUEL, URQUHART & SULLIVAN
LLP

BY: DAVID A. NELSON
NATHAN HAMSTRA
500 W. MADISON STREET, SUITE 2450
CHICAGO, ILLINOIS 60661

(APPEARANCES CONTINUED ON THE NEXT PAGE.)

OFFICIAL COURT REPORTERS: IRENE L. RODRIGUEZ, CSR, RMR, CRR
CERTIFICATE NUMBER 8074
LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY,
TRANSCRIPT PRODUCED WITH COMPUTER.

09:31AM 1 MARKETING REQUIREMENTS, DOCUMENTS, ET CETERA.

09:31AM 2 Q. AND DID YOU WRITE ANY TECHNICAL DOCUMENTS AS PART OF YOUR
09:31AM 3 WORK?

09:31AM 4 A. YES, YES.

09:31AM 5 Q. AND WHAT TYPES OF DOCUMENTS?

09:31AM 6 A. EVERYTHING FROM DATA SHEETS TO TECHNICAL WHITE PAPERS,
09:31AM 7 PRESENTATIONS, ET CETERA.

09:31AM 8 Q. AND DID YOU HAVE THE SAME TYPE OF ROLE AT FINJAN WHEN YOU
09:32AM 9 WERE THERE?

09:32AM 10 A. I DID, YES.

09:32AM 11 Q. AND WHEN DID YOU JOIN FINJAN?

09:32AM 12 A. IN 1999.

09:32AM 13 Q. AND HOW LONG WERE YOU THERE?

09:32AM 14 A. ABOUT THREE YEARS.

09:32AM 15 Q. AND WHAT WAS YOUR POSITION AT FINJAN?

09:32AM 16 A. WHEN I WAS HIRED, I WAS HIRED AS DIRECTOR OF CORPORATE
09:32AM 17 COMMUNICATIONS, AND THEN I BECAME DIRECTOR OF MARKETING, AND
09:32AM 18 THEN AT THE END I WAS VICE PRESIDENT OF MARKETING.

09:32AM 19 Q. AND HOW DID YOU INTERACT WITH THE ENGINEERING TEAM AT
09:32AM 20 FINJAN WHILE YOU WERE THERE?

09:32AM 21 A. ON A WEEKLY BASIS WE WOULD HAVE PLANNING SESSIONS, REVIEW
09:32AM 22 BUILDS OF PRODUCT. AS YOU BUILD SOFTWARE PRODUCT, THEY REVIEW
09:32AM 23 THE RELEASE BUILDS EVERY WEEK TO HELP TO TRY TO DEFINE THE
09:32AM 24 FEATURES AND TRY TO RELAY WHAT WAS OCCURRING IN THE MARKET TO
09:32AM 25 CUSTOMERS WHAT THEY WANTED AND WHAT WE NEEDED TO BUILD

09:42AM 1
09:42AM 2
09:42AM 3
09:42AM 4
09:42AM 5
09:42AM 6
09:42AM 7
09:43AM 8
09:43AM 9
09:43AM 10
09:43AM 11
09:43AM 12
09:43AM 13
09:43AM 14
09:43AM 15
09:43AM 16
09:43AM 17
09:43AM 18
09:43AM 19
09:43AM 20
09:43AM 21
09:43AM 22
09:43AM 23
09:43AM 24
09:43AM 25

BE PUBLISHED.

THE COURT: NO, IT'S NOT TO BE PUBLISHED. IT'S TO
ALLOW THE WITNESS TO TAKE A LOOK.

THE CLERK: IT'S NOT PUBLISHED.

THE WITNESS: I'M SORRY. IT'S HARD FOR ME TO FIND.
THERE'S A LOT OF NUMBERS ON THE SIDE FOR THE DEPOSITION.

SO IS THERE A PAGE NUMBER THAT YOU CAN REFER TO THAT --
THERE'S A LOT OF DIFFERENT PAGES ON HERE.

MR. MARDER: I'M SORRY. JUST ONE SECOND, SIR.

THE WITNESS: AND THIS IS THE SYMANTEC II DEPO?
BY MR. MARDER:

Q. YES. AND THAT CITATION IS ACTUALLY PAGE 14, LINE 4
THROUGH 18.

THE COURT: ARE YOU ABLE TO FIND THE PAGE NUMBERS,
MR. KROLL?

THE WITNESS: YES, I AM LOOKING ON HERE.

THE COURT: OKAY.

(PAUSE IN PROCEEDINGS.)

THE WITNESS: OKAY. IS THAT LINE 10?

BY MR. MARDER:

Q. THAT'S THE STATEMENT THAT I WAS REFERRING TO, YES.

A. OKAY. YES. YEAH, I SEE THAT.

Q. GREAT. BUT YOU ARE AN INVENTOR ON THE '494 PATENT; RIGHT?

A. YES.

Q. AND CAN WE TAKE A LOOK AT CLAIM 10 OF JTX 3006.

09:44AM 1 AND YOU UNDERSTAND THAT THIS CLAIM IS ASSERTED IN THIS
09:44AM 2 CASE; RIGHT?

09:44AM 3 A. I DON'T SEE IT ON THE SCREEN.

09:44AM 4 THE COURT: IS YOUR SCREEN BLANK?

09:44AM 5 THE WITNESS: IT IS WORKING NOW.

09:44AM 6 THE COURT: OKAY. GOOD.

09:44AM 7 BY MR. MARDER:

09:44AM 8 Q. SO DO YOU UNDERSTAND THAT CLAIM 10 IS ASSERTED IN THIS
09:44AM 9 CASE?

09:44AM 10 A. LET ME READ.
09:44AM 11 (PAUSE IN PROCEEDINGS.)

09:44AM 12 THE WITNESS: OKAY. YES, I SEE.

09:44AM 13 BY MR. MARDER:

09:44AM 14 Q. AND YOU HELPED COME UP WITH THE IDEA BEHIND CLAIM 10 WHILE
09:44AM 15 YOU WERE WORKING AT FINJAN; IS THAT RIGHT?

09:44AM 16 A. THAT'S --

09:44AM 17 THE COURT: ARE YOU HAVING TROUBLE HEARING?

09:44AM 18 JUROR: SHOULD WE BE ABLE TO SEE CLAIM 10?

09:44AM 19 THE COURT: NO. NOT RIGHT NOW.

09:44AM 20 JUROR: OKAY. THANK YOU.

09:44AM 21 THE COURT: THANK YOU FOR ASKING.

09:44AM 22 THE WITNESS: COULD YOU REPEAT THE QUESTION?

09:44AM 23 BY MR. MARDER:

09:44AM 24 Q. YES. YOU HELPED COME UP WITH THE IDEA BEHIND CLAIM 10
09:44AM 25 DURING YOUR TIME AT FINJAN; IS THAT RIGHT?

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.