

Exhibit 1

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

June 21, 2018
1-4

<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, CRP</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 & 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 & 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>

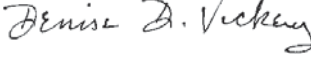
<p style="text-align: right;">Page 113</p> <p>1 back and check.</p> <p>2 BY MS. CARSON:</p> <p>3 Q. What is a relational database?</p> <p>4 MR. KASTENS: Objection. Form.</p> <p>5 THE WITNESS: Like a typical</p> <p>6 example is like MySQL where there's a core</p> <p>7 relationship between the different elements in the</p> <p>8 database.</p> <p>9 BY MS. CARSON:</p> <p>10 Q. Does DynamoDB fit that characteristic</p> <p>11 that you just identified?</p> <p>12 MR. KASTENS: Objection. Form.</p> <p>13 THE WITNESS: DynamoDB does have</p> <p>14 a schema with regard to the primary key, but then</p> <p>15 other components of it might not. So that's why</p> <p>16 it's more of a hybrid.</p> <p>17 BY MS. CARSON:</p> <p>18 Q. You think it's a hybrid?</p> <p>19 MR. KASTENS: Objection. Form.</p> <p>20 BY MS. CARSON:</p> <p>21 Q. What do you mean by "hybrid"?</p> <p>22 A. Well, with DynamoDB, there is an</p>	<p style="text-align: right;">Page 115</p> <p>1 Q. So part of the construction that you've</p> <p>2 applied for database is "organized according to a</p> <p>3 database schema."</p> <p>4 What does it mean to be "organized</p> <p>5 according to a database schema"?</p> <p>6 A. That means there needs to be some set</p> <p>7 fields or schema that's used for storing the</p> <p>8 information.</p> <p>9 Q. Would you agree that a database schema</p> <p>10 is a description of a database to a database</p> <p>11 management system in the language provided by the</p> <p>12 database management system?</p> <p>13 MR. KASTENS: Objection. Form.</p> <p>14 THE WITNESS: Could you read that</p> <p>15 one more time?</p> <p>16 BY MS. CARSON:</p> <p>17 Q. Would you agree that a database schema</p> <p>18 is a description of a database to a database</p> <p>19 management system in the language provided by the</p> <p>20 database management system?</p> <p>21 MR. KASTENS: Objection. Form.</p> <p>22 THE WITNESS: That would</p>
<p style="text-align: right;">Page 114</p> <p>1 initial schema with the primary key, which would fit</p> <p>2 under our definition of a database, but then there</p> <p>3 could be also other components that are not</p> <p>4 necessarily tied to a schema.</p> <p>5 Q. Have you ever heard the term "schema</p> <p>6 list database"?</p> <p>7 MR. KASTENS: Objection. Form.</p> <p>8 THE WITNESS: Yes, I have.</p> <p>9 BY MS. CARSON:</p> <p>10 Q. What does that mean to you?</p> <p>11 A. A schema list database basically means</p> <p>12 that the data is more unstructured and there's not a</p> <p>13 set schema in which the information is stored.</p> <p>14 Q. Would a schema list database satisfy</p> <p>15 the construction of database in this case?</p> <p>16 MR. KASTENS: Objection. Form.</p> <p>17 THE WITNESS: If it was a hundred</p> <p>18 percent true schema list database, then it would</p> <p>19 not, but most databases that are called "schema</p> <p>20 list" does have an underlying schema for looking up</p> <p>21 information and using the primary key.</p> <p>22 BY MS. CARSON:</p>	<p style="text-align: right;">Page 116</p> <p>1 generally fit my understanding.</p> <p>2 BY MS. CARSON:</p> <p>3 Q. For purposes of doing your infringement</p> <p>4 analysis on Claim 10 of the '494 patent, did it</p> <p>5 matter to your analysis what computer language the</p> <p>6 database schema was written in?</p> <p>7 MR. KASTENS: Objection. Form.</p> <p>8 THE WITNESS: (Reviews document).</p> <p>9 There is nothing in Claim 10 that</p> <p>10 specifies a certain language be used. So no, it was</p> <p>11 not restricted to a certain language, as long as it</p> <p>12 met all the claim elements.</p> <p>13 BY MS. CARSON:</p> <p>14 Q. For purposes of doing your infringement</p> <p>15 analysis on Claim 10 of the '494 patent, did it</p> <p>16 matter to your analysis whether the database schema</p> <p>17 was written in the same language as the database</p> <p>18 itself?</p> <p>19 MR. KASTENS: Objection. Form.</p> <p>20 THE WITNESS: Once again, when I</p> <p>21 do my infringement analysis, I'm driven by the claim</p> <p>22 elements, and I don't see anything in the claim</p>

<p style="text-align: right;">Page 117</p> <p>1 language that would restrict or limit the languages</p> <p>2 or how it's written.</p> <p>3 BY MS. CARSON:</p> <p>4 Q. So the database schema could be written</p> <p>5 in a language that's different than the database</p> <p>6 under your analysis; correct?</p> <p>7 A. According --</p> <p>8 MR. KASTENS: Objection. Form.</p> <p>9 THE WITNESS: According to claim</p> <p>10 10(c) "a database manager coupled with said</p> <p>11 Downloadable scanner, for storing the Downloadable</p> <p>12 security profile in a database."</p> <p>13 So I don't see anything limiting</p> <p>14 to be database language.</p> <p>15 BY MS. CARSON:</p> <p>16 Q. Based on the plain meaning of database</p> <p>17 within the '494 patent, does the data in the</p> <p>18 database have to be in the form of a table?</p> <p>19 MR. KASTENS: Objection. Form.</p> <p>20 THE WITNESS: I do not see</p> <p>21 anything in the claim language or in the plain and</p> <p>22 ordinary meaning of the word "database" that</p>	<p style="text-align: right;">Page 119</p> <p>1 video that I created on it, that wouldn't</p> <p>2 necessarily be a database.</p> <p>3 Q. Can you think of any other data storage</p> <p>4 options that are not databases?</p> <p>5 MR. KASTENS: Objection. Form.</p> <p>6 THE WITNESS: I guess I could</p> <p>7 store a file on a USB file. That's not a database.</p> <p>8 So you can have files and information. Databases,</p> <p>9 typically when you have a collection of interrelated</p> <p>10 data is stored in a database, but there's a lot of</p> <p>11 ways you can store information on a computer that's</p> <p>12 not a database.</p> <p>13 BY MS. CARSON:</p> <p>14 Q. Have you ever heard the term "file</p> <p>15 store" or "datastore"?</p> <p>16 A. Yes.</p> <p>17 Q. Is a datastore a database?</p> <p>18 MR. KASTENS: Objection. Form.</p> <p>19 THE WITNESS: I would have to</p> <p>20 look at the specifics. It could be, but not</p> <p>21 necessarily, depending on how it's set up and</p> <p>22 structured.</p>
<p style="text-align: right;">Page 118</p> <p>1 requires or limits it to a table.</p> <p>2 BY MS. CARSON:</p> <p>3 Q. Are there ways that one can store files</p> <p>4 or data besides a database?</p> <p>5 MR. KASTENS: Objection. Form.</p> <p>6 THE WITNESS: Can you repeat the</p> <p>7 question?</p> <p>8 BY MS. CARSON:</p> <p>9 Q. Are there ways that one can store files</p> <p>10 or data besides a database?</p> <p>11 MR. KASTENS: Objection. Form.</p> <p>12 THE WITNESS: You could store</p> <p>13 files on your computer. That wouldn't necessarily</p> <p>14 be a database. So you could store files or</p> <p>15 information outside of a database.</p> <p>16 BY MS. CARSON:</p> <p>17 Q. Can you think of any sort of examples</p> <p>18 of such storage mechanisms --</p> <p>19 MR. KASTENS: Objection. Form.</p> <p>20 BY MS. CARSON:</p> <p>21 Q. -- wouldn't be considered a database?</p> <p>22 A. I guess if I have a USB drive with one</p>	<p style="text-align: right;">Page 120</p> <p>1 BY MS. CARSON:</p> <p>2 Q. So it's your opinion that a datastore</p> <p>3 could be considered a database, depending on how</p> <p>4 it's set up?</p> <p>5 MR. KASTENS: Objection. Form.</p> <p>6 THE WITNESS: I'm always careful</p> <p>7 with terms. So if you give me specific details, I</p> <p>8 could give a more conclusive statement, but -- but</p> <p>9 it always depends on the specifics of how a term is</p> <p>10 defined and how it's used to give a conclusive</p> <p>11 answer.</p> <p>12 BY MS. CARSON:</p> <p>13 Q. If you were teaching someone in one of</p> <p>14 your classes or writing your book and you wanted to</p> <p>15 identify ways to store data that don't involve using</p> <p>16 a database, what concepts would you identify?</p> <p>17 MR. KASTENS: Objection. Form.</p> <p>18 THE WITNESS: Probably similar to</p> <p>19 the examples. If you just created a video and you</p> <p>20 just put it on a USB, that wouldn't be considered a</p> <p>21 database. Or if you just captured information and</p> <p>22 stored it in a file, that wouldn't necessarily be a</p>

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

June 21, 2018
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1 CERTIFICATE OF REPORTER
2 COMMONWEALTH OF VIRGINIA)
3 I, DENISE DOBNER VICKERY, CRR/RMR and
4 Notary Public, hereby certify the witness, DR. ERIC
5 B. COLE, was by me first duly sworn to testify to
6 the truth; that the said deposition was recorded by
7 me and thereafter reduced to printing under my
8 direction; and that said deposition is a true
9 transcript of my original stenographic notes.
10 I certify the inspection, reading and
11 signing of said deposition were NOT waived by
12 counsel for the respective parties and by the
13 witness; and that I am not a relative or employee of
14 any of the parties, or a relative or employee of
15 either counsel, and I am in no way interested
16 directly or indirectly in this action.
17 CERTIFIED TO THIS 22nd DAY OF JUNE, 2018.
18 
19
20 Denise Dobner Vickery, CRR/RMR
21 Notary Public in and for the
22 Commonwealth of Virginia
23 Notary Registration No. 126014
24 My Commission expires: March 31, 2022

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22 DR. ERIC B. COLE

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1 DEPOSITION ERRATA SHEET
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3 Our Assignment No. J2328299
4 Case Caption:
5 FINJAN, INC. vs. JUNIPER NETWORKS, INC.
6
7 DECLARATION UNDER PENALTY OF PERJURY
8 I declare under penalty of perjury
9 that I have read the entire transcript of
10 my Deposition taken in the captioned matter
11 or the same has been read to me, and
12 the same is true and accurate, save and
13 except for changes and/or corrections, if
14 any, as indicated by me on the DEPOSITION
15 ERRATA SHEET hereof, with the understanding
16 that I offer these changes as if still under
17 oath.
18 Signed on the ____ day of
19 _____, 2018.
20 _____
21 _____
22 DR. ERIC B. COLE

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