

REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED
DECLARATION OF DR. MICHAEL MITZENMACHER

I, Michael Mitzenmacher, hereby declare that:

1. I have been asked by Plaintiff Finjan, Inc. to submit an expert declaration on whether Juniper, Inc.'s SRX Gateways, Sky ATP and ATP Appliance products infringe claim 1 of U.S. Patent No. 8,141,154 (the "'154 Patent"). Ex. 1.¹ I relied on the documents cited herein, including the '154 Patent, the file history of the '154 Patent, the source code, the deposition transcripts of Tenorio, Manthena, Nagarajan, and Manocha, the trial transcript for this case, exhibits thereto, Finjan's Infringement Contentions, and Juniper's Discovery Responses.

I. EXPERIENCE AND QUALIFICATIONS

2. I received a Ph.D degree in Computer Science from the University of California at Berkeley in 1996. I am currently employed as a Professor of Computer Science at Harvard University. I have published over 200 research papers in computer science conferences and journals, many of which have explored computer securities and computer networks, such as algorithms and data structures for communication networks and data transmission. I regularly serve on program committees for conferences in networking, algorithms, and communication, including SIGCOMM, NSDI, and CoNEXT. I have also taught graduate courses relating to computer networking.

3. My rate of compensation for my work in this case is \$750 per hour plus any direct expenses incurred. My compensation is based solely on the amount of time that I devote to activity related to this case and is in no way affected by any opinions that I render. I receive no other compensation from work on this action. My compensation is not dependent on the outcome of this case.

II. LEGAL STANDARDS

4. Counsel for Finjan has informed me of the following legal standards that I have used as a framework in forming my opinions contained herein.

5. I have been informed that claim construction is a legal issue for the Court to decide. I also understand that the Court has not issued a claim construction order for the '154 Patent in this case. As such, I considered both parties' proposed constructions of disputed terms and applied the plain and ordinary meaning for all other terms.

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1 6. I have been informed that infringement is determined on a claim by claim basis. A
2 product may infringe a claim either literally or under the doctrine of equivalents.

3 7. I have been further informed that literal infringement is found if an accused product,
4 system or method meets each and every element of a single claim. Direct infringement is found if a
5 party, or its agents, makes, uses, sells, or offers for sale a product or system that contains all elements
6 of a claimed system or performs all of the steps of a claimed method. I have been informed that a party
7 can be found to use the patented system even if that party does not exercise physical or direct control
8 over every element of the system. I have been informed that for elements that are not subject to the
9 physical or direct control of the party, that party is still deemed to be using that component or part of
10 the patented system where the party (i) puts the component into service – that is, the party causes it to
11 work for its intended purpose and (ii) receives the benefit of that purpose. I have been informed that
12 direct infringement can be found in a multinational system claim where elements of such system are
13 located in multiple countries, when the place where control of the accused system is exercised and
14 where beneficial use of the system is obtained are both within the United States.

15 8. I have been informed that infringement under the doctrine of equivalents is found if an
16 accused product, system or process contains parts or steps that are identical or equivalent to each and
17 every element of a single claim. A part or step is equivalent if a person of ordinary skill in the art
18 (“POSITA”) would conclude that, at the time of infringement, the differences between the product or
19 method step and the claim element were not substantial. One common test to determine if the difference
20 between a component or method step and a claim element is not substantial is to determine whether the
21 component or step performs substantially the same function, in substantially the same way, to achieve
22 substantially the same result.

23 9. Based on review of the Asserted Patents and consideration of the abovementioned
24 factors, it is my opinion that a person of ordinary skill in the art at the time of the invention of the
25 Asserted Patents would be someone with a bachelor’s degree in computer science or related field, and
26 either (1) two or more years of industry experience and/or (2) an advanced degree in computer science
27 or related field. I understand that claim 1 of the ’154 Patent claims a priority date of December 12,
28 2005. But if the ’154 Patent is found to have another priority date it would not materially affect my

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1 analysis.

2 **III. SUMMARY OF DECLARATION**

3 10. I have been asked by counsel for Finjan to consider if Juniper infringes claim 1 of the
4 '154 Patent. I have assumed that claim 1 of the '154 Patent is valid and enforceable. I have not
5 considered damages related issues associated with this infringement.

6 11. The language of claim 1 is set forth in the '154 Patent at 17:31-44.

7 12. I have been asked by counsel for Finjan to consider the following infringement scenarios
8 with respect to claim 1 of the '154 Patent: (1) SRX Gateways ("SRX") by themselves, (2) SkyATP by
9 itself, (3) ATP Appliance by itself. My opinion on the current product features is based on the
10 information available, including source code, release notes, Juniper's documents, and deposition
11 testimonies of Juniper's employees.

12 **IV. OVERVIEW OF THE '154 PATENT**

13 13. The '154 Patent describes protecting a computer system from dynamically generated
14 malicious content. *See* '154 Patent, Abstract. Many types of documents (such as PDF, Office, HTML)
15 allow for generating content dynamically. As one example, a document may be embedded with a
16 JavaScript ("JS") script, which is able to call a link from which to download a file. As another example,
17 an iFrame (which is another HTML document embedded into the main HTML page) inserts external
18 content into the main HTML page, and thereby allows for dynamically generated malicious content. As
19 a further example, an email or a document may include an HTTP link to a site. The HTTP link by
20 default is associated with an HTTP function (such as an HTTP GET request), which allows a computer
21 to automatically communicate with the site hosted by the HTTP link upon the activation of the HTTP
22 link.

23 14. The ability to dynamically generate content allows malicious code to evade detection
24 through obfuscation. Obfuscation is a mechanism which allows malicious code to be encoded or
25 reformatted in a string that it appears to be benign, but the encoded or reformatted string is later decoded
26 or reformatted to generate the malicious code for execution. *See* '154 Patent at 3:31-64 (describing how
27 dynamically generated content would result in malicious code being inserted). Obfuscation is one way
28 in which activation of a seemingly benign link may result in malicious code being injected into a

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1 document or causing a malware to be downloaded. Dynamically generated malicious content typically
2 comes in the form of a multi-stage attack such as a drive-by Download, or through a link on a webpage
3 or email. Ex. 15, FINJAN-JN 045339 at 41 (describing the mechanism of a drive-by Download attack);
4 FINJAN-JN 045326 at 29-30 (describing different ways ransomware infects a computing system). The
5 dynamically generated malicious code cannot be detected by conventional reactive content inspection or
6 gateway level analysis because the malicious code is not present in the content before runtime, which is
7 when the malicious code is generated. '154 Patent at 3:65-4:8. Claim 1 of the '154 Patent describes the
8 use of a content processor to process content which includes a call to a first function and the call has an
9 input. *See id.*, Claim 1. The '154 Patent also recites sending the input to a security computer for
10 inspection. *See id.* Claim 1 also recites invoking a second function with the input only if a security
11 computer indicates that it is safe to invoke the second function. *Id.* By utilizing “behavioral analysis
12 technologies,” Claim 1 of the '154 Patent allows a security system to detect “day-zero” threats which
13 escape the detections by traditional security technologies.

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27 [REDACTED] n pipeline as the combination of the
28 “deception adapter” and a sandbox called “Joe Sandbox.”

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