

EXHIBIT 12

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IN THE UNITES STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF DELAWARE

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FINJAN SOFTWARE LTD.,	:	Civil Action
	:	No. 06-369(GMS)
Plaintiff,	:	
	:	
v.	:	
	:	
SECURE COMPUTING CORPORATION,	:	
CYBERGUARD CORPORATION,	:	
WEBWASHERE AG and DOES 1	:	
THROUGH 100,	:	
	:	
Defendants.	:	

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Wilmington, Delaware
Tuesday, March 4, 2008
8:30 a.m.
Day Two of Trial

- - -

BEFORE: HONORABLE GREGORY M. SLEET, Chief Judge,
and a Jury

APPEARANCES:

PHILIP A. ROVNER, ESQ.
Potter Anderson & Corroon LLP
-and-
PAUL J. ANDRE, ESQ.,
LISA KOBIALKA, ESQ.,
JAMES HANNAH, ESQ.,
MEGHAN WARTON, ESQ.,
KRIS KASTENS, ESQ., and
HANNAH LEE, ESQ.
King & Spalding
(Silicon Valley, California)

Counsel for Plaintiff

Vigna - direct

1 Q. With respect to Claim 65, do you find that every
2 element of Claim 65 literally infringes -- strike that.

3 Do you find that the Webwasher product literally
4 infringes every claim element of Claim 65?

5 A. Yes, I think so.

6 Q. At least does the Webwasher product perform
7 substantially the same function as that described in Claim
8 65?

9 A. Yes, it does.

10 Q. Does at least the Webwasher product perform
11 substantially the same way as in Claim 65?

12 A. Yes, it does.

13 Q. And at least does the Webwasher product yield the same
14 result as that which is claimed in Claim 65?

15 A. Yes, it does.

16 Q. Is that for every single element in Claim 65?

17 A. Yes.

18 Q. Thank you.

19 All right. So that's it for the '194 patent. I
20 would like to turn your attention to the '780 patent.

21 Dr. Vigna, could you just give a very brief
22 description of what is claimed in Claim 1 of the '780
23 patent?

24 A. Yes.

25 So in this patent, a method is disclosed to

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1 compute a unique ID of a downloadable for md5, a
2 downloadable itself. The idea is that is that a
3 downloadable is retrieved and an ID is computed. But the
4 downloadable also references other components. Also
5 together with the first component, other components are also
6 analyzed and an ID is generated.

7 This ID is then used to identify or to determine
8 if a downloadable has been seen before. And the way in
9 which this ID is created is by performing a hash function.

10 Here I have to do a very short digression on
11 what a hash function is.

12 So, again, a hash function is, it's a way to
13 take an object and generate in a secure way a unique idea.
14 A secure way means that if two objects are different, then
15 they will have different IDs. And it is very hard
16 computationally, given an ID, to generate another object
17 that will have the same ID. You have to sort of believe me
18 here because there are actually pretty complex mathematics
19 behind these type of functions. Here we are not really
20 discussing these functions working or not. They are used in
21 computer science and programs every day.

22 One, for example, of the most known functions is
23 called md5. Shwan (phonetic) is another example of such
24 type of functions. They are used to generate unique IDs for
25 these downloadables.