

REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

Exhibit B
(Redacted)

REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

HIGHLY CONFIDENTIAL - SOURCE CODE

MICHAEL DAVID MITZENMACHER, PH.D. - 03/04/2019 Pages 2..5

<p>1 APPEARANCES:</p> <p>2</p> <p>3 Kramer Levin Naftalis & Frankel LLP</p> <p>4 By: Michael H. Lee, Esq.</p> <p>5 990 Marsh Road</p> <p>6 Menlo Park, CA 94025</p> <p>7 (650) 752-1700</p> <p>8 mhlee@kramerlevin.com</p> <p>9 for the Plaintiff and the Witness;</p> <p>10</p> <p>11 Irell & Manella LLP</p> <p>12 By: Rebecca Carson, Esq.</p> <p>13 840 Newport Center Drive, Suite 400</p> <p>14 Newport Beach, CA 92660-6324</p> <p>15 (617) 760-0991</p> <p>16 rcarson@irell.com</p> <p>17 for the Defendant.</p> <p>18</p> <p>19 Also Present: Paul Martin, Ph.D., Harbor Labs</p> <p>20 Robert Giannini, Video Operator</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	Page 2	<p>1 EXHIBITS FOR IDENTIFICATION: (continued)</p> <p>2 Mitzenmacher Description Page</p> <p>3 Exhibit 2322 JNPR-FNJN_29017_00552892 - 130</p> <p>4 JNPR-FNJN_29017_00552907</p> <p>5 Exhibit 2323 FINJAN-JN 044887 - 131</p> <p>6 FINJAN-JN 045068</p> <p>7 Exhibit 2324 Source code: pages 153-155 142</p> <p>8 Exhibit 2325 Source code: pages 126-132 142</p> <p>9 Exhibit 2326 Source code: pages 143-152 142</p> <p>10 Exhibit 2327 JNPR-FNJN_29017_00552908 - 153</p> <p>11 JNPR-FNJN_29017_00552915</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24 Original exhibits retained by reporter to be</p> <p>25 returned to Irell & Manella</p>	Page 4
<p>1 I N D E X</p> <p>2</p> <p>3 WITNESS: Michael David Mitzenmacher, Ph.D.</p> <p>4</p> <p>5 EXAMINATION Page</p> <p>6 By Ms. Carson 6</p> <p>7 AFTERNOON SESSION</p> <p>8 By Ms. Carson 62</p> <p>9</p> <p>10 EXHIBITS FOR IDENTIFICATION:</p> <p>11 Mitzenmacher Description Page</p> <p>12 Exhibit 2315 Witness's 2/12/19 expert 7</p> <p>13 declaration</p> <p>14 Exhibit 2316 FINJAN-JN 002025 - 13</p> <p>15 FINJAN-JN 002040</p> <p>16 Exhibit 2317 JNPR-FNJN_29040_01042912 - 56</p> <p>17 JNPR-FNJN_29040_01042915</p> <p>18 Exhibit 2318 JNPR-FNJN_29017_00552579 - 56</p> <p>19 JNPR-FNJN_29017_00552594</p> <p>20 Exhibit 2319 Source code: pages 342-344, 62</p> <p>21 379-380, 449, 453-454, 508-510,</p> <p>22 515, 518, 586-589, 679-680,</p> <p>23 683, 701, 720-722, 728, 738</p> <p>24 Exhibit 2320 Source code: pages 409-411 74</p> <p>25 Exhibit 2321 Source code: pages 686-687 119</p>	Page 3	<p>1 THE VIDEO OPERATOR: Good morning.</p> <p>2 We are on the record. This is the videographer</p> <p>3 speaking, Bob Giannini, with court reporter Kim</p> <p>4 Smith with Epiq Court Reporting. Today's date is</p> <p>5 March 4, 2019. The time is 11:21 a.m.</p> <p>6 We are here at the Sheraton Boston,</p> <p>7 located at 39 Dalton Street, Boston, Massachusetts,</p> <p>8 to take the videotaped deposition of Dr. Michael</p> <p>9 Mitzenmacher, in the matter of Finjan, Inc. vs.</p> <p>10 Juniper Networks, Inc., Case No. 3:17-cv-05659-WHA.</p> <p>11 Will counsel please introduce themselves</p> <p>12 for the record.</p> <p>13 MS. CARSON: Rebecca Carson of Irell &</p> <p>14 Manella on behalf of defendant Juniper Networks.</p> <p>15 MR. LEE: Michael Lee from Kramer Levin,</p> <p>16 representing Finjan and the witness.</p> <p>17 THE VIDEO OPERATOR: Will the court</p> <p>18 reporter please swear in the witness.</p> <p>19 MICHAEL DAVID MITZENMACHER, Ph.D.,</p> <p>20 having been satisfactorily identified by the</p> <p>21 production of his driver's license, and</p> <p>22 duly sworn by the court reporter, was deposed</p> <p>23 and testified as follows:</p> <p>24</p> <p>25</p>	Page 5

Epiq Court Reporting Solutions Woodland Hills

<p style="text-align: right;">Page 6</p> <p>1 EXAMINATION</p> <p>2 BY MS. CARSON:</p> <p>3 Q. Could you please state your name for the</p> <p>4 record.</p> <p>5 A. Michael David Mitzenmacher.</p> <p>6 Q. And you're an expert for Finjan in this</p> <p>7 matter; is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. You understand you've just taken an oath to</p> <p>10 tell the truth, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Is there any reason you can't give full and</p> <p>13 accurate testimony today?</p> <p>14 A. I don't believe so.</p> <p>15 Q. Did you do anything to prepare for your</p> <p>16 deposition today?</p> <p>17 A. I met with counsel yesterday.</p> <p>18 Q. Did you do anything else?</p> <p>19 A. No, not really.</p> <p>20 Q. Did you review any documents?</p> <p>21 A. With counsel, we went over the -- my report</p> <p>22 and the patent.</p> <p>23 Q. Any other documents?</p> <p>24 A. I think we focused on that.</p> <p>25 Q. You submitted a declaration concerning the</p>	<p style="text-align: right;">Page 8</p> <p>1 there was some page limit for the total thing.</p> <p>2 Q. So you're just saying this was the</p> <p>3 declaration that reflects your opinions, but you</p> <p>4 relied on the exhibits cited therein; is that fair?</p> <p>5 A. Yes.</p> <p>6 Q. Could you take a look at paragraph 1.</p> <p>7 A. Sure.</p> <p>8 Q. In paragraph 1, you list in the last</p> <p>9 sentence the documents that you relied on in forming</p> <p>10 your opinions, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Is there anything that you relied on in</p> <p>13 forming your opinions that is not included in</p> <p>14 paragraph 1 or otherwise cited in your report as an</p> <p>15 exhibit?</p> <p>16 A. Not that I can recall at the moment.</p> <p>17 Q. Do you recall if you reviewed the</p> <p>18 deposition transcript for Khurram Isla? And that's</p> <p>19 K-h-u-r-r-a-m, and then the last name is Isla,</p> <p>20 I-s-l-a.</p> <p>21 A. I would have to go back and check. I can't</p> <p>22 recall specifically.</p> <p>23 Q. Now, you say in paragraph 1 that you relied</p> <p>24 on the source code.</p> <p>25 Do you see that?</p>
<p style="text-align: right;">Page 7</p> <p>1 '154 patent, correct?</p> <p>2 A. Yes.</p> <p>3 Q. How long did you spend preparing that</p> <p>4 declaration?</p> <p>5 A. I would have to go back and check. I can't</p> <p>6 recall. It was on the shorter side, so I remember</p> <p>7 like 30-40 hours. It might have been more than</p> <p>8 that. I'd have to go back and check.</p> <p>9 MS. CARSON: Could you please mark that</p> <p>10 as 2315.</p> <p>11 (Mitzenmacher Exhibit 2315 was</p> <p>12 marked for identification.)</p> <p>13 BY MS. CARSON:</p> <p>14 Q. The court reporter has handed you a</p> <p>15 document that's been marked as Exhibit 2315. Is</p> <p>16 that the declaration you submitted in this matter</p> <p>17 related to the '154 patent?</p> <p>18 A. It appears so. I believe my understanding</p> <p>19 is there is additional material -- or documents. I</p> <p>20 don't know if that counts as part of the declaration</p> <p>21 itself or separate.</p> <p>22 Q. What do you mean by "additional material or</p> <p>23 documents"?</p> <p>24 A. I remember talking with counsel that like</p> <p>25 the documents that I cited within were added on, and</p>	<p style="text-align: right;">Page 9</p> <p>1 A. Yes.</p> <p>2 Q. Did you go review the source code in</p> <p>3 connection with forming your opinions related to the</p> <p>4 '154 patent?</p> <p>5 A. Yes.</p> <p>6 Q. When did you do that?</p> <p>7 A. That was some time ago. I recall it was</p> <p>8 early on. So it was sometime last year, as I</p> <p>9 recall. I went for, I think initially two days, and</p> <p>10 then I either went back for a third day, stayed for</p> <p>11 a third day.</p> <p>12 Q. And that was when you were putting together</p> <p>13 your declaration on the '780 patent in the first</p> <p>14 round of the patent showdown proceedings; is that</p> <p>15 fair?</p> <p>16 A. Yes, that's my recollection.</p> <p>17 Q. When you reviewed the source code during</p> <p>18 that time, were you specifically focused on the</p> <p>19 '154 patent as well?</p> <p>20 A. I think I was focused on all the patents at</p> <p>21 issue. So I believe I knew that I was going to</p> <p>22 potentially be doing the '154 patent at a later</p> <p>23 time.</p> <p>24 Q. When did you start putting together your</p> <p>25 declaration for the '154 patent?</p>

REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

HIGHLY CONFIDENTIAL - SOURCE CODE

MICHAEL DAVID MITZENMACHER, PH.D. - 03/04/2019 Pages 10..13

Page 10

1 A. I'd have to go back and check. A few
 2 months ago, a couple . . .

3 Q. Since you started putting together your
 4 declaration for the '154 patent, you haven't gone
 5 and reviewed the source code, correct?

6 A. I haven't gone back to that site, but I
 7 have reviewed the source code again.

8 Q. In printed form?

9 A. Yes.

10 Q. When you reviewed the source code back in,
 11 I think it was June of last year, did you print out
 12 any portions of code that related to the
 13 '154 patent?

14 A. I believe so. Again, I don't -- we printed
 15 out a lot of pages, some of which are cited here.
 16 So those pages that I cited here that were from that
 17 time are some of what I relied on.

18 Q. Have you spoken to anyone -- Strike that.
 19 Have you spoken to any Finjan attorneys
 20 about the source code in connection with your
 21 '154 patent analysis?

22 A. I believe I've discussed with them, for
 23 instance, to decide what would be the best citations
 24 of code to go into this declaration.

25 Q. Have you spoken to any of Finjan's other

Page 11

1 experts or consultants regarding the source code?

2 A. So not in relation to this declaration.
 3 Honestly like the '780, I can't recall. I don't
 4 think I talked with them for the source code about
 5 that. But if we're just talking about the '154,
 6 like this declaration, not that I can recall.

7 Q. Have you ever reviewed the source code for
 8 the JATP appliance in person on the review computer?

9 A. No, I don't believe so. The ATP appliance,
 10 I believe that code was presented afterwards. And
 11 so the attorneys had arranged for printouts of some
 12 of that code, and I reviewed that.

13 Q. How did you decide what to tell the
 14 attorneys to print out from that code?

15 A. I mean, I think we had gone over for the
 16 '154 patent, you know, some of the issues related to
 17 SRX gateway and Sky ATP. And so I think we had an
 18 understanding of what sort of information or what
 19 sort of content we were looking for.

20 In particular, the ATP appliance has
 21 some functionalities that I would say are similar in
 22 spirit, at least, to the Sky ATP.

23 Q. Who printed out the JATP code for you to
 24 review?

25 A. I'm not sure who actually did the printout.

Page 12

1 Q. Is it common for you to issue infringement
 2 opinions on a product without having actually
 3 reviewed the code in person?

4 A. Sometimes, yeah. I've certainly done it in
 5 other cases, including for other clients.

6 Q. You've served as an expert for Finjan in
 7 other matters, correct?

8 A. Yes.

9 Q. Have you ever offered an expert opinion on
 10 infringement for the '154 patent before?

11 A. I feel like I probably have. Like I
 12 remember the patent. So I suspect I have in one or
 13 more of the previous cases. But like I didn't go
 14 check that again beforehand, so I can't specifically
 15 recall.

16 Q. Did you write your report yourself?

17 A. I would say that I wrote it. I wrote it in
 18 conjunction with counsel. As usual, there's, you
 19 know, back-and-forth where I write things and they
 20 edit and they make corrections and then I edit
 21 again, and so it sort of cycles through back and
 22 forth.

23 Q. What was the general problem that the
 24 '154 patent was trying to solve?

25 A. May I ask -- Do you mind giving me a copy

Page 13

1 of the patent?

2 MS. CARSON: Sure. We can mark this as
 3 2516.

4 THE COURT REPORTER: 25 or 23?

5 MS. CARSON: Oh, 2316. Sorry.
 6 (Mitzenmacher Exhibit 2316 was
 7 marked for identification.)

8 THE WITNESS: So it was discussed, for
 9 instance, in the overview section of my declaration,
 10 although I always think, you know, that the patent
 11 itself is sort of the best guide.

12 At a very high level, it describes
 13 various mechanisms for protecting a computer system
 14 from what it refers to as dynamically generated
 15 malicious content.

16 BY MS. CARSON:

17 Q. And what was the problem with prior art
 18 systems that the '154 patent identified that it was
 19 trying to solve?

20 A. Again, I'd say the patent probably speaks
 21 best for it, better than perhaps I can. But the way
 22 I might describe it is that at the time that the
 23 patent was written was sort of a beginning of the
 24 time when we were starting to see a vast increase of
 25 sort of downloaded executable content.

REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

HIGHLY CONFIDENTIAL - SOURCE CODE

MICHAEL DAVID MITZENMACHER, PH.D. - 03/04/2019 Pages 14..17

<p style="text-align: right;">Page 14</p> <p>1 And so I'd say that prior art systems 2 generally had problems or issues dealing with that, 3 that they weren't prepared for that sort of threat. 4 And so this was coming up with new 5 methods and mechanisms to deal with that sort of 6 specific threat that had not really been a major 7 concern prior. 8 Q. What were some of the problems that the 9 prior art systems had with dealing with that 10 particular situation? 11 MR. LEE: Objection, form. 12 THE WITNESS: I might have to go back 13 and look specifically at various parts of prior art. 14 I mean, since I was focused on infringement, I 15 didn't study all the prior art. 16 But my understanding of -- or my 17 recollection both at the time and my recollection 18 from reviewing the patent and some of the related 19 materials is that, again, the problem was simply 20 that this was a new attack vector that wasn't 21 prepared for. 22 So particularly with dynamically 23 generated content, most of prior work was focused on 24 a type of static analysis, so it would look for 25 certain, say, specific strings or specific</p>	<p style="text-align: right;">Page 16</p> <p>1 you know, potentially prevent the invoking of a 2 second function with certain inputs based on whether 3 it was found that that was secure or not, or safe or 4 not. 5 Q. Could you take a look at paragraph 5 of 6 your declaration. 7 A. Sure. 8 Q. This paragraph relates to your 9 understanding of claim construction; is that fair? 10 A. Yes. 11 Q. Are you offering any opinions about the 12 claim construction of the terms in this case? 13 A. I don't think I have directly in this 14 declaration that I can recall. If I'm asked to with 15 regard to later hearings or proceedings, then I 16 would. But I don't believe I've been asked to do 17 that yet. 18 Q. Your opinion in this case is limited to 19 infringement, correct? 20 A. Yes. 21 Q. You're not offering an opinion on the 22 validity of the '154 patent, correct? 23 A. No, I don't believe so. 24 Q. In paragraph 5, you state that you 25 "considered both parties' proposed constructions of</p>
<p style="text-align: right;">Page 15</p> <p>1 structures in the code. 2 So generally for it to do a static 3 analysis, and with dynamically generated executable 4 code, there would be ways of hiding that or, you 5 know, bringing down the attack vector in ways that 6 were not previously expected. 7 That is, they might not arrive as 8 executables, .exe files or specific types of 9 executables that the computer was expecting. That 10 might come in settings where it was executable code 11 being downloaded into a browser or other structure. 12 BY MS. CARSON: 13 Q. What was the solution that was proposed by 14 the '154 patent? 15 A. So I would say that there are, I guess, a 16 variety of solutions embodied by the different sorts 17 of claims. I'd say this is outlined a bit in the 18 summary of the invention section where it discusses 19 multiple different types of solutions or embodiments 20 of the type of solution that it was thinking of. 21 You know, I would say that of specific 22 interest for my declaration was the type of solution 23 outlined in claim 1 since that was the focus of my 24 infringement analysis for this declaration, which 25 involved in some way using a security computer to,</p>	<p style="text-align: right;">Page 17</p> <p>1 disputed terms and applied the plain and ordinary 2 meaning for all other terms." 3 Do you see that? 4 A. Yes. 5 Q. What is your understanding of the plain and 6 ordinary meaning of "function"? 7 A. So I would typically say that function is 8 something that takes an input and produces some form 9 of output. In the case of computer programming, you 10 know, that's a more mathematical definition. 11 When I'm talking about input and output, 12 we should understand them as, you know, perhaps 13 actions within the computer. 14 Q. So what is the plain and ordinary meaning 15 of the term "input"? 16 A. An input is something that, for instance, 17 you provide to a function which may or may not be 18 used to decide how the function operates or acts. 19 I'd just like to say, again, these are 20 sort of off the top of my head. You know, if I 21 thought about them more, I might change the specific 22 wording or so on. But these are sort of the rough 23 meanings that I would take for plain and ordinary 24 meaning off the top of my head in the answer to your 25 question.</p>

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.