

DKT. 261-9

(REDACTED)

EXHIBIT 15

**UNREDACTED VERSION OF
DOCUMENT SOUGHT TO BE
SEALED**

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
ERIC B. COLE, PH.D. - 11/14/2018

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3

4 FINJAN, INC., a Delaware
Corporation,

5

Plaintiff,

Case No.

6

3:17-cv-05659-WHA

vs.

7

8 JUNIPER NETWORKS, INC., a
Delaware Corporation,

9

Defendant.

10

11

12

13 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

14

15 VIDEOTAPED DEPOSITION OF ERIC B. COLE, PH.D.

16

Wednesday, November 14, 2018

17

18

19

20

21

22

23 Reported by:
Cynthia Manning, CSR No. 7645, CLR, CCRR

24

25 Job No. LA-196239

1 Q. So is it your opinion that there are any 09:50
2 viable noninfringing alternatives to Claim 10 of the 09:50
3 '494 patent? 09:50

4 A. I do not believe there is any viable 09:50
5 noninfringing alternatives. 09:50

6 Q. Do you have an opinion about what would 09:51
7 have been the next best alternative for Juniper if 09:51
8 it could not have used the technology recited in 09:51
9 Claim 10 of the '494 patent? 09:51

10 A. Can you repeat the question again? 09:51

11 Q. Do you have an opinion about what would 09:51
12 have been the next best alternative for Juniper if 09:51
13 it could not have used the technology recited in 09:51
14 Claim 10 of the '494 patent? 09:51

15 A. I believe some of the noninfringing 09:51
16 alternatives that were discussed or might have been 09:51
17 in the reports I read was essentially not to use a 09:51
18 database and to essentially have to recalculate and 09:51
19 re-perform analysis for every piece of malware that 09:52
20 came in, which would be very process-intensive and 09:52
21 also be very, very, very expensive to do. 09:52

22 Q. When you say, "I believe some of the 09:52
23 noninfringing alternatives that were discussed or 09:52
24 might have been in the reports I read," what report 09:52
25 did you read that talked about not using a database 09:52

1 and essentially having to recalculate and re-perform 09:52
2 analysis for every piece of malware that came in? 09:52

3 A. Honestly, sitting here today, I wasn't -- 09:52
4 because I consumed so much information in a short 09:52
5 period of time over the last week, I wasn't sure if 09:52
6 it just came up on the phone call or if that was in 09:52
7 Dr. Rubin's report or not. I know it was discussed 09:52
8 last week, but I can't remember which one it came 09:53
9 from, so I would have to go back and check on that. 09:53

10 Q. Okay. So is the concept of reprocessing 09:53
11 files as opposed to storing results in a database, 09:53
12 is that an alternative that you came up with? 09:53

13 A. Once again, I don't remember. I know it 09:53
14 was discussed on the call. I don't remember if they 09:53
15 asked me and I came up with that or if they 09:53
16 suggested it and asked my opinion or if I read that 09:53
17 in Dr. Rubin's report. 09:53

18 Q. When you say "they," who are you talking 09:53
19 about? 09:53

20 A. That would be the damages expert and the 09:53
21 attorneys that were on that call. 09:53

22 Q. Okay. So let's go back to before you 09:53
23 submitted your original report, okay, before you 09:53
24 submitted your report in September. 09:54

25 A. Okay. 09:54

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.