

DKT. 261-9

(REDACTED)

EXHIBIT 15

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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

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14

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

16

Wednesday, November 14, 2018

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23 Reported by:

Cynthia Manning, CSR No. 7645, CLR, CCRR

24

25 Job No. LA-196239

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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

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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

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