DKT. 151-6

(REDACTED)

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Exhibit 1

(Redacted)

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Q. In paragraph 15 of your declaration you have the text of Claim 1, correct? 20:51:46
A. Yes. 20:51:54
Q. Is there anything in Claim 1 that specifies how one would use the Downloadable ID that is generated in a computer security system? 20:51:57
MS. HEDVAT: Objection, form. 20:52:07
A. I'd say this claim element or this claim here is focused on the method for generating the Downloadable ID and describes it as being used to identify a Downloadable. 20:52:25
Q. So there's nothing in the claim that describes how you would use it to protect a computer network, correct? 20:52:39
MS. HEDVAT: Objection, form. 20:52:46
A. Again, I would say that this claim is focused on using the Downloadable ID to identify a Downloadable. In particular, there may be a variety of ways that identifying the Downloadable would be used to enhance security. 20:52:48
Q. But the uses for enhancing security aren't recited in the claim, correct? 20:53:03
MS. HEDVAT: Objection, form. 20:53:08

A. I don't believe it lists out specific requirements regarding how it is used. 20:53:14
Q. So, for example, there's nothing in Claim 1 that recites the step of blocking a file based on the Downloadable ID, correct? 20:53:22
MS. HEDVAT: Objection, form. 20:53:27
A. I would say that I don't see language in the claim that specifically discusses blocking a file. 20:53:30
Q. Is there anything in Claim 1 that limits the method to network security applications as opposed to, say, file management? 20:53:40
MS. HEDVAT: Objection, form. 20:53:50
A. Again, that may be a legal question. I'd have to say I have to think about that issue. Again, I was looking for infringement within the context of a network security system, which is again what's described by the patent. I'd say I was focused on that issue. Again, I'd have to understand the -- that is a legal question. 20:53:54
Q. As one skilled in the art reading it, the plain meaning of the claim which you've applied to Juniper's products, do you see 20:54:29

A. Yes. 21:03:46
Q. And that hashing function existed well before the '780 Patent as well, correct? 21:03:47
MS. HEDVAT: Objection, form. 21:03:50
A. I would have to say that I would have to go back and look up the dates but I believe that might be true. 21:03:53
Q. Within the context of Claim 1 of the '780 Patent, is it limited to any particular hashing function? 21:04:00
MS. HEDVAT: Objection, form. 21:04:14
A. Again, when we discuss limitations, I'm aware that sounds more like validity invalidity issues than infringement issues. I've been focused on infringement issues, like the hash functions that were being used in the context as you've pointed out. Hash functions like MD5 and SHA-256 that arise in my report are known hash functions. I don't -- again, I haven't considered what would require some sort of specific limitations on the possible range of hashing functions. That would be something I'd have to think more about. 21:04:16

analysis, did you have an understanding as to whether Claim 1 requires that you fetch the software components identified by the one or more references before you perform a hashing function? 21:08:55
MS. HEDVAT: Objection, form. 21:09:13
A. I think the claim language says that you perform a hashing function on the Downloadable and the fetch software components to generate a Downloadable ID. So that was the phrasing and understanding used in my analysis. There are certainly ways that you could perform a hashing function on the Downloadable and the fetch software components that would have different tempo considerations depending on the structure of the hashing function and the timing of the system. 21:09:15
Q. So when you were performing your infringement analysis, was it your understanding that a system that started performing a hashing function before it completed the fetching element could infringe? 21:10:09

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MS. HEDVAT: Objection, form. 21:10:23
A. Certainly you were required to perform the hashing function on the Downloadable and the fetch software components to generate the Downloadable ID. The actual timing of when various parts of that operation may occur I don't believe is specified or a requirement in the claim. 21:10:28 21:10:32 21:10:36 21:10:38 21:10:43 21:10:48 21:10:50
Q. Is there anything in Claim 1 that recites a requirement that you have to store the Downloadable ID? 21:11:02 21:11:06 21:11:07
A. Do you mind if I look at the patent? 21:11:08
Q. Sure. 21:12:10
(US Patent No. 6,804,780 marked Exhibit No. 1038 for Identification.) 21:12:10 21:12:36
Q. The patent's been marked as Exhibit 1038. 21:12:36
A. I'd say that may be a legal question. I don't see any specific language in the claim as I look at now referring to restoring, but, again, when I was looking from the aspect of infringement, as I believe I mentioned in the declaration, in this case the Downloadable ID is stored and typically that would be a use you would generate the 21:13:50 21:13:54 21:13:58 21:14:05 21:14:08 21:14:11 21:14:15 21:14:21

Claims 1 and 9 of the '780 Patent". Do you see that? 21:23:42 21:23:46
A. Yes. 21:23:46
Q. Do you have an opinion as to whether the SRX product alone infringes the '780 Patent? 21:23:47 21:23:52
A. I would say I don't believe I've offered such an opinion. My understanding was that this declaration is focused on the issue of summary judgement and, as such, I was focused on infringement in that context. My understanding is that, assuming the case continues forward, I will later be able to provide a report of my opinions that might include additional or further infringement scenarios, and I would expect to do that in the future. 21:23:56 21:24:03 21:24:09 21:24:14 21:24:20 21:24:28 21:24:34 21:24:36 21:24:39 21:24:41 21:24:45
Q. You understand that -- strike that. 21:24:45
Do you understand that Juniper has moved for summary judgement that the SRX products alone do not infringe the '780 Patent? 21:24:49 21:24:50 21:24:53 21:24:56
A. Again, you'd have to show me the document. My understanding, working with the attorneys, was that I was going to present 21:24:56 21:25:10 21:25:12

Downloadable ID and store it for later use, but I don't see any specific language. Whether that was implicit might be a legal question but I don't think it would affect my legal analysis since it's stored in this case. 21:14:25 21:14:33 21:14:38 21:14:40 21:14:42 21:14:45
Q. Prior to the '780 Patent it was known you could hash an executable file, correct? 21:14:49 21:14:52
MS. HEDVAT: Objection, form. 21:14:54
A. I'd say generally it was known that you could hash data in various forms which would include potentially a single executable file. 21:14:55 21:14:58 21:15:04 21:15:07
Q. Is it fair to say that prior to the '780 Patent one method of virus detection was to hash the file and compare the hash to a list of known hashes that were malware? 21:15:16 21:15:19 21:15:22 21:15:25
MS. HEDVAT: Objection, form. 21:15:27
A. So I'd say that may have been an approach used for malware detection. I would say the exact timing of when the hashing of single files for any sort of malware detection when that started, I'd have to go back and look specifically. Again, that's different than 21:15:28 21:15:54 21:16:29 21:16:35 21:16:41 21:16:44

Q. Would an executable file be an executable application program? 21:56:27 21:56:30
A. So I would say I haven't considered all situations. I would say generally no, but you would have to be careful or consider the context. For instance, if the text file contained a C program, for instance, say it wrote in the C language and that text file was meant to be interpreted by something that would then run the corresponding sealing which file it may be possible, so I'd say typically a text file would not but because text files contain programming language code, you might have to look at the context specifically. 21:56:35 21:56:40 21:56:44 21:56:49 21:56:52 21:57:01 21:57:03 21:57:07 21:57:10 21:57:16 21:57:19 21:57:22 21:57:26
Q. Would a ZIP file be an executable application program? 21:57:27 21:57:29
A. I think it would have the same understanding. I would say you might typically say no but it would depend on the setting or the context. So, for example, JAR files, which is something that contains Java code constructs, are really just constructed as ZIP files and are then run on 21:57:30 21:57:38 21:57:45 21:57:48 21:57:51 21:57:57 21:58:01

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computers. So like a JAR file could be considered a ZIP file that would be a Downloadable, for instance, in context. 21:58:05 21:58:09 21:58:12

Q. So using your example of JAR files, is the JAR file itself actually run on a computer or are the files that are contained within the JAR file run on the computer? 21:58:15 21:58:19 21:58:21 21:58:24

A. So, again, in a typical instance it would be within the JAR file. It would contain potentially a Downloadable and corresponding components with the Downloadable. Again, I think my example is just to point out that it can depend on the context in general, what you consider to be a Downloadable, simply because in computer systems the differentiation between data and actual computer code are executable instructions which depend on the context but, again, as I said, ZIP files would typically not be Downloadables but there are contexts where you could consider. 21:58:26 21:58:34 21:58:42 21:58:44 21:58:47 21:58:51 21:58:56 21:59:00 21:59:03 21:59:07 21:59:11 21:59:13 21:59:16 21:59:19

Q. So in this example, the types of files we're talking about are archived files, correct? 21:59:20 21:59:24

A. ZIP files are sometimes referred to as a 21:59:27

care in that a text file could conceivably contain computer code so there may be context where if the text file can be used or treated as an executable application that you may have to be aware of it, but in a typical instance or setting, you would not necessarily think of a text file as a Downloadable. 22:10:15 22:10:18 22:10:21 22:10:24 22:10:28 22:10:31 22:10:36 22:10:38

Q. Can you think of any other types of files that do not provide instructions to a computer? 22:10:39 22:10:41 22:10:44

A. Something typically that I think of? Files. They're either text files or they're associated with a program or a binary themselves. So I'm trying to expand or go through the list of sorts of files that would not be considered one of those two things. 22:11:10 22:11:14 22:11:16 22:11:19 22:11:23 22:11:31 22:11:33

I think there are variations on text files. For instance, you can look at compressed forms of text files, such as JSON files which would fall into sort of the same class. I'd say also, depending on the context, there would be various sorts of 22:11:38 22:11:40 22:11:43 22:11:49 22:11:52 22:11:58

as being Downloadables in that they provide instructions to the computers and some of those instructions may be -- may yield a threat that we don't understand in advance. 22:08:52 22:08:57 22:08:59 22:09:06

Q. Is there any type of file that does not provide instructions to the computer? 22:09:10 22:09:12

MS. HEDVAT: Objection, form. 22:09:16

A. Yes. I would say in various contexts you would think of documents that do not provide instructions to the computer. 22:09:17 22:09:25 22:09:29

Q. Like what? 22:09:30

A. So, again, I think we've talked about contexts where you would not think of text files as providing instructions. You may have to take care in other situations where they might lead to executable instructions that you'd have to be aware of them, but they're definitely context or situations where I don't think you'd view text files as threats or as possible executables. 22:09:31 22:09:35 22:09:38 22:09:45 22:09:49 22:09:50 22:09:54 22:09:56 22:09:59

Q. So would a text file be a Downloadable within the meaning of Claim 1? 22:10:01 22:10:05

A. As I answered before, I would say typically no, although again you may have to have some 22:10:07 22:10:11

data files where, again, typically you might not consider them executables so they would not be Downloadables, although I'd provide the same caveat I provide with text files which is that the separation between data and instructions in computer systems is a tentative one that can depend on context. 22:12:00 22:12:07 22:12:11 22:12:17 22:12:20 22:12:23 22:12:32

Q. Can you think of any type of file that would never be considered a Downloadable? 22:12:35 22:12:37

MS. HEDVAT: Objection, form. 22:12:39

A. I would say that's context dependent. Again, in most instances there are various forms of text files or other data files that might have, for instance, a different extension but would correspond to data files that might contain text or binary information that you would typically not consider to be Downloadables. As always, you need to consider or examine the context to see how they might be being used. 22:12:40 22:12:49 22:12:51 22:12:54 22:12:56 22:13:03 22:13:06 22:13:08 22:13:13 22:13:16

Q. So I'm just trying to figure out whether there's anything -- regardless of context, right, is there anything that you're willing to say would never be a Downloadable? Any 22:13:22 22:13:24 22:13:26 22:13:28

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