# EXHIBIT 1

1              IN THE UNITED STATES DISTRICT COURT

2          FOR THE NORTHERN DISTRICT OF CALIFORNIA

3                     OAKLAND DIVISION

4     --------------------------------x

5     FINJAN, INC., a Delaware            :

6     Corporation,                        :

7                   Plaintiff,       : Case No.:

8     vs.                            : 4:18-CV-07229-YGR

9     QUALYS, INC., a Delaware            :

10    Corporation,                        :

11                   Defendant.       :

12    --------------------------------x

13

14            Videotaped Deposition of

15            SYLVIA HALL-ELLIS, PH.D.

16            Monday, March 1, 2021

17                   9:01 a.m.

18

19

20

21    Job No.: 313579

22    Pages: 1 - 81

23    Reporter: DEBRA BOLLMAN FARFAN, RDR-RMR-CRR

24            CA CSR NO. 11648

25

Transcript of Sylvia Hall-Ellis, Ph.D.
Conducted on March 1, 2021                    13

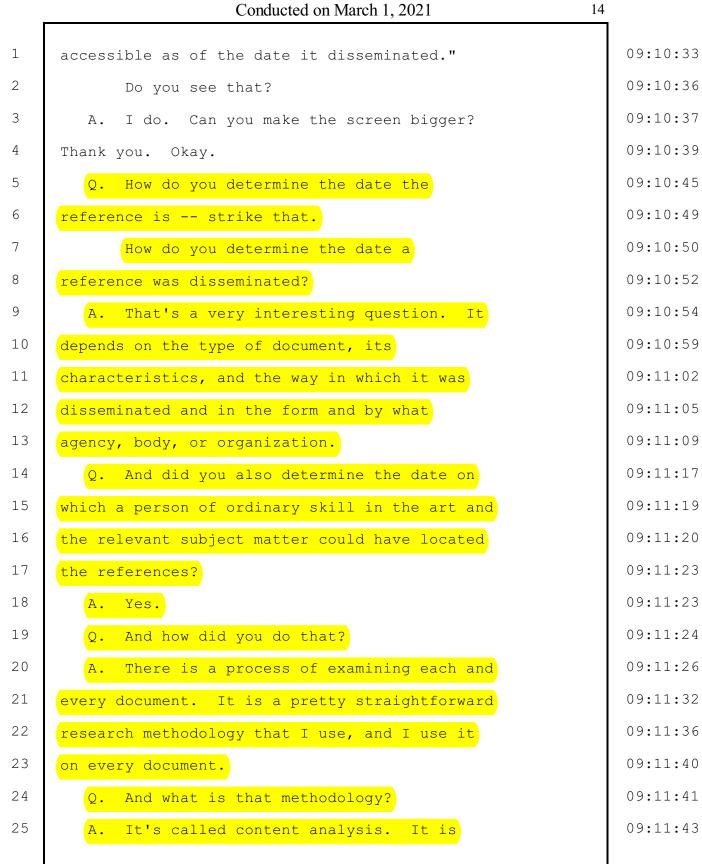| | | |
|---|---|---|
| 1 | Q.   What is your understanding of the term | 09:08:45 |
| 2 | "publicly accessible"? | 09:08:57 |
| 3 | A.   My understanding is that material is in | 09:08:59 |
| 4 | the public, in that a person can find the | 09:09:05 |
| 5 | document in question with reasonable diligence. | 09:09:09 |
| 6 | Q.   If you'll turn to paragraph 13.  In the | 09:09:15 |
| 7 | second to last sentence, you say:  I am further | 09:09:21 |
| 8 | informed that an item is considered authentic | 09:09:24 |
| 9 | if it is at least 20 years old, in a condition | 09:09:27 |
| 10 | that creates no suspicious -- no suspicion of | 09:09:30 |
| 11 | authenticity, and in a place where, if | 09:09:35 |
| 12 | authentic, it would likely to be. | 09:09:37 |
| 13 | Where did you get this standard?" | 09:09:40 |
| 14 | A.   I got it from an attorney many years | 09:09:42 |
| 15 | ago. | 09:09:45 |
| 16 | Q.   What sort of things would raise a | 09:09:47 |
| 17 | suspicion of authenticity to you? | 09:09:49 |
| 18 | A.   A website that is brand new, a document | 09:09:51 |
| 19 | that is damaged in some way or incomplete, a | 09:10:00 |
| 20 | document that is flawed in some way when | 09:10:07 |
| 21 | published. | 09:10:11 |
| 22 | Q.   Anything else? | 09:10:17 |
| 23 | A.   Off the top of my head, no. | 09:10:18 |
| 24 | Q.   In paragraph 14, you indicate "that a | 09:10:21 |
| 25 | printed publication qualifies as publicly | 09:10:29 |

Transcript of Sylvia Hall-Ellis, Ph.D.
Conducted on March 1, 2021                          14

| | |
|---|---|
| 1  accessible as of the date it disseminated." | 09:10:33 |
| 2      Do you see that? | 09:10:36 |
| 3    A.  I do.  Can you make the screen bigger? | 09:10:37 |
| 4  Thank you.  Okay. | 09:10:39 |
| 5    Q.  How do you determine the date the | 09:10:45 |
| 6  reference is -- strike that. | 09:10:49 |
| 7      How do you determine the date a | 09:10:50 |
| 8  reference was disseminated? | 09:10:52 |
| 9    A.  That's a very interesting question.  It | 09:10:54 |
| 10  depends on the type of document, its | 09:10:59 |
| 11  characteristics, and the way in which it was | 09:11:02 |
| 12  disseminated and in the form and by what | 09:11:05 |
| 13  agency, body, or organization. | 09:11:09 |
| 14    Q.  And did you also determine the date on | 09:11:17 |
| 15  which a person of ordinary skill in the art and | 09:11:19 |
| 16  the relevant subject matter could have located | 09:11:20 |
| 17  the references? | 09:11:23 |
| 18    A.  Yes. | 09:11:23 |
| 19    Q.  And how did you do that? | 09:11:24 |
| 20    A.  There is a process of examining each and | 09:11:26 |
| 21  every document.  It is a pretty straightforward | 09:11:32 |
| 22  research methodology that I use, and I use it | 09:11:36 |
| 23  on every document. | 09:11:40 |
| 24    Q.  And what is that methodology? | 09:11:41 |
| 25    A.  It's called content analysis.  It is | 09:11:43 |

PLANET DEPOS

Transcript of Sylvia Hall-Ellis, Ph.D.
Conducted on March 1, 2021

15

| | | |
|---|---|---|
| 1 | very common in some disciplines, and it is used | 09:11:49 |
| 2 | to examine documents which exist and are not | 09:11:53 |
| 3 | gathered at the time of examination.  They | 09:11:57 |
| 4 | exist prior to that time. | 09:12:03 |
| 5 | Q.  Why is it called content analysis? | 09:12:04 |
| 6 | A.  Because the content is dissected to the | 09:12:07 |
| 7 | smallest identifiable piece, parsed to either | 09:12:09 |
| 8 | the word or the clause level, and is examined | 09:12:14 |
| 9 | at that point. | 09:12:23 |
| 10 | Q.  What does the content of that document | 09:12:23 |
| 11 | tell you about the date it was disseminated? | 09:12:25 |
| 12 | A.  It depends on what you're looking at, | 09:12:27 |
| 13 | but it may appear on the document.  It | 09:12:29 |
| 14 | certainly appears in documents which are | 09:12:32 |
| 15 | surrogates to the actual document itself. | 09:12:34 |
| 16 | Q.  What do you mean by a document that's a | 09:12:39 |
| 17 | surrogate? | 09:12:41 |
| 18 | A.  A MARC record that's used in libraries | 09:12:41 |
| 19 | to catalog and index materials are called | 09:12:45 |
| 20 | surrogate records, and they have such | 09:12:49 |
| 21 | information in there. | 09:12:52 |
| 22 | Q.  So other than MARC records, I think you | 09:12:53 |
| 23 | identified another type of record too.  What | 09:12:56 |
| 24 | was the other type of record you identified in | 09:12:58 |
| 25 | your report? | 09:13:00 |

# DOCKET ALARM

# 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.

fastcase®
Smarter legal research.