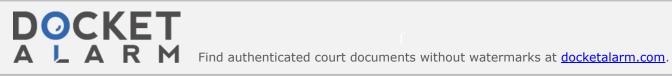
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	FINJAN, INC.	
10		TES DISTRICT COURT
11		
12	FOR THE SOUTHERN DISTRICT OF CALIFORNIA	
13	SAN DIEGO DIVISION	
	FINJAN, INC., a Delaware Corporation,	Case No.: 3:17-cv-00183-CAB-BGS
14	,	
15	Plaintiff,	PLAINTIFF FINJAN, INC.'S
16		SUPPLEMENTAL INFORMATION
17	V.	IN SUPPORT OF CLAIM CONSTRUCTION REGARDING THE
	ESET, LLC, a California Limited	TERM "ENGINE"
18	Liability Corporation, and ESET SPOL.	
19	S.R.O., a Slovak Republic Corporation,	
20		
21	Defendants.	
	ESET, LLC, a California Limited	
22	Liability Corporation, and ESET SPOL.	
23	S.R.O., a Slovak Republic Corporation,	
24	Counterclaim-Plaintiffs,	
	v.	
25		
26	FINJAN, INC., a Delaware Corporation,	
27	Counterclaim-Defendant.	
	t Councilo Cannello Containi.	1



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Finjan, Inc. ("Finjan") was not able to locate any case law where the claim term "engine" preceded by a descriptive modifier was determined to be a nonce term, and no decisions where "engine" was construed as a means-plus-function limitation when used in the claims. Instead, Finjan was able to locate hundreds of publications where those skilled in the art describe a variety of "engine" types demonstrating that "engine," when used with a particular descriptive modifier (e.g., "antivirus engine," "scanning engine," "communication engine," etc.), is a term that is well understood by those of skill in the art and often used in software programming to describe the structure of a computer program.<sup>2</sup> Submitted herewith is a sampling of those publications and references ranging from 1992 through the present. Upon request, Finjan is able to provide numerous additional publications and references discussing other types of engines.

- Attached as Exhibit 1 is an excerpt from the prosecution history of U.S. 1. Patent No. 9,189,621. Exhibit 1 describes a "mutation engine" and shows the reference "Dark Avenger Mutation Engine No Threat to Protected PCs," dated May 11, 1992.
- 2. Attached as Exhibit 2 is U.S. Patent No. 5,680,547, entitled "Method and Apparatus for Controlling Network and Workstation Access Prior to Workstation Boot," which was filed on August 8, 1995. Exhibit 2 describes an "executable services engine."
- 3. Attached as Exhibit 3 is Finjan's U.S. Patent No. 6,154,844, which was filed on December 22, 1997. Exhibit 3 describes a "protection engine," a "content inspection engine," a "security policy analysis engine," a "Downloadable ID verification engine," "Downloadable development engine," a "network protection engine," a "communications engine," and a "web server engine." Further, Claim 15, an asserted claim in this case, describes "content inspection engine."

<sup>&</sup>lt;sup>2</sup> By providing these references to the Court, Finjan is in no way admitting that the attached are relevant as prior art.



<sup>&</sup>lt;sup>1</sup> The only case Eset submitted that mentions an "engine" is a PTAB case (Ex parte *Smith*) where "engine" was not even a claim term.

- 4. Attached as Exhibit 4 is a press release entitled "Symantec Announces Norton Antivirus for Firewalls for Maximum Protection from Internet-Borne Viruses," dated May 6, 1997. Exhibit 4 describes the "Norton AntiVirus Engine."
- 5. Attached as Exhibit 5 is U.S. Patent No. 6,029,256, entitled "Method and System for Allowing Computer Programs Easy Access to Features of a Virus Scanning Engine," which was filed on December 31, 1997. Exhibit 5 describes a "virus scan engine."
- 6. Attached as Exhibit 6 is a true and correct copy of the abstract of an article entitled "Bugs in the Web," dated in 1997. Exhibit 6 describes an "e-mail scanning engine" and "virus scanning engine."
- 7. Attached as Exhibit 7 is an article from the 7<sup>th</sup> USENIX Security Symposium entitled "Data Mining Approaches for Intrusion Detection," dated January 1998. Exhibit 7 describes a "detection engine."
- 8. Attached as Exhibit 8 is the abstract for an article entitled "PicoJava: a direct execution engine for Java Bytecode," dated October 1998. Exhibit 8 describes an "execution engine."
- 9. Attached as Exhibit 9 is an excerpt from the prosecution history of the '621 Patent. Exhibit 9 shows the reference, "Heuristic Engines," dated September 2001.
- 10. Attached as Exhibit 10 is an article from Symantec Community, entitled "Open AV: Developing Open Source AntiVirus Engines," dated December 16, 2002. Exhibit 10 describes an "antivirus engine" and "detection engine."
- 11. Attached as Exhibit 11 is an article from the SFGate entitled "Best antivirus software for 2005/Viruses and worms just keep getting smarter and more devious," dated November 29, 2004. Exhibit 11 describes an "antivirus engine."
- 12. Attached as Exhibit 12 is an article from ESET entitled "ESET Update Boosts Engine Scanning Speed," dated July 12, 2010. Exhibit 12 describes ESET's "scanning engine."

Attached as Exhibit 13 is ESET's webpage entitled "ESET leading-edge technology," as it exists today. Exhibit 13 describes ESET's "scanning

Attached as Exhibit 14 is a true and correct copy of the Wikipedia.org webpage entitled "Comparison of antivirus software," as it exists today.

Respectfully submitted,

By: *s/James Hannah* 

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Attorneys for Plaintiff FINJAN, INC.



# Exhibit 1



# DOCKET

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