08:47:39

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 1          IN THE UNITED STATES DISTRICT COURT

 2          IN AND FOR THE DISTRICT OF DELAWARE

 3                    -  -  -

 4   FINJAN, INC.,                )   Civil Action
                                  )
 5            Plaintiff,          )
                                  )
 6        v.                      )
                                  )
 7   SYMANTEC CORP.,              )
     WEBROOT SOFTWARE, INC.,      )
 8   WEBSENSE INC., and SOPHOS, INC., )
                                  )
 9            Defendants.         )   No. 10-593-GMS
                     -  -  -
10
                    Wilmington, Delaware
11               Friday, November 30, 2012
                        9:00 a.m.
12                   Day 1 of Trial
                     -  -  -
13
     BEFORE:  HONORABLE GREGORY M. SLEET, Chief Judge,
14                              and a Jury

15   APPEARANCES:

16        PHILIP A. ROVNER, ESQ.
          Potter Anderson & Corroon LLP
17             -and-
          PAUL J. ANDRE, ESQ.,
18        LISA KOBIALKI, ESQ.,
          JAMES HANNAH, ESQ.,
19        HANNAH LEE, ESQ., and
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09:06:41 1   THE COURT: Good morning. Please, take your
09:06:43 2 seats.
09:06:49 3   I wanted to come out and discuss a few of the
09:06:54 4 voir dire questions. There is nothing major. I have three
09:06:57 5 questions, and I wanted to double-check and see if there
09:07:00 6 were any issues that you might have.
09:07:03 7   Do you have the voir dire script with you?
09:07:12 8   So, Question No. 11 reads, Finjan, Inc.
09:07:17 9 currently holds or has held equity in the following
09:07:20 10 companies, and it goes on. I really don't know why we need
09:07:24 11 to ask that question. Is there a particular reason that
09:07:30 12 this is going to help us understand this jury's potential,
09:07:34 13 these jurors' potential fairness or impartiality?
09:07:37 14   MR. ANDRE: Not from our point of view, Your
09:07:39 15 Honor.
09:07:40 16   THE COURT: I am trying to pare down and save
09:07:43 17 time.
09:07:47 18   There is a stock question in here, stock
09:07:50 19 ownership questions in here. It just seems a little
09:07:54 20 frivolous.
09:07:54 21   MR. NELSON: Your Honor, Dave Nelson, Quinn
09:07:59 22 Emanuel.
09:07:59 23   That one really goes more to something that you
09:08:02 24 may be dealing with at the end, which is, this is kind of
09:08:05 25 the way that they are claiming they might be entitled to an

09:08:08 1 injunction, that they have an ownership interest in these
09:08:12 2 companies. So if Your Honor is inclined to perhaps take
09:08:16 3 additional evidence on that question --
09:08:19 4   THE COURT: You are right, counsel, that has to
09:08:21 5 do with my decision. I am eliminating that. Thank you for
09:08:27 6 that.
09:08:27 7   I will introduce you all just ahead of Question
09:08:34 8 No. 12. And then we will ask you to identify potential
09:08:41 9 witnesses by your teams.
09:08:43 10   I think No. 20 is repetitive of 9 through 10.
09:08:48 11 If you take a look at that, Have you or someone close to you
09:08:52 12 ever used any company's products, I think 9 through 10, you
09:08:59 13 specifically asked about the use of such items and
09:09:02 14 technology in those questions, in 9 and 10. No? Do you not
09:09:07 15 see this as repetitive?
09:09:08 16   MR. NELSON: 8, 9 and 10. They ask specifically
09:09:13 17 about defendants' products.
09:09:14 18   THE COURT: Yes.
09:09:16 19   MR. STIEGLER: Your Honor, Tony Stiegler for
09:09:18 20 Websense.
09:09:19 21   The only difference I would see is 8, 9, and 10
09:09:23 22 are specific only to the defendants' products where 20 is
09:09:26 23 much broader.
09:09:27 24   THE COURT: Everybody uses computer security.
09:09:31 25 Is that going to help you identify fair and impartial

09:12:27 1 applicable.

09:12:29 2 Q. Yesterday counsel asked you about extracting a list of

09:12:33 3 suspicious operations. Do you remember that?

09:12:37 4 A. Yes.

09:12:38 5 Q. In your opinion, is identifying a list of suspicious

09:12:40 6 operations the same as extracting a list of operations?

09:12:46 7 A. So, I mean, by identifying a list of operations, you

09:12:53 8 point them out, so you extract, I would say that could be

09:12:58 9 considered equivalent.

09:12:58 10 Q. Could you apply behavior signature to identify

09:13:01 11 suspicious operations?

09:13:04 12 A. So, I mean, again, I have to generalize a little. I

09:13:12 13 am not talking about a specific technology in particular.

09:13:18 14 But, of course, if you have this signature of behaviors that

09:13:24 15 you match against an existing program, say, that this

09:13:31 16 operation and this operation and this operation happened,

09:13:33 17 against an existing program, in a way you are extracting

09:13:36 18 these operations and you can realize that the signature

09:13:39 19 matches and therefore you extract the behavior, yes.

09:13:46 20 MR. ANDRE: Your Honor, I have no further

09:13:47 21 questions for Dr. Vigna.

09:13:49 22 THE COURT: Doctor, you are excused.

09:13:51 23 THE WITNESS: Thank you very much, Your Honor.

24 (Witness excused.)

09:13:54 25 THE COURT: Does counsel need to see me before

09:13:57 1 the next witness?

09:13:58 2 MR. ANDRE: No, Your Honor. I believe the

09:14:00 3 issues we have will be for the --

09:14:04 4 THE COURT: Is the answer no?

09:14:05 5 MR. ANDRE: Yes.

09:14:06 6 Your Honor, at this time Finjan would like to

09:14:11 7 call Shlomo Touboul, the inventor of the two patents in

09:14:14 8 suit.

09:14:14 9 THE COURT: All right.

09:14:15 10 ... SHLOMO TOUBOUL, having been duly sworn as a

09:14:35 11 witness, was examined and testified as follows ...

09:14:46 12 DIRECT EXAMINATION

09:14:47 13 MR. NELSON: Your Honor, could we maybe move the

09:15:26 14 podium just a little bit? There is not much of a window for

09:15:31 15 me to see the witness.

09:15:33 16 THE COURT: Counsel, the room, I thought it was

09:15:36 17 working out pretty well yesterday.

09:15:38 18 MR. NELSON: I couldn't see him all day

09:15:40 19 yesterday.

09:15:42 20 MR. ANDRE: I will not take it personally, Your

09:15:45 21 Honor.

09:15:45 22 THE COURT: Is there room to move it a slight

09:15:47 23 bit to the left? If there is room, that is fine. I have no

09:15:50 24 problem. Somebody else's view is going to be blocked

09:15:53 25 probably.

09:16:06 1 THE COURT: Are we good now?

09:16:08 2 MR. NELSON: I hope so.

09:16:10 3 THE COURT: It is important that you be able to

09:16:12 4 see.

09:16:12 5 MR. NELSON: I appreciate it.

09:16:14 6 THE COURT: Mr. Andre.

09:16:15 7 DIRECT EXAMINATION

09:16:20 8 BY MR. ANDRE:

09:16:22 9 Q. Mr. Touboul, would you please state your name for the

09:16:30 10 record?

09:16:30 11 A. Yes. Shlomo Touboul.

09:16:19 12 Q. Mr. Touboul, how did you first become affiliated with

09:16:22 13 Finjan?

09:16:22 14 A. I founded Finjan in January '96.

09:16:26 15 Q. And over your time at Finjan, what positions have you

09:16:30 16 held?

09:16:30 17 A. I think I started as the president. Moved to CEO

09:16:35 18 position. Chairman of the Board. And my last phase was

09:16:37 19 board member.

09:16:38 20 Q. And your current position with Finjan right now?

09:16:42 21 A. I am a consultant to Finjan today.

09:16:50 22 Q. And I can show him on the screen, PTX-1. You have it

09:16:56 23 in your book there as well if you want to see them in your

09:16:59 24 binder.

09:17:05 25 A. Yes, I have it.

09:17:08 1 Q. Mr. Touboul, are you the inventor of the '194 patent

09:17:12 2 listed at PTX-1?

09:17:14 3 A. Yes, I do.

09:17:24 4 THE COURT: Is that our setup over there or is

09:17:27 5 that somebody's cell phone? Oh.

09:17:33 6 MS. WALKER: Hearing aid.

09:17:34 7 THE COURT: It's feedback from his hearing aid.

09:17:38 8 Are you okay?

09:17:40 9 A JUROR: Yeah, I am fine.

09:17:43 10 THE COURT: Sorry about that. Do we need a

09:17:49 11 break for you to adjust that?

09:17:52 12 A JUROR: Pardon me?

09:17:53 13 THE COURT: Do you need break to adjust that?

09:17:56 14 A JUROR: I am going to put it on.

09:17:59 15 BY MR. ANDRE:

09:18:00 16 Q. Mr. Touboul, are you the sole inventor of the '194

09:18:03 17 patent?

09:18:03 18 A. Yes, I am.

09:18:04 19 Q. If you will turn to PTX-2.

09:18:10 20 A. (Witness complies.)

09:18:11 21 Q. Mr. Touboul, are you the sole inventor of the '962

09:18:15 22 patent as well?

09:18:21 23 A. Yes, I am.

09:18:21 24 Q. When did you file for patents for Finjan?

09:18:26 25 A. When I -- when I started Finjan, I believed what we

09:18:32 1 are doing at Finjan and what we intended to do at Finjan is
09:18:35 2 all significant, and it was so early in the market I
09:18:38 3 believed that later on, all the giant companies will come
09:18:41 4 into that domain, and the only way to defend small startups,
09:18:45 5 young startups was to file patents back then. It was not
09:18:48 6 the first time I did it and I did it with Finjan, too.
09:18:51 7 Q.   When you say it's not the first time you did it, what
09:18:53 8 do you mean by that?
09:18:54 9 A.   Filing patent on my startup.
09:18:56 10 Q.   So you had a company before Finjan that you filed
09:18:58 11 patents for?
12 A.   Yes.
09:18:59 13 Q.   And we will get back to Finjan and talk a little bit
09:19:02 14 later. Before we do, let's get a little background.
09:19:05 15   Where did you attend University?
09:19:07 16 A.   I study in the Technion Hafia in a Israel. It's like
09:19:13 17 if you can compare it the MIT of the United States.
09:19:17 18 Q.   And what was your major course of study at the
09:19:20 19 University?
09:19:21 20 A.   Computer science, BSC in computer science.
09:19:24 21 Q.   And what type of -- what time frame was this? What
09:19:27 22 time period?
09:19:28 23 A.   The early '80s.
09:19:29 24 Q.   So what type of course of study were you taking of
09:19:34 25 pure science in the early '80s?

09:19:36 1 A.   So I liked, from the early days, I liked very much
09:19:38 2 local Internet communication, operating systems, databases.
09:19:43 3 And I would focus and that field of study.
09:19:45 4 Q.   And what did you do after you finished University?
09:19:49 5 A.   So my first real job was in company called Fibronics,
09:19:55 6 doing communication in Israel.
09:19:58 7 Q.   And when did you start at Fibronics?
09:20:02 8 A.   I think '85. Around '85.
09:20:04 9 Q.   And what did you do at Fibronics?
09:20:07 10 A.   I was a young engineer that got a lot of
09:20:11 11 responsibility for engineer. I was responsible for
09:20:13 12 development of the communication between IBM mainframes
09:20:19 13 terminal communication and the terminals themselves, so all
09:20:22 14 the communication layers, I was designing system for that.
09:20:26 15 Q.   And what did you do after you left Fibronix?
09:20:29 16 A.   I found my first company, Shany.
09:20:32 17 Q.   How do you spell that?
09:20:33 18 A.   S-H-A-N-Y.
09:20:36 19 Q.   And what was the idea that you had when you started
09:20:40 20 Shany?
09:20:40 21 A.   At the middle of the '80s, it was a big renovation by
09:20:45 22 local area networks. So if you remember in the early '80s,
09:20:48 23 we start, we have personal computers, that's why we call
09:20:52 24 them "PCs." In the middle of the '80s, we start to connect
09:20:55 25 and interact between them. In order to get functionality,

09:20:59 1 collaboration, you need to have network. And when the
09:21:02 2 network was introduced, I was building my company to deliver
09:21:06 3 products that will help that field to get progressed.
09:21:10 4 Q.   And did you develop any products at Shany?
09:21:12 5 A.   We did multiple products. I think the flagship was a
09:21:17 6 product we called Alert View, which basically we run every
09:21:20 7 desktop and every client of PC. Whenever the end user will
09:21:23 8 have problems, if you remember the end days of M.S. Doss, we
09:21:27 9 are talking a long time ago when you get those frustrating
09:21:30 10 blue screens and you don't know what happened to your
09:21:32 11 screen, so our system will take all the information about
09:21:34 12 the problem you have and use the network to send it to the
09:21:36 13 help desk so the help desk can help you figure out what
09:21:40 14 happened wrong and help you to fix it. So that was the main
09:21:43 15 product of Shany.
09:21:45 16 Q.   Did any of the work that you were doing at Shany have
09:21:47 17 anything to do with the computer security software industry?
09:21:51 18 A.   No.
09:21:57 19 Q.   Did you have any concerns about the computer software
09:22:00 20 industry while you were at Shany?
09:22:02 21 A.   Did I have -- I am sorry. I didn't hear you well.
09:22:05 22 Q.   Did you have any concerns with computer security
09:22:08 23 software when you were at Shany?
09:22:10 24 A.   I don't think so. First, security in '86, which I
09:22:13 25 think that's the year that I started Shany, it was not a big

09:22:17 1 issue at that time. And I was focusing on what I thought
09:22:20 2 was the big issue, which was announcing the interocular
09:22:23 3 networks, and security was not yet an issue of PCs.
09:22:26 4 Q.   What happened to Shany?
09:22:27 5 A.   Shany was acquired by Intel.
09:22:31 6 Q.   And did you go to work for Intel after they purchased
09:22:34 7 your company?
09:22:36 8 A.   Yes. Intel appointed me to run a business unit, the
09:22:40 9 network management business of Intel of about 300 people,
09:22:45 10 and I was working for Intel.
09:22:47 11 Q.   And how long did you stay at Intel?
09:22:49 12 A.   I stayed until mid '95.
09:22:52 13 Q.   Why did you leave?
09:22:54 14 A.   Around mid '95, Intel, there was a reorganization.
09:22:58 15 You know, in big companies like Intel are, you have many
09:23:01 16 reorganizations once in a while and that was another one,
09:23:04 17 but that one required me to relocate to Utah from Israel,
09:23:08 18 and on a personal level, on a family level, it didn't fit
09:23:11 19 our plans, and I decided to move on and I didn't continue.
09:23:16 20 Q.   And what did you do after leaving Intel?
09:23:19 21 A.   Well, I thought for the first time I had some time to
09:23:23 22 get, you know, play with my hobbies and have some free time,
09:23:26 23 and my hobbies are computers, that's what I like to do, I
09:23:29 24 get blamed by my wife so many times but that's what I like,
09:23:33 25 so I bought a few computers and I started to reprogram and

09:23:37 1 learn again all different new stuff which came which was

09:23:40 2 very exciting to do in '95.

09:23:44 3 Q. What kind of new stuff came out in '95?

09:23:45 4 A. '95 was exiting for two aspects. First, the Internet

09:23:49 5 become commercial and everybody could start to connect to

09:23:52 6 Internet, and that was a big use.

09:23:55 7 But what really "drived" my attention more than

09:23:58 8 anything else was the appearance of Java. Sun Microsystems

09:24:02 9 introduced the Java computing language in '95, which was

09:24:05 10 very exiting in language by itself, but on top of that, also

09:24:09 11 introduced the revolution, what I thought was the revolution

09:24:12 12 in the computing industry that would change the world, and

09:24:14 13 if you look now back to '95, you understand it really

09:24:17 14 happened, and I was getting so excited with that, that I was

09:24:20 15 focusing on studying Java and learning Java.

09:24:24 16 Q. And what was it about Java that you felt was so

09:24:26 17 revolutionary that it was going to change the computing

09:24:30 18 world?

09:24:30 19 A. So we need to go back to '95 and think about what

09:24:34 20 would a person in '95 looking at a computer, if you would

09:24:39 21 like to get an extra functionality or education. In '95, if

09:24:44 22 you wanted to get a new application running on your

09:24:46 23 computer, on your desktop, you need to obtain a copy of the

09:24:49 24 install product and then run the install on your -- it

09:24:52 25 wasn't Windows, it was M.S. Doss, and Windows 95 came up a

09:24:56 1 little bit later. There was some early version of that,

09:25:00 2 Windows 1, 2, and 3, but you still need to install it.

09:25:04 3 Once you install it and finish with that

09:25:06 4 process, you need to alt control delete, if you remember

09:25:11 5 those awful buttons, to restart the machine, and only after

09:25:13 6 the restart you would have the new tooling on your machine.

09:25:16 7 With Java, you can put that aside. From now on,

09:25:20 8 with Java, you don't need all of that in many aspects. One

09:25:24 9 will look before -- before the Java revolution, if you would

09:25:27 10 take your browser in '95, before Java, you connect to a

09:25:31 11 server like was demonstrated here, you would get text, you

09:25:34 12 would get graphics, you would jump from one picture to

09:25:37 13 another page to a different service, but that's in. That

09:25:40 14 cannot do a lot of harm to you.

09:25:42 15 When Java came, you suddenly started to get code

09:25:46 16 coming to your machine, so the code would travel for the

09:25:49 17 first time to your machine, so forget about installing,

09:25:52 18 forget about restarting your machine. The code would come

09:25:56 19 to your machine and you have no idea what's happened.

09:26:00 20 That's amazing because productivity can jump so

09:26:05 21 quickly. Here it's happening finally. When I was a

09:26:08 22 student, my professors talked about this with computing and

09:26:11 23 now suddenly I see it's happening, so it's very exiting.

09:26:14 24 But at the same token, it was bringing such a

09:26:17 25 huge risk because, because viruses, until that time, if you

09:26:22 1 think of them in order to infect your computer, they need --

09:26:24 2 you need to get an infected file and bring it to your

09:26:28 3 computer, but now infection become legal. Every Java code

09:26:31 4 coming to your machine is infecting your machine. So the

09:26:35 5 name of the game is infection all the time. How do you

09:26:37 6 defend? How do you know if a piece of code is a friend or

09:26:40 7 foe? How can you do the -- tell the difference?

09:26:44 8 So, you know, that was so exciting to me and

09:26:48 9 that's why I was focusing on that domain in '95.

09:26:53 10 Q. And after you made them -- once you learned Java --

09:26:59 11 A. Yes.

09:27:01 12 Q. -- what did that lead you to?

09:27:03 13 A. That was funny. First, Sun Microsystems, the owner of

09:27:07 14 Java in early '95, in order to promote Java, announced he

09:27:11 15 had a competition with $1 million prize for the best Java

09:27:15 16 application that would be written in '95. But it's not the

09:27:19 17 $1 million in cash that you get, but you get Sun Microsystem

09:27:23 18 computers which vary for $1 million that you can decide to

09:27:26 19 who to contribute, a school or some university that would

09:27:31 20 contribute.

09:27:31 21 So it was very attractive to me, so I said, I am

09:27:34 22 going to utilities my new knowledge to build a nice

09:27:38 23 application to submit.

09:27:39 24 So I started to build an application. As I

09:27:42 25 build application, I am seeing more and more how the problem

09:27:44 1 is even bigger than I initially thought. I said, wait a

09:27:47 2 second, let's put aside that contest and start to focus on

09:27:50 3 how can we make sure that people enjoy the productivity of

09:27:54 4 that new application without taking the risks by eliminating

09:27:57 5 that huge risk that is associated with it.

09:27:59 6 So I start to think about, okay, what kind of

09:28:02 7 new solution, because the existing solution would never be

09:28:05 8 able to apply to that new problem because when those new

09:28:09 9 solutions came, we didn't have that problem. You know, it's

09:28:12 10 a new dimension of problem. You need a new dimension of

09:28:17 11 solution.

09:28:17 12 So I was starting to sit and think: What may be

09:28:19 13 the solution? I drove some ideas. I did some feasibility

09:28:24 14 tests and slowly and slowly I was trying to crystalize a new

09:28:29 15 idea of how to --

09:28:32 16 MR. NELSON: Your Honor, I hate to interrupt.

09:28:35 17 It's becoming very difficult when we have a big, long

09:28:37 18 narratives, so if we could punctuate with some questions and

09:28:40 19 we might able to interpose some objections and maybe a

09:28:43 20 little clearer record?

09:28:45 21 THE COURT: Mr. Andre, the objection is somewhat

09:28:49 22 well taken. I would like to reduce the narrative aspect.

09:28:54 23 But some of it is unavoidable, I understand that, okay, so

09:28:58 24 if you can intersperse with questions more frequently, I

09:29:02 25 think, is a reasonable request to give people an opportunity

09:29:06 1 to object.

09:29:06 2 MR. ANDRE: And, Your Honor, Mr. Touboul has a

09:29:08 3 hard time with English --

09:29:10 4 THE COURT: I appreciate that, but counsel

09:29:12 5 points out that they may want the opportunity to interpose

09:29:15 6 an objection a time or two and it's difficult to do that

09:29:19 7 without appearing rude and all of the things that you

09:29:21 8 lawyers worry about. Okay?

09:29:23 9 MR. ANDRE: I will do my best, Your Honor.

09:29:24 10 Thank you.

09:29:25 11 BY MR. ANDRE:

09:29:29 12 Q. So you stated that in 1995, you recognized that the

09:29:38 13 existing security solutions would not work for Java.

09:29:41 14 Correct?

09:29:41 15 A. Right.

09:29:42 16 Q. And why is that?

09:29:43 17 A. Because in '95, the existing solutions would be

09:29:50 18 relying on the list of known threats, and we are trying to

09:29:55 19 find, if a file is infected by a virus, using that list and

09:29:58 20 using maybe some infection code, remember that in '95, a

09:30:02 21 virus need to have infection code in order to infect.

09:30:06 22 After Java, you don't need that infection code.

09:30:09 23 All the effort in finding infection code becomes obsolete

09:30:13 24 because it's very legal to infect and it's a day-to-day

09:30:18 25 operation to infect.

09:30:19 1 Q. And you said that you built a, I think I understood

09:30:23 2 you correctly, you built a prototype to do a feasibility

09:30:27 3 test to see if your idea would work?

09:30:30 4 A. Right. The way I have done my couple of invention

09:30:34 5 back then was to, once I identified a problem, to try to

09:30:38 6 come with a solution, then test my solution and see if, in

09:30:41 7 different places, it's really solid and can hold the water.

09:30:45 8 So for those points, I will do feasibility test,

09:30:48 9 and once I am convinced my solution is good, we will merge

09:30:52 10 and embark on a new invention, and that's what happened.

09:30:57 11 Q. And the prototype you built for your feasibility

09:31:11 12 tests, what was that prototype?

09:31:17 13 A. I don't remember exactly the date and what I did. I

09:31:20 14 just built a prototype and I registered the company in

09:31:24 15 January '96 then moved to develop client software, which we

09:31:33 16 called SurfinBoard.

09:31:34 17 Q. Was the your first client product?

09:31:36 18 A. Yes, SurfinBoard was our first client product. In '96

09:31:39 19 I established -- Finjan wanted to realize a solution. I

09:31:42 20 started a company. I hired two young engineers, not

09:31:45 21 engineers, high school developers, that knew Java, I

09:31:50 22 couldn't find developers that know Java. It was that new.

09:31:52 23 But I recognized two young high school students who helped

09:31:56 24 me build the first product, which was the client product.

09:31:59 25 Q. You said you had this idea crystallized in your mind

09:32:03 1 before you founded Finjan in January '96?

09:32:06 2 A. Exactly.

09:32:06 3 Q. Do you know the date when you had it crystallized in

09:32:09 4 your mind before you founded Finjan?

09:32:12 5 A. It's like 12, 13 years, I can't tell exactly which

09:32:14 6 date. But it was before I was founding Finjan and once I

09:32:18 7 had everything in my mind, I founded the company.

09:32:20 8 Q. So after you formed Finjan and you hired these two

09:32:28 9 young engineers to write code, you state that you had Finjan

09:32:34 10 SurfinBoard. What is SurfinBoard?

09:32:38 11 A. The product name was SurfinBoard, the first client

09:32:42 12 product.

09:32:42 13 Q. Why did you name it SurfinBoard?

09:32:44 14 A. I am sorry. I don't hear too well.

09:32:46 15 Q. Why did you name the product SurfinBoard?

09:32:49 16 A. Well, you know, it was a combination of surfing and

09:32:53 17 dashboard. The idea was, a dashboard, when you surf, you

09:32:57 18 have the mobile controls, so you can control it. So I

09:33:00 19 combined it and called it SurfinBoard.

09:33:02 20 Q. When you formed the new company in January, what did

09:33:06 21 you name it?

09:33:08 22 A. Finjan, yes, first, Java was named on the Java beans.

09:33:15 23 And the Sun Microsystems developer, all the different coffee

09:33:21 24 makers they had, they really liked the Java. It was their

09:33:23 25 big thing from Java coffee and they named their technology

09:33:26 1 Java. And Finjan in the Middle East is a term which is a

09:33:30 2 container of coffee, and for me, it so nicely fit because we

09:33:35 3 would like to help Sun Microsystems to serve Java in a safe

09:33:40 4 manner and so that the people can benefit from the coffee.

09:33:44 5 If I leave the coffee without the pot, you can't drink it.

09:33:47 6 But with Finjan, you can drink it very safely.

09:33:50 7 So that was the idea of Finjan. That is why we

09:33:52 8 named the company Finjan.

09:33:56 9 MR. ANDRE: Your Honor, we have some exhibits

09:33:59 10 that we would like to put into his binder. Is it okay if I

09:34:02 11 approach? And into the Court's as well. We have some

09:34:06 12 exhibits as well.

09:34:07 13 THE COURT: Into the jury's binder?

09:34:11 14 MR. ANDRE: Yes -- not in the jury's binder,

09:34:14 15 Your Honor.

09:34:14 16 THE COURT: Sure.

09:34:15 17 Which binder for the Court are you talking

09:34:37 18 about?

09:34:38 19 MR. ANDRE: This is the first binder that has

09:34:40 20 three witnesses' names on it.

09:34:43 21 THE COURT: Okay. Thank you.

09:34:55 22 MR. ANDRE: While we pull those together, I can

09:34:57 23 go to the projector on the screen.

09:34:59 24 Why don't we go to Exhibit JTX-8.

09:35:03 25 BY MR. ANDRE:

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