

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD
3

4 _____
5
6 Palo Alto Networks, Inc.,

7 Petitioner

8 v

9 Finjan, Inc.,

10 Patent Owner
11

12 _____
13 Inter Partes Review No. 2015-01979

14 U.S. Patent No. 8,141,154
15

16 _____
17 CONFIDENTIAL - ATTORNEYS' EYES ONLY

18 DEPOSITION of NENAD MEDVIDOVIC, PHD

19 SANTA MONICA, CALIFORNIA

20 FRIDAY, OCTOBER 21, 2016
21

22
23 Veritext Legal Solutions

Mid-Atlantic Region

24 1250 Eye Street NW - Suite 350

Washington, D.C. 20005
25

Page 2

1
2
3
4 Deposition of NENAD MEDVIDOVIC, PHD, taken on behalf
5 of Petitioner Palo Alto Networks, at 1333 Second
6 Street, Suite 400, Santa Monica, California,
7 beginning at 9:30 a.m., and ending at 1:15 p.m., on
8 Friday, October 21, 2016, before Daryl Baucum, RPR,
9 CRR, RMR, CSR No. 10356, Pursuant to Notice.
10
11
12
13
14
15
16
17
18
19
20
21
22
23 Veritext Legal Solutions
24 Mid-Atlantic Region
1250 Eye Street NW - Suite 350
25 Washington, D.C. 20005

Page 3

1 APPEARANCES OF COUNSEL:
2
3 FOR THE CO-PETITIONER PALO ALTO NETWORKS, INC.:
4
5 COOLEY
6 BY: ORION ARMON, ATTORNEY AT LAW
7 380 Interlocken Crescent
8 Broomingfield, Colorado 80021
9 720.566.4119
10 OArmon@Cooley.com
11
12
13 FOR THE CO-PETITIONER SYMANTEC:
14
15 QUINN, EMANUEL
16 BY: NATHAN HAMSTRA, ATTORNEY AT LAW
17 500 West Madison Street
18 Suite 2450
19 Chicago, Illinois 60661
20 312.705.7400
21 NathanHamstra@QuinnEmanuel.com
22
23
24
25

Page 4

1 APPEARANCES OF COUNSEL (CONTINUED):
2
3 FOR THE PATENT OWNER FINJAN, INC.:
4
5 KRAMER, LEVIN, NAFTALIS & FRANKEL
6 BY: JAMES HANNAH, ATTORNEY AT LAW
7 990 Marsh Road
8 Menlo Park, California 94025
9 650.752.1712
10 JHannah@KramerLevin.com
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 5

1 I N D E X
2
3
4 WITNESS: NENAD MEDVIDOVIC, PHD
5 EXAMINATION PAGE
6 BY: MR. ARMON &&
7 BY: MR. HANNAH &&
8
9
10
11 QUESTIONS WITNESS WAS INSTRUCTED NOT TO ANSWER:
12 (NONE)
13
14
15
16 INFORMATION TO BE SUPPLIED:
17 (NONE)
18
19
20
21
22
23
24
25

Page 6

1 DEPOSITION EXHIBITS
2 NENAD MEDVIDOVIC, PHD
3
4 NUMBER DESCRIPTION PAGE
5 Exhibit 1 Declaration of Nenad Medvidovic, &&
6 Ph.D., on the Validity of Claims
7 1-5, 6-8, 10, and 11 of U.S.
8 Patent No. 8,141,154 in Support
9 of Patent Owner's Response
10 Exhibit 2 Declaration of Nenad Medvidovic &&
11 in Support of Plaintiff Finjan,
12 Inc.'s Opening Claim Construction
13 Brief
14 Exhibit 3 Declaration of Nenad Medvidovic &&
15 in Support of Plaintiff Finjan,
16 Inc.'s Opening Claim Construction
17 Brief
18 Exhibit 4 Declaration of Nenad Medvidovic &&
19 in Support of Finjan's Opening
20 Claim Construction Brief
21 Exhibit 5 United States Patent Application &&
22 Publication, US 2005/0108562 A1
23
24 Exhibit 6 Biography of Roger I. Khazan &&
25 Exhibit 7 Avast software claim chart &&
regarding the '154 patent
18 Exhibit 8 F-Secure software claim chart &&
regarding the '154 patent
20 Exhibit 9 Websense software claim chart &&
regarding the '154 patent
21 Exhibit 10 Armorize software claim chart &&
regarding the '154 patent
23
24
25

Page 7

1 SANTA MONICA, CALIFORNIA; FRIDAY, OCTOBER 21, 2016
2 9:30 A.M.
3
4 NENAD MEDVIDOVIC, PHD,
5 having been first duly sworn, was
6 examined and testified as follows:
7
8 MR. ARMON: Orion Armon, lead counsel for
9 Petitioner Palo Alto Networks in this case,
10 IPR2015-01979.
11 MR. HAMSTRA: Nathan Hamstra, the lead
12 counsel for Joint Petitioner Symantec.
13 MR. HANNAH: James Hannah of Kramer,
14 Levin, on behalf of Finjan and the witness.
15 THE WITNESS: Nenad Medvidovic, N-E-N-A-D,
16 M-E-D-V-I-D-O-V-I-C, witness.
17
18 EXAMINATION
19 BY MR. ARMON:
20 Q Good morning, Dr. Medvidovic.
21 A Good morning.
22 Q You prepared and submitted a declaration
23 in this case, correct?
24 A That is correct.
25 Q Approximately how much time total have you

Page 8

1 spent on matters related to this IPR?
2 A All together, within the last week, week
3 and a half, probably on the order of 30, 40 hours
4 and probably longer than that in preparing the
5 declaration.
6 Q In aggregate, how much time have you spent
7 on this case?
8 A Maybe on the order of -- well, there are
9 two different IPR's involving the same patent. So I
10 might not be able to give the exact answer. So
11 maybe on the order of 100, 120 hours.
12 Q You are compensated for all of your time
13 in this case at your hourly rate of \$350 an hour,
14 correct?
15 A That is correct.
16 Q And \$500 an hour for deposition time,
17 correct?
18 A That is correct.
19 Q You take care in preparing the
20 declarations you submit in litigation proceedings,
21 correct?
22 A Yes.
23 Q Do you check the declarations before you
24 sign them to make sure that they're correct?
25 A To the best of my ability, yes.

Page 9

1 Q As part of that process of developing your
2 opinions, you take care to ensure that the opinions
3 you offer in your declarations are technically
4 sound, correct?
5 A Yes.
6 Q And based upon your experience as a person
7 of greater than ordinary skill in the art, correct?
8 A Yes.
9 Q You hold yourself out as a person who had
10 at least ordinary skill in the art as of 2005,
11 correct?
12 A That is correct.
13 Q Mark this as Exhibit 1, please.
14 (Petitioner's Exhibit 1 was marked for
15 identification by the court reporter and
16 is attached hereto.)
17 BY MR. ARMON:
18 Q Dr. Medvidovic, before I get to that
19 document, is there any reason why you can't give
20 full, truthful and accurate testimony today?
21 A No.
22 Q Turning back to the document, Exhibit 1,
23 please, confirm this is the declaration that you
24 submitted in this IPR.
25 A That is correct.

Page 10

1 Q Who drafted the first version of this
2 declaration, you or someone else?
3 A I drafted every version of the
4 declaration.
5 Q All the words in the declaration are
6 yours?
7 A To the extent that there are parts of this
8 that were legal standards provided to me by the
9 counsel, I -- I mean they're in my declaration but I
10 wouldn't say that all of those words are mine.
11 All the technical opinions are definitely
12 mine and I reviewed the legal standards and made
13 sure I understood them and that they are phrased in
14 a way that I would phrase them, but they were
15 provided to me by counsel.
16 Q Turn to the last page of the document,
17 please.
18 A Yes.
19 Q That's your signature?
20 A That is my signature.
21 Q And there is a declaration stating that
22 all statements made herein on your own knowledge are
23 true and all statements made on information and
24 belief are believed to be true; is that correct?
25 A Yes, that is among the other things that

Page 11

1 that paragraph, sentence says. That's correct.
2 Q I'm not asking you if those are the words.
3 I'm asking if that's what you believed at the time
4 you signed the document that your statements were
5 true or you believe them to be true.
6 A That is correct.
7 Q Do you take the same approach with each
8 declaration you submit for a legal proceeding?
9 A Yes.
10 Q Do you ensure that the statements that
11 they contain are either true if you have personal
12 knowledge or that you believe them to be true?
13 A To the best of my ability, yes.
14 Q Turn to page -- there is two page numbers
15 in this document. Let's turn to page 19 of the
16 document Exhibit 1.
17 And Dr. Medvidovic, for today's purposes,
18 you will see there is a Finjan page number and there
19 is a document page number. I'm going to refer to
20 these document page numbers.
21 A So just to make sure the same page that
22 has paragraph 53 as the first complete paragraph on
23 it.
24 Q Correct. And I may also refer to
25 paragraph numbers.

Page 12

1 A Okay.
2 Q So the opinion that you offer in your
3 declaration, Exhibit 1, is that the proper
4 construction of the term content is the data
5 container that can be rendered by a client web
6 browser, correct?
7 A Correct.
8 Q You applied the broadest reasonable
9 interpretation of the term "content" to reach that
10 construction, correct?
11 MR. HANNAH: Objection; form.
12 THE WITNESS: The broadest reasonable
13 interpretation in the context of the '154 patent,
14 yes.
15 BY MR. ARMON:
16 Q And you understand that the broadest
17 reasonable interpretation of BRI standard is the
18 claim construction standard that the Supreme Court
19 has affirmed the Patent Trial and Appeal Board
20 should use in an IPR proceeding, correct?
21 A That is what I understand, yes.
22 Q This construction of content is not the
23 same construction that you have suggested in the
24 past; isn't that correct?
25 MR. HANNAH: Form.

Page 13

1 THE WITNESS: If you can point me to a
2 construction that I suggested in the past, I would
3 be able to answer your question better.
4 BY MR. ARMON:
5 Q Do you remember whether you have ever
6 taken a different position on the meaning of
7 "content" other than what is proposed here in
8 paragraph 53?
9 A As we sit here, not off the top of my
10 head.
11 Q And let's step back for one minute.
12 In preparing your opinion regarding the
13 construction of content in paragraph 53 here, I take
14 it that you did study the '154 patent disclosure as
15 part of your opinion development process, correct?
16 A Correct.
17 Q You also considered the file history of
18 the patent?
19 A Correct.
20 Q And your experience and knowledge as a
21 person of at least ordinary skill in the art?
22 A Yes.
23 Q And did you develop this opinion with a
24 view toward the meaning of the term "content" as of
25 the application filing date of 2005?

Page 14

1 A That is correct.
 2 Q I should say the priority date in 2005.
 3 A Correct.
 4 Q Exhibit 2.
 5 (Petitioner's Exhibit 2 was marked for
 6 identification by the court reporter and
 7 is attached hereto.)
 8 BY MR. ARMON:
 9 Q Dr. Medvidovic, Exhibit 2 is a declaration
 10 you submitted in support of Finjan's claim
 11 construction positions in the Finjan, Inc. versus
 12 Websense, Inc. case, correct?
 13 A That is correct.
 14 Q I will ask you to turn to the last page of
 15 Exhibit 2.
 16 And that's your signature at the last
 17 page, correct?
 18 A That is correct.
 19 Q Turn to paragraph 37 of the document on
 20 page 15.
 21 A Okay.
 22 Q You understand, sir, that in district
 23 court, the claim construction standard that is
 24 applied follows the what is called the Philips case
 25 and is a narrower claim construction standard than

Page 15

1 the broadest reasonable interpretation standard
 2 applied in the Patent Office, correct?
 3 A That is my understanding but I can't claim
 4 expertise in that area, so.
 5 Q But surely your counsel has explained to
 6 you that that is the law.
 7 A I have heard that multiple times.
 8 MR. HANNAH: Objection to form.
 9 BY MR. ARMON:
 10 Q On page 15 of Exhibit 2, your declaration
 11 in the Websense case, bottom of page 15, you render
 12 the opinion that beginning at the very last sentence
 13 of page 15,
 14 "Content' is a generic term used to
 15 indicate material being accessed or used
 16 and does not require any construction, so
 17 even a layperson would understand the
 18 meaning of 'content' when read with the
 19 claims," correct?
 20 A That's what it says.
 21 Q That's with respect to the '154 patent,
 22 correct?
 23 A That is correct.
 24 Q And at paragraph 38 on page 16 of
 25 Exhibit 2, your third sentence reads,

Page 16

1 "For example, the specification of the
 2 '154 patent describes a web browser
 3 rendering scripts but there is no
 4 requirement that scripts must be rendered
 5 in a web browser or that the only content
 6 types possible are those that are
 7 processible by web browser of" -- I think
 8 you mean "or" perhaps -- "Java machine."
 9 That was your sentence, correct?
 10 A That is correct.
 11 Q And did you mean "of" or "or" there, sir?
 12 A This was slightly over two years ago if I
 13 check the date correctly. So I can't -- yeah,
 14 slightly over two years ago.
 15 It's possible that it was supposed to be
 16 or Java virtual machine but that's not what it says.
 17 So let me read the sentence one more time just to
 18 make sure.
 19 It should be "or" because that's Websense
 20 proposed construction has an "or" in the
 21 construction. So that's a typo.
 22 Q Thank you, sir.
 23 Back to paragraph 38. Beginning on line
 24 nine, your opinion continues,
 25 "Other applications beside web browsers

Page 17

1 could download content that could be acted
 2 on and the patent specifically uses a
 3 broad term."
 4 Did I read that correctly?
 5 A Yes, that is correct.
 6 Q This entire paragraph 38 concerns the '154
 7 patent, correct?
 8 A That is correct.
 9 Q And it concerns the term "content,"
 10 correct?
 11 A That is correct, as well.
 12 Q Beginning on line ten, next sentence,
 13 "For example, JavaScript and VBScript were
 14 both provided as examples in the '154
 15 patent and do not need to be executed in a
 16 web browser; other examples of content
 17 that can be processed neither in a Web
 18 browser nor in a Java virtual machine
 19 include C and C++ files, as well as many
 20 others."
 21 Did I read that correctly?
 22 A That is correct.
 23 Q That was the opinion that you expressed in
 24 this declaration, correct?
 25 A I did.

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.