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Attorneys for Plaintiff
FINJAN, INC.

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FINJAN, INC., a Delaware Corporation,

Plaintiff,

v.

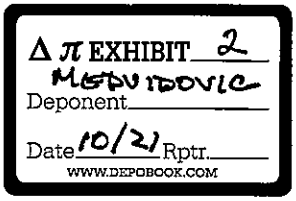
WEBSENSE, INC., a Delaware Corporation,

Defendant.

Case No.: 13-CV-04398-BLF

DECLARATION OF NENAD MEDVIDOVIC IN SUPPORT OF PLAINTIFF FINJAN, INC.'S OPENING CLAIM CONSTRUCTION BRIEF

Date: November 21, 2014
Time: 9:00 a.m.
Courtroom: Courtroom 3, 5th Floor
Judge: Hon. Beth Labson Freeman



I, Nenad Medvidović, declare:

1. I make this Declaration based upon my own personal knowledge, information, and belief, and I would and could competently testify to the matters set forth herein if called upon to do so.

Qualifications

2. I received a Bachelor of Science ("BS") degree, Summa Cum Laude, from Arizona State University's Computer Science and Engineering department.

3. I received a Master of Science ("MS") degree from the University of California at Irvine's Information and Computer Science department.

4. I received a Doctor of Philosophy ("PhD") degree from the University of California at Irvine's Information and Computer Science department. My dissertation was entitled, "Architecture-Based Specification-Time Software Evolution."

5. I am employed by the University of Southern California ("USC") as a faculty member in the Computer Science Department, and have been since January 1999. I currently hold the title of Professor with tenure. Between January 2009 and January 2013, I served as the Director of the Center for Systems and Software Engineering at USC. Since July 2011, I have served as my Department's Associate Chair for PhD Affairs.

6. I am very familiar with and have substantial expertise in the area of software systems development / software engineering, software architecture, software design, and distributed systems.

7. I have over twenty years of research experience that has spanned a wide range of issues pertaining to large, complex, distributed software systems. This research has included security and trust as significant components. As one example, my research has resulted in a new technique that deploys a software system on a set of distributed computers in a manner that optimizes that system's "non-functional" characteristics, including efficiency, scalability, resource consumption, reliability, as

well as security. As another example, motivated by the frequent vulnerability of distributed systems to malicious adversaries, I have developed, published, and eventually patented a novel technique for ensuring system security and data privacy in open computer networks. I have co-authored a widely adopted textbook on software system architectures, in which several chapters deal with the issue of security and one entire chapter is specifically dedicated to security and trust.

Materials Reviewed

8. I have reviewed in detail U.S. Patent Nos. 7,058,822 ("the '822 Patent"); 7,647,633 ("the '633 Patent"); 8,141,154 ("the '154 Patent"); 8,225,408 ("the '408 Patent"); and 8,677,494 ("the '494 Patent") (collectively "Finjan Patents"). I have also reviewed the prosecution history of the Finjan Patents.

9. I understand that I am submitting this Declaration to assist the Court in determining the proper construction of certain terms used in the claims in the Finjan Patents. I have reviewed the Joint Claim Construction and Pre-Hearing Statement Pursuant to Patent Local Rule 4-3, which I understand Finjan and Websense jointly submitted and set forth their respective proposed claim construction and support therefore. I have also reviewed the terms that understand were selected by Finjan and Websense for construction.

Construction of the Terms

10. I have reviewed Finjan's and Websense's proposed constructions for the terms in the claims of the Finjan Patents. I agree with Finjan that many of the terms for which Websense provides a construction do not need construction because a person of ordinary skill in the art would readily understand the terms. My understanding of a person of skill in the art is a person with a bachelor's degree in computer science or related field, and either (1) two or more years of industry experience and/or (2) an advanced degree in computer science or related field.

Construction of the Terms of the '822 Patent and '633 Patent

11. I address the terms for the '822 Patent and '633 Patent together, as the patents are related and share a specification. I understand that Finjan and/or Websense have disputes regarding the constructions for the claims terms listed in the tables below:

i. information-destination of the downloadable-information

Claim Term	**Finjan's Proposed Construction**	**Websense's Proposed Construction**
information-destination of the downloadable-information ('822 and '633 Patents)	No construction necessary	client

12. Based on my professional experience, a person of ordinary skill in the art would understand the meaning of the term "information-destination of the downloadable-information" as this term is used in the claims of the '822 and '633 Patents and in view of the '822 and '633 Patents. The terms are self-describing and include no specialized language. The "information-destination of the downloadable-information" is just that, the destination where the downloadable-information is going. As such, a person of skill in the art, or a layperson, understands the term and it needs no construction.

13. I disagree with Websense's proposed construction. Websense's proposed construction is unnecessary and limits the meaning of the claims. For example, the '822 and '633 Patent use the term "client" throughout the specification, but also use the term "information-destination," indicating that the terms were not identical. Furthermore, a person of skill in the art understands that the term "client" is used in relationship with the term "server"—as in a client-server relationship. *See* '822 Patent, Col. 6, ll. 59-63. However, the claims where this term occurs in do not use the term "server," creating ambiguity if Websense's proposed construction of "client" is adopted for this term. See Claim 1 of the '822 Patent. The '822 and '633 Patents state that there are a number of different additional configurations possible, including peer-to-peer, routers, proxy servers, networks, converters, gateways,

services, network reconfigurations elements in accordance with the particular application. *See* '822 Patent, Col. 6, l. 65-Col. 7, l. 2.

14. Furthermore, the patent also describes that the "information-destination" can be server in some contexts, stating, "[a]dditional server/information-destination device security or other protection is also enabled …." '633 Patent, Col. 2, ll. 55-57. Construing "information-destination" to be a client, would then eliminate these examples disclosed in the specification. The'822 and '633 Patents also provide a broad understanding in the Abstract of the system being protected, stating that "[p]rotection systems and methods provide for protecting one or more personal computers ("PCs") and/or other intermittently, or persistently network accessible devices or processes from undesirable or otherwise malicious operations." '633 Patent, Abstract. This example shows that a broad understanding of the "information-destination" is appropriate, as each of the devices listed can be a client, server or other network device depending on the requirements of the system.

ii. mobile protection code

Claim Term	**Finjan's Proposed Construction**	**Websense's Proposed Construction**
mobile protection code ('822 and '633 Patents)	code capable of monitoring or intercepting potentially malicious code	runtime code for detecting, preventing, or modifying malicious mobile code operations without modifying the mobile code

15. Based on my professional experience, a person of ordinary skill in the art would understand the meaning of the term "mobile protection code" in view of the specification of the '822 and '633 Patents as "code capable of monitoring or intercepting potentially malicious code." While mobile protection code is not a term typically used in the art, the meaning of the term is described in the '822 and '633 Patents. The '822 and '633 Patents describe mobile protection code as protecting

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