

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

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4 -----
5 PALO ALTO NETWORKS, INC.,

6 Petitioner,

7 -against-

8 FINJAN, INC.,

9 Patent Owner.

10 Patent No. 8,141,154

11 Inter Partes Review No. IPR2016-00151

12 -----
13 HIGHLY CONFIDENTIAL

14
15 Deposition of MARC BERGER, taken
16 by Petitioner, pursuant to Notice,
17 held at the offices of KRAMER,
18 LEVIN, NAFTALIS & FRANKEL LLP, 1177
19 Avenue of the Americas, New York, New
20 York before Wayne Hock, a Notary Public
21 of the State of New York, commencing at
22 9:24 a.m., Wednesday, November 16, 2016.

23
24 JOB No. 2480255

25 PAGES 1 - 25

Page 1

1 A P P E A R A N C E S :

2

3 Attorneys for Petitioner

4

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21 ALSO PRESENT:

22

23 MICHAEL KIM

24 (via teleconference)

25

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I N D E X

WITNESS	EXAMINED BY	PAGE
M. Berger	Mr. Biswas	4, 21
	Mr. Frankel	20, 23

E X H I B I T S

FOR ID	DESCRIPTION	PAGE
Exhibit 1	E-mail dated December 6, 2005	6
Exhibit 2	Document entitled Declaration of Dr. Marc Berger, Ph.D.	6

1 M A R C B E R G E R, having
2 been first duly affirmed by a
3 Notary Public of the State of
4 New York, upon being examined,
5 testified as follows:

6 EXAMINATION BY

7 MR. BISWAS:

8 Q. What is your current address?

9 A. 43A Gordon Street, Rehovot
10 76287, Israel.

11 Q. Good morning, Mr. Berger, or
12 Dr. Berger, I should say.

13 A. Good morning.

14 Q. Just as a preliminary matter,
15 have you been deposed before?

16 A. Yes, a long time ago.

17 Q. Then I won't go over the
18 rules with how depositions work with
19 you. I think you already know them.

20 I'll dive right into it.

21 For the record, could you
22 please state and spell your full name.

23 A. Mark, M A R C, Aron, A R O N,
24 Berger, B E R G E R.

25 Q. And Dr. Berger, is it correct

1 that you were employed by Finjan?

2 A. Yes.

3 Q. During what period?

4 A. I don't recall the exact
5 years, but it was probably between 2001
6 and 2008, plus or minus.

7 Q. And while employed at Finjan,
8 what were your duties with the company?

9 A. Patent prosecution.

10 Q. Could you elaborate a little
11 bit more on what you mean by patent
12 prosecution?

13 A. Receiving disclosures,
14 preparing patent applications, and
15 responding to office actions.

16 Q. Dr. Berger, were you a direct
17 employee of Finjan or were you hired as
18 an independent contractor?

19 MR. FRANKEL: Objection to
20 form.

21 THE WITNESS: I was a
22 part-time employee.

23 MR. BISWAS: I'm going to go
24 ahead and enter some documents as
25 exhibits so you can reference them

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