

08:43:56

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., )  
8 WEBROOT SOFTWARE, INC., )  
9 WEBSense INC., and SOPHOS, INC., )  
10 Defendants. ) No. 10-593-GMS  
11 - - -  
12 Wilmington, Delaware  
13 Wednesday, December 12, 2012  
14 9:00 a.m.  
15 Day 9 of Trial  
16 - - -  
17 BEFORE: HONORABLE GREGORY M. SLEET, Chief Judge,  
18 and a Jury  
19  
20 APPEARANCES:  
21 PHILIP A. ROVNER, ESQ.  
22 Potter Anderson & Corroon LLP  
23 -and-  
24 PAUL J. ANDRE, ESQ.,  
25 LISA KOBIALKA, ESQ.,  
26 JAMES HANNAH, ESQ.,  
27 HANNAH LEE, ESQ., and  
28 JONATHAN S. CAPLAN, ESQ.  
29 Kramer Levin  
30 (Redwood Shores, CA)  
31  
32 Counsel for Plaintiff

09:03:11 1 THE COURT: Good morning. Let's get the witness  
09:03:16 2 back on the stand.  
09:03:19 3 Do you have an issue, Mr. Andre?  
09:03:21 4 MR. ANDRE: A housekeeping issue. I want to  
09:03:24 5 make sure we don't waive any kind of Rule 50 motions. When  
09:03:28 6 Symantec finishes its case, they won't be officially  
09:03:31 7 resting. They will all rest this afternoon. We will do the  
09:03:35 8 Rule 50 motions all at one time, so we don't have to  
09:03:40 9 piecemeal it.  
09:03:46 10 They may finish their case today. We didn't  
09:03:48 11 want to waive our Rule 50 motions.  
09:03:52 12 MR. PAK: We are not going to argue it's  
09:03:55 13 untimely.  
09:03:56 14 MS. KOBIALKA: I am sorry, Your Honor. There is  
09:03:59 15 also an issue about the very next witness that they have  
09:04:02 16 slated to testify.  
09:04:03 17 THE COURT: We will talk about it later.  
09:04:05 18 MS. KOBIALKA: All right.  
09:04:26 19 (Jury enters courtroom at 9:04 a.m.)  
09:04:33 20 THE COURT: Good morning, members of the jury.  
09:04:35 21 Please, take your seats.  
09:04:37 22 We will resume.  
09:04:43 23 MR. PAK: May I proceed, Your Honor.  
09:04:45 24 THE COURT: Yes, you may.  
09:04:47 25 BY MR. PAK.

1 APPEARANCES CONTINUED:  
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1 ... BRUCE M. MAGGS, having been previously  
2 sworn as a witness, was examined and testified further  
3 as follows ...  
09:04:48 4 DIRECT EXAMINATION CONTINUED  
09:04:48 5 Q. Good morning, Doctor.  
09:04:50 6 A. Good morning.  
09:04:50 7 Q. Before we delve into the '194 patent, I want us to do  
09:04:54 8 a quick recap of where we were yesterday before we took our  
09:04:57 9 break for the night. To remind us, were you here, Doctor,  
09:05:02 10 when Dr. Medvidovic demonstrated the Symantec web Gateway  
09:05:07 11 product?  
09:05:07 12 A. Yes, I was.  
09:05:08 13 Q. And what was your understanding of what Dr. Medvidovic  
09:05:10 14 was trying to demonstrate through that demonstration?  
09:05:14 15 A. It appeared to me that he was trying to demonstrate  
09:05:19 16 the Matrix software component of the web Gateway product,  
09:05:27 17 preventing a downloadable from reaching the client in an  
09:05:32 18 infringing manner.  
09:05:33 19 Q. And do you recall what type of file the downloadable  
09:05:36 20 was in that particular demonstration?  
09:05:38 21 A. It was an ActiveX file.  
09:05:40 22 Q. And do you recall that Dr. Medvidovic testified that  
09:05:44 23 he believed that the Matrix component was the component that  
09:05:47 24 detected and locked the ActiveX file?  
09:05:50 25 A. Yes. He said that.

<p style="text-align: right;">1962</p> <p>09:05:51 <b>1</b> Q. Now, based on the actual source code reviewed and the</p> <p>09:05:55 <b>2</b> testimony that you heard from Mr. Coleman, is it possible</p> <p>09:05:59 <b>3</b> that Dr. Medvidovic's demonstration actually showed the</p> <p>09:06:03 <b>4</b> operation of the accused Matrix components?</p> <p>09:06:06 <b>5</b> A. No. Matrix didn't block that ActiveX file.</p> <p>09:06:03 <b>6</b> Q. Is it possible for Matrix to ever block ActiveX files?</p> <p>09:06:09 <b>7</b> A. Matrix can't scan ActiveX files. I have looked at the</p> <p>09:06:15 <b>8</b> code. In fact, Dr. Coleman showed the code where Matrix</p> <p>09:06:18 <b>9</b> only looks for Visual Basic Script or JavaScript or html.</p> <p>09:06:23 <b>10</b> And furthermore, it doesn't even make sense to perform the</p> <p>09:06:26 <b>11</b> step of tokenization on an ActiveX file because that's not</p> <p>09:06:30 <b>12</b> source code. It's machine code.</p> <p>09:06:33 <b>13</b> Q. And have you looked into the issue of which component</p> <p>09:06:37 <b>14</b> inside of the Symantec product actually blocked the ActiveX</p> <p>09:06:40 <b>15</b> file that Dr. Medvidovic showed us?</p> <p>09:06:42 <b>16</b> A. Yes, I have.</p> <p>09:06:43 <b>17</b> Q. And which component was that again?</p> <p>09:06:44 <b>18</b> A. It's called the Trojan scanner.</p> <p>09:06:47 <b>19</b> Q. And what type of technology does the Trojan scanner</p> <p>09:06:52 <b>20</b> use?</p> <p>09:06:52 <b>21</b> A. It's a signature-based technology.</p> <p>09:06:55 <b>22</b> Q. Thank you, Doctor.</p> <p>09:06:56 <b>23</b> Yesterday, we also discussed your views on the</p> <p>09:07:00 <b>24</b> term "behavior" or "behavior-based technology" as a</p> <p>09:07:03 <b>25</b> marketing term. Do you recall that?</p>	<p style="text-align: right;">1964</p> <p>09:08:17 <b>1</b> claim present? And if it is present, is it in the right</p> <p>09:08:21 <b>2</b> place, meaning, is it's in Symantec's software?</p> <p>09:08:25 <b>3</b> Q. Mr. Shirazi, let's have SYMDX12-2.</p> <p>09:08:32 <b>4</b> Doctor, I'd like to focus your attention on the</p> <p>09:08:35 <b>5</b> second limitation that includes the phrase, "The</p> <p>09:08:38 <b>6</b> downloadable security profile data includes a list of</p> <p>09:08:41 <b>7</b> suspicious computer operations."</p> <p>09:08:45 <b>8</b> Do you recall identifying that as the missing</p> <p>09:08:47 <b>9</b> limitation in the accused Symantec products?</p> <p>09:08:49 <b>10</b> A. Well, actually, the whole limitation is missing,</p> <p>09:08:53 <b>11</b> starting with the word "comparing," but the primary reason</p> <p>09:08:56 <b>12</b> it's missing is because there is never a creation of a list</p> <p>09:08:59 <b>13</b> of suspicious computer operations that's included in a</p> <p>09:09:04 <b>14</b> downloadable security profile data.</p> <p>09:09:07 <b>15</b> Q. And based on the source code, is the Matrix component</p> <p>09:09:11 <b>16</b> capable of creating or extracting a downloadable security</p> <p>09:09:16 <b>17</b> profile data that includes a list of suspicious computer</p> <p>09:09:20 <b>18</b> operations?</p> <p>09:09:20 <b>19</b> A. It doesn't do that.</p> <p>09:09:23 <b>20</b> Q. And did Dr. Medvidovic, in performing his infringement</p> <p>09:09:25 <b>21</b> presentation to us, actually cite or analyze any source code</p> <p>09:09:28 <b>22</b> for this particular notation?</p> <p>09:09:31 <b>23</b> A. No, he didn't. He didn't show any source code that</p> <p>09:09:34 <b>24</b> does this or any source code at all.</p> <p>09:09:36 <b>25</b> Q. And were you here, sir, when Mr. Coleman testified and</p>
<p style="text-align: right;">1963</p> <p>09:07:06 <b>1</b> A. Yes.</p> <p>09:07:08 <b>2</b> Q. Yes or no, sir, do you believe that Finjan's patents</p> <p>09:07:13 <b>3</b> cover all forms of behavior technology for blocking viruses</p> <p>09:07:14 <b>4</b> and malware?</p> <p>09:07:14 <b>5</b> A. No.</p> <p>09:07:15 <b>6</b> Q. And why not?</p> <p>09:07:16 <b>7</b> A. Well, it, with any patent, you actually have to look</p> <p>09:07:21 <b>8</b> at the specific language in the claims to see what the scope</p> <p>09:07:24 <b>9</b> of the patent is. And the language there is, it's pretty</p> <p>09:07:29 <b>10</b> specific. It explains exactly what's covered. And it</p> <p>09:07:32 <b>11</b> certainly doesn't encompass all behavior blocking</p> <p>09:07:36 <b>12</b> technology, especially as that term is used, to cover a wide</p> <p>09:07:40 <b>13</b> variety of things.</p> <p>09:07:41 <b>14</b> Q. Does the term "behavior" or "behavior blocking" ever</p> <p>09:07:47 <b>15</b> appear in the patents?</p> <p>09:07:48 <b>16</b> A. No. The term "behavior" isn't in the patents.</p> <p>09:07:52 <b>17</b> Q. With that recap, let's go back to the '194 patent. As</p> <p>09:07:55 <b>18</b> I promised you yesterday, what we are going to do is walk</p> <p>09:07:59 <b>19</b> through each piece of evidence that Dr. Medvidovic presented</p> <p>09:08:02 <b>20</b> and have you respond to that evidence. Are you with me?</p> <p>09:08:06 <b>21</b> A. Yes, I am with you.</p> <p>09:08:07 <b>22</b> Q. Great. Remind us, as we look at each claim</p> <p>09:08:12 <b>23</b> limitation, what are the two questions you are asking</p> <p>09:08:14 <b>24</b> yourself?</p> <p>09:08:15 <b>25</b> A. What I would ask myself is: Is this limitation in the</p>	<p style="text-align: right;">1965</p> <p>09:09:39 <b>1</b> explained to us and showed us the actual source code that</p> <p>09:09:43 <b>2</b> corresponded to the actual operation of the Matrix</p> <p>09:09:46 <b>3</b> component?</p> <p>09:09:46 <b>4</b> A. He did show a portion of that, and I did see that.</p> <p>09:09:49 <b>5</b> Q. And have you had a chance to analyze the source code</p> <p>09:09:51 <b>6</b> independently and verify that Mr. Coleman is correct about</p> <p>09:09:54 <b>7</b> the operation of the source code?</p> <p>09:09:55 <b>8</b> A. Yes. I was well familiar with that source code before</p> <p>09:09:57 <b>9</b> he presented it.</p> <p>09:09:58 <b>10</b> Q. And what does that source code tell us?</p> <p>09:10:01 <b>11</b> A. What he showed was a portion of the source code where,</p> <p>09:10:05 <b>12</b> after the signatures have been applied against the tokenized</p> <p>09:10:10 <b>13</b> version of the JavaScript, there is a list of which</p> <p>09:10:13 <b>14</b> signatures matched.</p> <p>09:10:16 <b>15</b> And the source code he showed was the point</p> <p>09:10:19 <b>16</b> where a single one of those signatures is selected, and the</p> <p>09:10:23 <b>17</b> identification for that signature is referred to the AV</p> <p>09:10:29 <b>18</b> engine, which will then decide what to do about it.</p> <p>09:10:32 <b>19</b> I note that that wasn't a list of operations.</p> <p>09:10:34 <b>20</b> That was just a list of identification numbers of</p> <p>09:10:36 <b>21</b> signatures, not suspicious operations.</p> <p>09:10:39 <b>22</b> Q. And remind us again, what is actually returned back to</p> <p>09:10:43 <b>23</b> the AV engine?</p> <p>09:10:44 <b>24</b> A. It's a number. It's called a threat I.D., an</p> <p>09:10:48 <b>25</b> identification number, indicating which signature matched.</p>

1966	1968
<p>09:10:50 <b>1 Q.</b> Is that a list of anything?</p> <p>09:10:51 <b>2 A.</b> No. It's just one number.</p> <p>09:10:54 <b>3 Q.</b> Even if multiple signatures were detected, does it</p> <p>09:10:56 <b>4</b> return a single number or multiple numbers?</p> <p>09:11:00 <b>5 A.</b> One number.</p> <p>09:11:01 <b>6 Q.</b> Now, let's look at the first document that</p> <p>09:11:04 <b>7</b> Dr. Medvidovic presented to us as part of his infringement</p> <p>09:11:08 <b>8</b> analysis. Let's put up PTX-856.</p> <p>09:11:14 <b>9</b> Do you recall, Doctor, this was the Script</p> <p>09:11:16 <b>10</b> Scanning document relating to the project Matrix, and it was</p> <p>09:11:21 <b>11</b> written by Darren Chi. Do you recall that?</p> <p>09:11:25 <b>12 A.</b> Yes.</p> <p>09:11:25 <b>13 Q.</b> And let's turn to Page 5 in this document. I think we</p> <p>09:11:28 <b>14</b> have seen this figure several times in the trial.</p> <p>09:11:32 <b>15</b> Do you recall that Dr. Medvidovic relied on this</p> <p>09:11:34 <b>16</b> block diagram as evidence with respect to the limitation we</p> <p>09:11:38 <b>17</b> are discussing now?</p> <p>09:11:39 <b>18 A.</b> Yes, I do.</p> <p>09:11:40 <b>19 Q.</b> And, specifically, do you recall that Dr. Medvidovic</p> <p>09:11:44 <b>20</b> identified the threat definition execution unit as the</p> <p>09:11:47 <b>21</b> component that would perform this extraction of the list of</p> <p>09:11:51 <b>22</b> suspicious operations?</p> <p>09:11:52 <b>23 A.</b> I do remember that he indicated that that component</p> <p>09:11:56 <b>24</b> was involved in infringing the patent, yes.</p> <p>09:12:01 <b>25 Q.</b> Have you had a chance now to analyze the actual source</p>	<p>09:13:13 <b>1 A.</b> No other component does that. It's just not done.</p> <p>09:13:17 <b>2 Q.</b> Let's look at one more point of evidence from</p> <p>09:13:22 <b>3</b> Dr. Medvidovic's presentation. That's PTX-1071. Thank you.</p> <p>09:13:30 <b>4</b> This is the Software Design Document. Do you</p> <p>09:13:33 <b>5</b> recall that document?</p> <p>09:13:37 <b>6 A.</b> Yes. I have seen this.</p> <p>09:13:40 <b>7 Q.</b> And, again, Dr. Medvidovic cited this document as</p> <p>09:13:43 <b>8</b> purported evidence that somehow the Matrix component</p> <p>09:13:46 <b>9</b> extracts a list of suspicious operations?</p> <p>09:13:48 <b>10</b> THE COURT: I guess you can ask him if he</p> <p>09:13:52 <b>11</b> observed of the doctor.</p> <p>09:13:53 <b>12</b> MR. PAK: Thank you.</p> <p>09:13:55 <b>13</b> BY MR. PAK:</p> <p>09:13:55 <b>14 Q.</b> Did you observe Dr. Medvidovic testifying about this</p> <p>09:13:58 <b>15</b> document?</p> <p>09:13:58 <b>16 A.</b> Yes, I did.</p> <p>09:13:59 <b>17 Q.</b> What is your opinion with respect to this document and</p> <p>09:14:01 <b>18</b> how it relates to the limitation at issue?</p> <p>09:14:04 <b>19 A.</b> This document never says anything about extracting a</p> <p>09:14:08 <b>20</b> list of suspicious operations.</p> <p>09:14:11 <b>21</b> It talks about the signatures, which are also</p> <p>09:14:14 <b>22</b> known as "script definitions," just confirming that what</p> <p>09:14:20 <b>23</b> Matrix does is it applies signatures against the JavaScript</p> <p>09:14:25 <b>24</b> or Visual Basic Script.</p> <p>09:14:27 <b>25 Q.</b> Can you remind us again, how are signature scanning</p>
1967	1969
<p>09:12:05 <b>1</b> code and also Mr. Coleman's deposition and trial testimony</p> <p>09:12:08 <b>2</b> related to this figure?</p> <p>09:12:09 <b>3 A.</b> Yes, I have.</p> <p>09:12:11 <b>4 Q.</b> And what has that analysis revealed to you about</p> <p>09:12:13 <b>5</b> whether all of the components in this block diagram are</p> <p>09:12:16 <b>6</b> actually present in the Matrix source code?</p> <p>09:12:19 <b>7 A.</b> Well, as Mr. Coleman testified yesterday, that threat</p> <p>09:12:23 <b>8</b> definition unit was never implemented. It never went into</p> <p>09:12:25 <b>9</b> the source code. And in my analysis of the source code, I</p> <p>09:12:28 <b>10</b> didn't find it.</p> <p>09:12:29 <b>11 Q.</b> I will show you something that came up in</p> <p>09:12:31 <b>12</b> Mr. Coleman's deposition that's SYMDX12-10. It's a little</p> <p>09:12:40 <b>13</b> bit difficult to see on the screen, but do you see these</p> <p>09:12:43 <b>14</b> hash marks through the blocks labeled toward the lower</p> <p>09:12:46 <b>15</b> right-hand corner of this block diagram?</p> <p>09:12:48 <b>16 A.</b> Yes, I do.</p> <p>09:12:49 <b>17 Q.</b> And do you recall why those hash marks were made by</p> <p>09:12:53 <b>18</b> Mr. Coleman during his deposition?</p> <p>09:12:54 <b>19 A.</b> Yeah. My understanding is during his deposition, he</p> <p>09:12:56 <b>20</b> pointed out that those blocks were never implemented. They</p> <p>09:12:59 <b>21</b> didn't make it into the final source code.</p> <p>09:13:01 <b>22 Q.</b> So if there is no threat definition execution unit</p> <p>09:13:05 <b>23</b> inside the Matrix component, is there any other component</p> <p>09:13:08 <b>24</b> inside of Matrix that is capable of extracting a list of</p> <p>09:13:11 <b>25</b> suspicious operations?</p>	<p>09:14:30 <b>1</b> technologies different than what's being claimed in the '194</p> <p>09:14:33 <b>2</b> patent?</p> <p>09:14:33 <b>3 A.</b> Well, with signature scanning, there is some employee</p> <p>09:14:38 <b>4</b> at Symantec who, in advance, crafts a signature that is --</p> <p>09:14:45 <b>5</b> specifies a pattern that you are looking for within the</p> <p>09:14:48 <b>6</b> downloadable to -- which would indicate if the pattern</p> <p>09:14:52 <b>7</b> matches, that there is something wrong with it, it's bad.</p> <p>09:14:55 <b>8</b> And with signature scanning, you take the entire</p> <p>09:14:58 <b>9</b> downloadable and you run the signature against it and you</p> <p>09:15:00 <b>10</b> see if you get a match. The patent describes something</p> <p>09:15:03 <b>11</b> different, which is, you take the downloadable, you go</p> <p>09:15:05 <b>12</b> through it, and you extract the suspicious operations. That</p> <p>09:15:12 <b>13</b> list of suspicious operations is part of a downloadable</p> <p>09:15:15 <b>14</b> security profile, which you then use to compare against a</p> <p>09:15:19 <b>15</b> policy and determine whether the downloadable is malicious.</p> <p>09:15:24 <b>16 Q.</b> If there were no signatures written for the Matrix</p> <p>09:15:26 <b>17</b> component, could the Matrix component protect against any</p> <p>09:15:31 <b>18</b> type of downloadable?</p> <p>09:15:36 <b>19 A.</b> No. Because the way it works is it scans the</p> <p>09:15:39 <b>20</b> signatures and it only reports back a threat I.D. if there</p> <p>09:15:42 <b>21</b> is a match. If there were no signatures, there couldn't be</p> <p>09:15:45 <b>22</b> a match and it wouldn't report anything.</p> <p>09:15:47 <b>23 Q.</b> Does the term "signature" appear anywhere in the '194</p> <p>09:15:52 <b>24</b> patent?</p> <p>09:15:52 <b>25 A.</b> No.</p>

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09:15:53 **1** Q. Let's take a look at one more piece of evidence from  
 09:15:56 **2** Dr. Medvidovic's presentation. That's PTX-1224.  
 09:16:04 **3** If you could highlight for us this phrase,  
 09:16:07 **4** "Therefore, this sample."  
 09:16:14 **5** Do you recall the testimony of Dr. Medvidovic  
 09:16:17 **6** regarding this particular document and the statement here on  
 09:16:20 **7** the screen?  
 09:16:20 **8** A. Yes, I do.  
 09:16:23 **9** Q. And do you recall what he actually said about this  
 09:16:29 **10** particular document?  
 09:16:29 **11** A. Well, he presented this, again, as evidence that this  
 09:16:35 **12** particular limitation is met.  
 09:16:36 **13** Q. Do you agree with that assessment?  
 09:16:39 **14** A. No.  
 09:16:39 **15** Q. And why not?  
 09:16:41 **16** A. Well, can I explain what this document is?  
 09:16:43 **17** Q. Absolutely.  
 09:16:45 **18** A. This is a signature. Could you temporarily not  
 09:16:49 **19** highlight that so I can see the whole document in front of  
 09:16:52 **20** me?  
 09:16:53 **21** Let me just take a quick look here.  
 09:16:58 **22** Okay. Yeah. You can -- if you want to  
 09:17:00 **23** highlight something, that's fine.  
 09:17:02 **24** But this is -- this is a portion of a file that  
 09:17:06 **25** contains a number of signatures, and what we are looking at

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09:17:10 **1** here is an explanation of -- of how a particular signature  
 09:17:17 **2** is going to work or what it's going to look for.  
 09:17:19 **3** This actually may be an excerpt that was taken  
 09:17:22 **4** out to sort of document the process of writing signatures.  
 09:17:26 **5** Q. And why is this statement about "this sample performs  
 09:17:31 **6** the following suspicious computer operations" not evidence  
 09:17:34 **7** of this limitation, in your opinion?  
 09:17:37 **8** A. Well, this isn't the downloadable. This is a  
 09:17:39 **9** signature that was prepared by a Symantec employee prior to  
 09:17:45 **10** any downloadable being received by the gateway. Okay.  
 09:17:50 **11** This is -- it's true that in the signature,  
 09:17:53 **12** there may be mention or even a list of suspicious operations  
 09:17:56 **13** that the signature wants to find, but what the patent talks  
 09:18:00 **14** about is extracting a list of suspicious operations from the  
 09:18:04 **15** downloadable. This is not the right place.  
 09:18:07 **16** The list of operations of the signature is not  
 09:18:09 **17** the same as extracting the list of suspicious operations  
 09:18:14 **18** from the downloadable.  
 09:18:15 **19** Q. Again, who would have created signatures? Would it  
 09:18:18 **20** have been the Matrix component or would it have been a  
 09:18:20 **21** Symantec employee?  
 09:18:20 **22** A. This signature was written by hand by a Symantec  
 09:18:23 **23** employee.  
 09:18:24 **24** Q. And is that the same or different than the technique  
 09:18:27 **25** claimed in the '194 patent?

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09:18:29 **1** A. No. In the '194 patent -- we saw Figure 7, which  
 09:18:36 **2** explains how each command, one after another, is examined,  
 09:18:39 **3** and the suspicious ones are taken out and put on a list.  
 09:18:44 **4** Q. Thank you.  
 09:18:45 **5** Let's look at another piece of evidence that Dr.  
 09:18:49 **6** Medvidovic presented. That's PTX-1022.  
 09:18:54 **7** This is taken from the Symantec Web Security  
 09:18:57 **8** Implementation Guide.  
 09:19:00 **9** If we could go to Page 279 in this document.  
 09:19:08 **10** Doctor, do you recall testimony from Finjan's  
 09:19:10 **11** expert regarding this particular diagram?  
 09:19:14 **12** A. Yes, I do.  
 09:19:16 **13** Q. And before we get your opinion, what are we looking at  
 09:19:19 **14** here? What is this showing?  
 09:19:21 **15** A. Can you go back out so I can see the whole thing again  
 09:19:24 **16** just to refresh my memory? Okay. Now can we zoom back in?  
 09:19:34 **17** Well, this is sort of a dialogue box for  
 09:19:37 **18** configuring the product.  
 09:19:38 **19** Q. Now, is there anything on this page that describes or  
 09:19:42 **20** indicates the Matrix component as a component that somehow  
 09:19:46 **21** generates a list of suspicious operations from the  
 09:19:48 **22** downloadable?  
 09:19:49 **23** A. No. This diagram doesn't say anything about Matrix  
 09:19:52 **24** and it doesn't say anything about a list of suspicious  
 09:19:54 **25** operations.

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09:19:57 **1** Q. Let's look at one more piece of evidence, and this I  
 09:20:05 **2** think is the final piece of evidence that Dr. Medvidovic  
 09:20:07 **3** presented. That's JTX-341. This is a Matrix API document.  
 09:20:15 **4** Do you recall this document?  
 09:20:16 **5** A. Yes.  
 09:20:16 **6** Q. Let's go to Bates No. 908.  
 09:20:22 **7** Let me know once you had a chance to look  
 09:20:25 **8** through this page and I want to focus your attention on the  
 09:20:28 **9** bottom portion.  
 09:20:29 **10** A. Okay.  
 09:20:30 **11** Q. So if you blow up the "Detected threat list" section  
 09:20:35 **12** at the bottom.  
 09:20:38 **13** First of all, have you had a chance to analyze  
 09:20:40 **14** this particular description and compare it against the  
 09:20:42 **15** actual source code?  
 09:20:44 **16** A. Yes, I have.  
 09:20:46 **17** Q. And are the statements here accurate or inaccurate?  
 09:20:49 **18** A. They are accurate.  
 09:20:51 **19** Q. Does this statement indicate to you that there is a  
 09:20:55 **20** list of suspicious operations being extracted from the  
 09:20:59 **21** downloadable in the Matrix component?  
 09:21:01 **22** A. No. That's not what it indicates.  
 09:21:03 **23** Q. What is this indicating to us?  
 09:21:04 **24** A. Well, it talks about a function, which is a function  
 09:21:09 **25** internal to the Matrix software, called "Matrix Scan

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09:21:13 **1** Stream," and it says, "returns that it has detected a  
 09:21:19 **2** threat, it also returns a list of the detected threats."  
 09:21:23 **3** First of all, the detected threats, those are  
 09:21:25 **4** the threat I.D.s, which are numbers indicating which  
 09:21:29 **5** signatures matched. They are not operations. They are not  
 09:21:32 **6** suspicious operations.  
 09:21:33 **7** Second, this is a function that's internal to  
 09:21:35 **8** Matrix, when Matrix finally goes back to the AV engine and  
 09:21:39 **9** says, I found something, you decide what to do about it, it  
 09:21:44 **10** sends back only a single threat I.D., not a list.  
 09:21:52 **11** Q. Having gone through the independent claim, I want to  
 09:21:54 **12** have you take a look at the three other asserted independent  
 09:21:59 **13** claims of the '194 patent. That's SYMDX12-3.  
 09:22:07 **14** And Doctor, do you see that we have Claim 32,  
 09:22:09 **15** Claim 65, and Claim 66 on the screen?  
 09:22:13 **16** A. Yes, I see that.  
 09:22:14 **17** Q. And with respect to your opinions about the comparing  
 09:22:21 **18** a downloadable security profile data containing a list of  
 09:22:25 **19** suspicious operations, what are your opinions with respect  
 09:22:28 **20** to each of these independent claims?  
 09:22:30 **21** A. Well, just as for Claim 1, each of these claims  
 09:22:35 **22** contains a limitation which has this language that indicates  
 09:22:40 **23** that the downloadable security profile data includes a list  
 09:22:44 **24** of suspicious security operations.  
 09:22:49 **25** Perhaps Mr. Shirazi can highlight that in each

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09:22:52 **1** of the claims for me.  
 09:22:55 **2** So for Claim 32, that's just not present in the  
 09:22:59 **3** Matrix software.  
 09:23:00 **4** For Claim 65, the same language is there.  
 09:23:03 **5** That's not present in the Matrix software.  
 09:23:07 **6** And then for Claim 66, the same language is  
 09:23:10 **7** there.  
 09:23:12 **8** Every independent claim in this patent requires  
 09:23:14 **9** that the downloadable security profile includes a list of  
 09:23:18 **10** suspicious computer operations.  
 09:23:20 **11** Q. You also understand, sir, that there is some dependent  
 09:23:23 **12** claims that have been asserted in this case for the '194  
 09:23:26 **13** patent?  
 09:23:27 **14** A. Yes, I do.  
 09:23:27 **15** Q. What are your opinions with respect to the dependent  
 09:23:29 **16** claims that depend from these independent claims that we  
 09:23:32 **17** have discussed?  
 09:23:33 **18** A. My understanding of dependent claims in patent is that  
 09:23:37 **19** a dependent claim must satisfy all of the -- in order for it  
 09:23:43 **20** to be infringed, all the limitations in the independent  
 09:23:47 **21** claim from which it derives must be met, in addition to  
 09:23:51 **22** whatever is specified in the dependent claims.  
 09:23:55 **23** Since all of the dependent claims depend on  
 09:24:00 **24** these four independent claims, it's my opinion that none of  
 09:24:03 **25** the dependent claims are infringed either.

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09:24:09 **1** Q. In the interest of time, I am only going the focus on  
 09:24:12 **2** one dependent claim from the '194 patent. That's Dependent  
 09:24:18 **3** Claim 58. Can I have that on the screen, PTX-1112.  
 09:24:29 **4** This is the evidence that Dr. Medvidovic  
 09:24:32 **5** presented regarding the Dependent Claim 58.  
 09:24:37 **6** THE COURT: Can you confirm that, Doctor?  
 09:24:40 **7** THE WITNESS: Could I see Dependent Claim 58?  
 09:24:43 **8** MR. PAK: Sure. Absolutely. If we could have  
 09:24:45 **9** the patent and Dependent Claim 58.  
 09:24:55 **10** BY MR. PAK:  
 09:24:56 **11** Q. Doctor, do you see that Claim 58 describes a  
 09:25:00 **12** "comparator for comparing a URL from which the downloadable  
 09:25:04 **13** originated from originated against a known URL"?  
 09:25:08 **14** A. Yes. Thank you for refreshing my memory.  
 09:25:10 **15** Q. Let's go back to the document, PTX-1112.  
 09:25:13 **16** Do you recall whether Dr. Medvidovic presented  
 09:25:15 **17** this document as evidence against this particular claim?  
 09:25:17 **18** A. Yes, he did.  
 09:25:18 **19** Q. Have you had a chance to look at this particular  
 09:25:20 **20** document?  
 09:25:20 **21** A. I have.  
 09:25:21 **22** Q. Does this document provide any indication relating to  
 09:25:26 **23** the limitations set forth in Claim 58 with respect to the  
 09:25:30 **24** Matrix component?  
 09:25:30 **25** A. Could I see the claim one more time?

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09:25:37 **1** Q. Sure.  
 09:25:45 **2** A. Okay. Could we go back, then, to the document?  
 09:25:51 **3** The document doesn't indicate that it's talking  
 09:25:54 **4** about the Matrix component.  
 09:25:57 **5** Q. And are there other components inside of the Symantec  
 09:26:00 **6** products other than the Matrix component that might be using  
 09:26:03 **7** this particular technology?  
 09:26:05 **8** A. It could be that anything described on this page was  
 09:26:07 **9** implemented by some other component of Symantec's product,  
 09:26:10 **10** but there is no indication that anything specific here is  
 09:26:15 **11** performed by the Matrix.  
 09:26:18 **12** Q. Now we are going to turn to the other patent. That's  
 09:26:20 **13** the '962 patent.  
 09:26:22 **14** And if you could remind us, is that the gateway  
 09:26:25 **15** patent or the client patent?  
 09:26:26 **16** A. No. The '962 patent is a little bit different. It  
 09:26:29 **17** describes software that runs on the client, the actual end  
 09:26:36 **18** user's computer, and it's essentially looking at a  
 09:26:41 **19** downloadable after it's already begun execution on the  
 09:26:44 **20** client to see if it might be up to no good.  
 09:26:48 **21** Q. And remind us again, what is the accused technology  
 09:26:52 **22** from Symantec for the '962?  
 09:26:54 **23** A. It's a software component called BASH Version 6.0 and  
 09:26:58 **24** later.  
 09:26:59 **25** Q. And I will put up on the screen a demonstrative that I

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