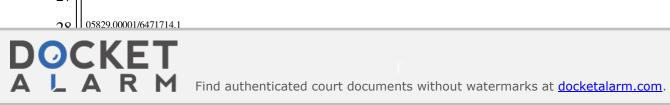
1	PAUL J. ANDRE (State Bar No. 196585) pandre@kramerlevin.com	QUINN EMANUEL URQUHART & SULLIVAN, LLP
2	LISA KOBIALKA (State Bar No. 191404)	Jennifer A. Kash (Bar No. 203679)
3	lkobialka@kramerlevin.com	jenniferkash@quinnemanuel.com
	JAMES HANNAH (State Bar No. 237978) jhannah@kramerlevin.com	Sean Pak (Bar No. 219032) seanpak@quinnemanuel.com
4	KRAMER LEVIN NAFTALIS & FRANKEL	Iman Lordgooei (Bar No. 251320)
5	LLP	imanlordgooei@quinnemanuel.com
6	990 Marsh Road Menlo Park, CA 94025	Howard Chen (Bar No. 265015)
	Telephone: (650) 752-1700	howardchen@quinnemanuel.com 50 California Street, 22 <sup>nd</sup> Floor
7	Facsimile: (650) 752-1800	San Francisco, California 94111-4788
8	Attorneys for Plaintiff	Telephone: (415) 875-6600
9	FINJAN, INC.	Facsimile: (415) 875-6700
9		Attorneys for Defendants
10		PROOFPOINT, INC. and ARMORIZE
11		TECHNOLOGIES, INC.
12		
13	IN THE UNITED ST	ATES DISTRICT COURT
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14	FOR THE NORTHERN	DISTRICT OF CALIFORNIA
15		DISTRICT OF CALIFORNIA SE DIVISION
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15	SAN JO	SE DIVISION
15 16	SAN JO FINJAN, INC., a Delaware Corporation,	SE DIVISION  Case No.: 13-CV-05808-BLF  JOINT CLAIM CONSTRUCTION AND PRE-HEARING STATEMENT
15 16 17	SAN JO FINJAN, INC., a Delaware Corporation, Plaintiff, v. PROOFPOINT, INC. AND ARMORIZE	SE DIVISION  Case No.: 13-CV-05808-BLF  JOINT CLAIM CONSTRUCTION AND
15 16 17 18	SAN JO FINJAN, INC., a Delaware Corporation, Plaintiff, v. PROOFPOINT, INC. AND ARMORIZE TECHNOLOGIES, INC.,	SE DIVISION  Case No.: 13-CV-05808-BLF  JOINT CLAIM CONSTRUCTION AND PRE-HEARING STATEMENT PURSUANT TO PATENT LOCAL RULE
15 16 17 18 19	SAN JO FINJAN, INC., a Delaware Corporation, Plaintiff, v. PROOFPOINT, INC. AND ARMORIZE	SE DIVISION  Case No.: 13-CV-05808-BLF  JOINT CLAIM CONSTRUCTION AND PRE-HEARING STATEMENT PURSUANT TO PATENT LOCAL RULE
15 16 17 18 19 20	SAN JO FINJAN, INC., a Delaware Corporation, Plaintiff, v. PROOFPOINT, INC. AND ARMORIZE TECHNOLOGIES, INC.,	SE DIVISION  Case No.: 13-CV-05808-BLF  JOINT CLAIM CONSTRUCTION AND PRE-HEARING STATEMENT PURSUANT TO PATENT LOCAL RULE
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15 16 17 18 19 20 21 22 23 24	SAN JO FINJAN, INC., a Delaware Corporation, Plaintiff, v. PROOFPOINT, INC. AND ARMORIZE TECHNOLOGIES, INC.,	SE DIVISION  Case No.: 13-CV-05808-BLF  JOINT CLAIM CONSTRUCTION AND PRE-HEARING STATEMENT PURSUANT TO PATENT LOCAL RULE



Pursuant to the Court's Case Management Order and Patent L.R. 4-3 Plaintiff Finjan, Inc. ("Finjan") and Defendants Proofpoint, Inc. and Armorize Technologies, Inc. (collectively "Proofpoint" or "Defendants") hereby submit this Joint Claim Construction and Pre-Hearing Statement.

### I. PATENT L.R. 4-3(a): CLAIM TERMS ON WHICH THE PARTIES AGREE.

During the meet and confer process, the parties have agreed to the following constructions:

Claim Term	Agreed Construction
Downloadable	an executable application program, which is downloaded from a source computer and run on the destination computer
Security Context	an environment in which a software application is run, which may limit resources that the application is permitted to access or operations that the application is permitted to perform
CODE-A	potentially malicious executable code
CODE-B	executable wrapper code
CODE-C	combined code

#### II. PATENT L.R. 4-3(b): PROPOSED CONSTRUCTION OF EACH DISPUTED TERM.

The parties' proposed claim constructions are provided below. All supporting evidence for the parties' claim constructions is provided in Exhibit A.<sup>1</sup> The parties reserve their rights to cite additional supporting evidence based on arguments raised in the claim construction briefs. The parties propose that, for the purposes of identifying claim terms for construction, a party's designation of a term that appears across multiple patents shall only count as a single term to be construed to the extent the intrinsic record does not change the meaning across the patents. Additionally, the parties propose that for the purposes of construing the terms identified herein, if the same term appears across multiple

<sup>&</sup>lt;sup>1</sup> In support of any claim construction argument, the parties reserve the right to rely on any inconsistent positions taken by either party in any other proceeding concerning the asserted patents, as well as any of the evidence cited by the other party.



related patents in the same family, to the extent the intrinsic evidence does not require a different result, it shall have the same meaning for all of those patents, as noted below.

Moreover, it is Proofpoint's position that similar terms for which the same or substantially similar construction is proposed and rely on the same or substantially similar intrinsic and extrinsic evidence, should be construed together and counted as only a single term to be construed. Finjan disagrees with Proofpoint's position.

U.S. Patent No. 6,154,844					
Claim Term	Claim(s)	Finjan's Proposed Construction	Defendants' Proposed Construction		
means for receiving a Downloadable	43	Governed by 35 U.S.C. § 112(6):	means-plus-function under § 112, ¶ 6		
Downloadable		Function: receiving a Downloadable	function: receiving a Downloadable		
		Structure: Downloadable file interceptor	structure: indefinite for failure to disclose corresponding structure/algorithm		
means for generating a first	43	Governed by 35 U.S.C. § 112(6):	means-plus-function under § 112, ¶ 6		
Downloadable security profile that identifies suspicious code in the received Downloadable		Function: generating a first Downloadable security profile that identifies suspicious code in the received Downloadable	function: generating a first Downloadable security profile that identifies suspicious code in the received Downloadable  structure: indefinite for failure to disclose corresponding		
		Structure: content inspection engine	structure/algorithm		
means for linking the first	43	Governed by 35 U.S.C. § 112(6):	means-plus-function under § 112, ¶ 6		
Downloadable security profile to the Downloadable before a web server makes the Downloadable available to web clients		Function: linking the first Downloadable security profile to the Downloadable before a web server makes the Downloadable available to web clients	function: linking the first Downloadable security profile to the Downloadable before a web server makes the Downloadable available to web clients  structure: indefinite for failure to disclose corresponding		

U.S. Patent No. 6,1 Claim Term	Claim(s)	Finjan's Proposed Construction	Defendants' Proposed Construction
		Structure: content inspection engine	structure/algorithm
Downloadable security profile that identifies suspicious code in [a / the] [received] Downloadable	1, 15, 32, 42, 43	a profile that identifies hostile or potentially hostile operations in the Downloadable	a profile that identifies code in treceived Downloadable that performs hostile or potentially hostile operations
before [a /the] web server make[s] the Downloadable available to [the] web client[s]	1, 15, 32, 42, 43	No construction necessary  – Plain and ordinary meaning.	before [a/the] non-network gateway web server make[s] the Downloadable available to web clients
web client[s]	1, 15, 32, 42, 43	No construction necessary  – Plain and ordinary meaning.	an application on a user comput that requests and downloads we page data from a web server
web server	1, 15, 32, 42, 43	No construction necessary  – Plain and ordinary meaning.	non-network gateway web serve
linking the first Downloadable security profile to the Downloadable	1, 15, 43	No construction necessary  – Plain and ordinary meaning.	creating an association from the Downloadable to the first Downloadable security profile, including using a pointer from the Downloadable to the profile or attaching the profile to the Downloadable
Downloadable [includes / with] a linked [first] Downloadable security profile	32, 42	No construction necessary  – Plain and ordinary meaning.	Downloadable [includes / with] association to a [first] Downloadable security profile, including using a pointer from t Downloadable to the profile or attaching the profile to the Downloadable
security policy	32, 42	No construction necessary  – Plain and ordinary meaning.	a set of rules for managing whether to allow or block a Downloadable to an intended



U.S. Patent No. 6,1 Claim Term	Claim(s)	Finjan's Proposed Construction	Defendants' Proposed Construction
			recipient
receiving by an inspector a Downloadable; generating by the inspector a first Downloadable security profile that identifies suspicious code in the received Downloadable; and linking by the inspector the first Downloadable security profile to the Downloadable security profile to the Downloadable before a web server makes the Downloadable available to web clients.	1	No construction necessary  – Plain and ordinary meaning.	"inspector" is means-plus-function under § 112, ¶ 6  function: receiving a  Downloadable, generating a  Downloadable security profile that identifies suspicious code in the received Downloadable, and linking the first Downloadable security profile to the  Downloadable before a web server makes the Downloadable available to web clients  structure: the algorithm performed by the content inspection engine 160 and disclosed at Fig. 6 and col. 8, 1. 47 − col. 9, 1. 16
a first content inspection engine for using the first rule set to generate a first Downloadable security profile that identifies suspicious code in a Downloadable, and for linking the first Downloadable security profile to the Downloadable before a web server makes the Downloadable available to web clients	15	No construction necessary  – Plain and ordinary meaning.	means-plus-function under § 112, ¶ 6  function: using the first rule set to generate a first Downloadable security profile that identifies suspicious code in a Downloadable, and linking the first Downloadable security profile to the Downloadable before a web server makes the Downloadable available to web clients  structure: the algorithm performed by the content inspection engine 160 and disclosed at Fig. 6 and col. 8, 1. 47 – col. 9, 1. 16



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