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CORPORATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

FINJAN, INC., a Delaware Corporation, Plaintiff, v. SYMANTEC CORP., a Delaware Corporation, Defendant.	Case No.: 3:14-CV-02998-HSG **JOINT CLAIM CONSTRUCTION AND PRE-HEARING STATEMENT PURSUANT TO PATENT LOCAL RULE 4-3**

Pursuant to the Court's Scheduling Order (Dkt. No. 56) and Patent L.R. 4-3 Plaintiff Finjan, Inc. ("Finjan") and Defendant Symantec Corporation ("Symantec" or "Defendant") hereby submit this Joint Claim Construction and Pre-Hearing Statement.

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

During the meet and confer process, the parties agreed to the construction of the following term:

Claim Term	Agreed Construction
Downloadable security profile that identifies suspicious code in the received Downloadable	a profile that identifies code in the received Downloadable that performs hostile or potentially hostile operations

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

The parties' proposed claim constructions are provided below.[1] All supporting evidence for the parties' claim constructions is provided in Exhibit A. The parties reserve their rights to cite additional supporting evidence based on arguments raised in the claim construction briefs.

U.S. Patent No. 6,154,844			
Claim Term	Claim(s)	Finjan's Proposed Construction	Defendants' Proposed Construction
Downloadable	1, 15, 41, 43	an executable application program, which is downloaded from a source computer and run on the destination computer	mobile code that is requested by an ongoing process and downloaded from a source computer to a destination computer for automatic execution
means for receiving a Downloadable	43	Governed by 35 U.S.C. § 112(6): **Function**: receiving a Downloadable	means-plus-function under § 112, ¶ 6 **Function**: receiving a Downloadable **Corresponding structure**:

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[1] The identified claim numbers refer to the asserted independent claims where the term appears unless the term only appears in certain asserted dependent claims which are identified.

U.S. Patent No. 6,154,844			
Claim Term	**Claim(s)**	**Finjan's Proposed Construction**	**Defendants' Proposed Construction**
		Structure: Downloadable file interceptor	indefinite for failure to disclose corresponding structure/algorithm
means for generating a first Downloadable security profile that identifies suspicious code in the received Downloadable	43	Governed by 35 U.S.C. § 112(6): **Function:** generating a first Downloadable security profile that identifies suspicious code in the received Downloadable **Structure:** content inspection engine	means-plus-function under § 112, ¶ 6 **Function:** generating a first Downloadable security profile that identifies suspicious code in the received Downloadable **Corresponding structure**: a processor programmed to perform the algorithm disclosed at col. 5, lines 42-45 and col. 9, lines 20-42 of U.S. Patent No. 6,092,194
means for linking the first Downloadable security profile to the Downloadable before a web server makes the Downloadable available to web clients	43	Governed by 35 U.S.C. § 112(6): **Function:** linking the first Downloadable security profile to the Downloadable before a web server makes the Downloadable available to web clients **Structure:** content inspection engine	means-plus-function under § 112, ¶ 6 **Function**: linking the first Downloadable security profile to the Downloadable before a web server makes the Downloadable available to web clients **Corresponding structure**: a processor programmed to perform the algorithm of steps 630 and 645 disclosed at Fig. 6, col. 8 lines 65-67, col. 6, lines 13-24, and col. 5, lines 3-13
before a web server makes the Downloadable available to web clients	1, 15, 41, 43	No construction necessary – Plain and ordinary meaning.	before [a/the] non-network gateway web server make[s] the Downloadable available to web clients
a first content inspection engine	15	No construction necessary – Plain and ordinary meaning.	means-plus-function under § 112, ¶ 6

U.S. Patent No. 6,154,844			
Claim Term	**Claim(s)**	**Finjan's Proposed Construction**	**Defendants' Proposed Construction**
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			**Function**: 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 **Corresponding structure**: a processor programmed to perform the algorithm disclosed at col. 5, lines 42-45 and col. 9, lines 20-42 of U.S. Patent No. 6,092,194 , and the algorithm of steps 630 and 645 disclosed at Fig. 6, col. 8 lines 65-67, col. 6, lines 13-24, and col. 5, lines 3-13 of the '844 patent.

U.S. Patent No. 7,613,926			
Claim Term	**Claim(s)**	**Finjan's Proposed Construction**	**Defendants' Proposed Construction**
Downloadable	1, 8, 15, 22, 29, 30	an executable application program, which is downloaded from a source computer and run on the destination computer	mobile code that is requested by an ongoing process and downloaded from a source computer to a destination computer for automatic execution
append[er/ed/ing]	1,8, 29	No construction necessary – Plain and ordinary meaning.	attach to the end of
database	1, 8, 15, 22, 29, 30	a collection of interrelated data organized according to a database schema to serve one or more applications	organized collection of data

U.S. Patent No. 8,667,494			
Claim Term	**Claim(s)**	**Finjan's Proposed Construction**	**Defendants' Proposed Construction**
Downloadable	1, 10	an executable application program, which is downloaded from a source computer and run on the destination computer	mobile code that is requested by an ongoing process and downloaded from a source computer to a destination computer for automatic execution
database	1, 10	a collection of interrelated data organized according to a database schema to serve one or more applications	organized collection of data

U.S. Patent No. 7,756,996			
Claim Term	**Claim(s)**	**Finjan's Proposed Construction**	**Defendants' Proposed Construction**
network gateway computer	1	No construction necessary – Plain and ordinary meaning.	a computer that is a point of contact between different networks
non-HTTP management data	1, 4, 7	No construction necessary – Plain and ordinary meaning.	management data that the management server transmits and receives using a non-HTTP transport protocol

U.S. Patent No. 7,757,289			
Claim Term	**Claim(s)**	**Finjan's Proposed Construction**	**Defendants' Proposed Construction**
protecting a computer from dynamically generated malicious content	1, 10, 19, 22, 35, 41	No construction necessary of preamble. If construed, plain and ordinary meaning should apply.	Preamble is limiting. protecting a computer from malicious content that is generated at run-time
content processor	10	No construction necessary – Plain and ordinary meaning.	software that renders the content for interactive viewing on a display monitor

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