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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.
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30 (Redwood Shores, CA)
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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.

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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 demonstrative 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.

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09:05:51 **1 Q.** Now, based on the actual source code reviewed and the

09:05:55 **2 testimony that you heard from Mr. Coleman, is it possible**

09:05:59 **3 that Dr. Medvidovic's demonstration actually showed the**

09:06:03 **4 operation of the accused Matrix components?**

09:06:06 **5 A.** No. Matrix didn't block that ActiveX file.

09:06:03 **6 Q.** Is it possible for Matrix to ever block ActiveX files?

09:06:09 **7 A.** Matrix can't scan ActiveX files. I have looked at the

09:06:15 **8 code. In fact, Dr. Coleman showed the code where Matrix**

09:06:18 **9 only looks for Visual Basic Script or JavaScript or html.**

09:06:23 **10 And furthermore, it doesn't even make sense to perform the**

09:06:26 **11 step of tokenization on an ActiveX file because that's not**

09:06:30 **12 source code. It's machine code.**

09:06:33 **13 Q.** And have you looked into the issue of which component

09:06:37 **14 inside of the Symantec product actually blocked the ActiveX**

09:06:40 **15 file that Dr. Medvidovic showed us?**

09:06:42 **16 A.** Yes, I have.

09:06:43 **17 Q.** And which component was that again?

09:06:44 **18 A.** It's called the Trojan scanner.

09:06:47 **19 Q.** And what type of technology does the Trojan scanner

09:06:52 **20 use?**

09:06:52 **21 A.** It's a signature-based technology.

09:06:55 **22 Q.** Thank you, Doctor.

09:06:56 **23** Yesterday, we also discussed your views on the

09:07:00 **24 term "behavior" or "behavior-based technology" as a**

09:07:03 **25 marketing term. Do you recall that?**

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09:07:06 **1 A.** Yes.

09:07:08 **2 Q.** Yes or no, sir, do you believe that Finjan's patents

09:07:13 **3 cover all forms of behavior technology for blocking viruses**

09:07:14 **4 and malware?**

09:07:14 **5 A.** No.

09:07:15 **6 Q.** And why not?

09:07:16 **7 A.** Well, it, with any patent, you actually have to look

09:07:21 **8 at the specific language in the claims to see what the scope**

09:07:24 **9 of the patent is. And the language there is, it's pretty**

09:07:29 **10 specific. It explains exactly what's covered. And it**

09:07:32 **11 certainly doesn't encompass all behavior blocking**

09:07:36 **12 technology, especially as that term is used, to cover a wide**

09:07:40 **13 variety of things.**

09:07:41 **14 Q.** Does the term "behavior" or "behavior blocking" ever

09:07:47 **15 appear in the patents?**

09:07:48 **16 A.** No. The term "behavior" isn't in the patents.

09:07:52 **17 Q.** With that recap, let's go back to the '194 patent. As

09:07:55 **18 I promised you yesterday, what we are going to do is walk**

09:07:59 **19 through each piece of evidence that Dr. Medvidovic presented**

09:08:02 **20 and have you respond to that evidence. Are you with me?**

09:08:06 **21 A.** Yes, I am with you.

09:08:07 **22 Q.** Great. Remind us, as we look at each claim

09:08:12 **23 limitation, what are the two questions you are asking**

09:08:14 **24 yourself?**

09:08:15 **25 A.** What I would ask myself is: Is this limitation in the

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09:08:17 **1 claim present? And if it is present, is it in the right**

09:08:21 **2 place, meaning, is it's in Symantec's software?**

09:08:25 **3 Q.** Mr. Shirazi, let's have SYMDX12-2.

09:08:32 **4** Doctor, I'd like to focus your attention on the

09:08:35 **5 second limitation that includes the phrase, "The**

09:08:38 **6 downloadable security profile data includes a list of**

09:08:41 **7 suspicious computer operations."**

09:08:45 **8** Do you recall identifying that as the missing

09:08:47 **9 limitation in the accused Symantec products?**

09:08:49 **10 A.** Well, actually, the whole limitation is missing,

09:08:53 **11 starting with the word "comparing," but the primary reason**

09:08:56 **12 it's missing is because there is never a creation of a list**

09:08:59 **13 of suspicious computer operations that's included in a**

09:09:04 **14 downloadable security profile data.**

09:09:07 **15 Q.** And based on the source code, is the Matrix component

09:09:11 **16 capable of creating or extracting a downloadable security**

09:09:16 **17 profile data that includes a list of suspicious computer**

09:09:20 **18 operations?**

09:09:20 **19 A.** It doesn't do that.

09:09:23 **20 Q.** And did Dr. Medvidovic, in performing his infringement

09:09:25 **21 presentation to us, actually cite or analyze any source code**

09:09:28 **22 for this particular notation?**

09:09:31 **23 A.** No, he didn't. He didn't show any source code that

09:09:34 **24 does this or any source code at all.**

09:09:36 **25 Q.** And were you here, sir, when Mr. Coleman testified and

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09:09:39 **1 explained to us and showed us the actual source code that**

09:09:43 **2 corresponded to the actual operation of the Matrix**

09:09:46 **3 component?**

09:09:46 **4 A.** He did show a portion of that, and I did see that.

09:09:49 **5 Q.** And have you had a chance to analyze the source code

09:09:51 **6 independently and verify that Mr. Coleman is correct about**

09:09:54 **7 the operation of the source code?**

09:09:55 **8 A.** Yes. I was well familiar with that source code before

09:09:57 **9 he presented it.**

09:09:58 **10 Q.** And what does that source code tell us?

09:10:01 **11 A.** What he showed was a portion of the source code where,

09:10:05 **12 after the signatures have been applied against the tokenized**

09:10:10 **13 version of the JavaScript, there is a list of which**

09:10:13 **14 signatures matched.**

09:10:16 **15** And the source code he showed was the point

09:10:19 **16 where a single one of those signatures is selected, and the**

09:10:23 **17 identification for that signature is referred to the AV**

09:10:29 **18 engine, which will then decide what to do about it.**

09:10:32 **19** I note that that wasn't a list of operations.

09:10:34 **20 That was just a list of identification numbers of**

09:10:36 **21 signatures, not suspicious operations.**

09:10:39 **22 Q.** And remind us again, what is actually returned back to

09:10:43 **23 the AV engine?**

09:10:44 **24 A.** It's a number. It's called a threat I.D., an

09:10:48 **25 identification number, indicating which signature matched.**

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<p>09:10:50 1 Q. Is that a list of anything?</p> <p>09:10:51 2 A. No. It's just one number.</p> <p>09:10:54 3 Q. Even if multiple signatures were detected, does it</p> <p>09:10:56 4 return a single number or multiple numbers?</p> <p>09:11:00 5 A. One number.</p> <p>09:11:01 6 Q. Now, let's look at the first document that</p> <p>09:11:04 7 Dr. Medvidovic presented to us as part of his infringement</p> <p>09:11:08 8 analysis. Let's put up PTX-856.</p> <p>09:11:14 9 Do you recall, Doctor, this was the Script</p> <p>09:11:16 10 Scanning document relating to the project Matrix, and it was</p> <p>09:11:21 11 written by Darren Chi. Do you recall that?</p> <p>09:11:25 12 A. Yes.</p> <p>09:11:25 13 Q. And let's turn to Page 5 in this document. I think we</p> <p>09:11:28 14 have seen this figure several times in the trial.</p> <p>09:11:32 15 Do you recall that Dr. Medvidovic relied on this</p> <p>09:11:34 16 block diagram as evidence with respect to the limitation we</p> <p>09:11:38 17 are discussing now?</p> <p>09:11:39 18 A. Yes, I do.</p> <p>09:11:40 19 Q. And, specifically, do you recall that Dr. Medvidovic</p> <p>09:11:44 20 identified the threat definition execution unit as the</p> <p>09:11:47 21 component that would perform this extraction of the list of</p> <p>09:11:51 22 suspicious operations?</p> <p>09:11:52 23 A. I do remember that he indicated that that component</p> <p>09:11:56 24 was involved in infringing the patent, yes.</p> <p>09:12:01 25 Q. Have you had a chance now to analyze the actual source</p>	<p>09:13:13 1 A. No other component does that. It's just not done.</p> <p>09:13:17 2 Q. Let's look at one more point of evidence from</p> <p>09:13:22 3 Dr. Medvidovic's presentation. That's PTX-1071. Thank you.</p> <p>09:13:30 4 This is the Software Design Document. Do you</p> <p>09:13:33 5 recall that document?</p> <p>09:13:37 6 A. Yes. I have seen this.</p> <p>09:13:40 7 Q. And, again, Dr. Medvidovic cited this document as</p> <p>09:13:43 8 purported evidence that somehow the Matrix component</p> <p>09:13:46 9 extracts a list of suspicious operations?</p> <p>09:13:48 10 THE COURT: I guess you can ask him if he</p> <p>09:13:52 11 observed of the doctor.</p> <p>09:13:53 12 MR. PAK: Thank you.</p> <p>09:13:55 13 BY MR. PAK:</p> <p>09:13:55 14 Q. Did you observe Dr. Medvidovic testifying about this</p> <p>09:13:58 15 document?</p> <p>09:13:58 16 A. Yes, I did.</p> <p>09:13:59 17 Q. What is your opinion with respect to this document and</p> <p>09:14:01 18 how it relates to the limitation at issue?</p> <p>09:14:04 19 A. This document never says anything about extracting a</p> <p>09:14:08 20 list of suspicious operations.</p> <p>09:14:11 21 It talks about the signatures, which are also</p> <p>09:14:14 22 known as "script definitions," just confirming that what</p> <p>09:14:20 23 Matrix does is it applies signatures against the JavaScript</p> <p>09:14:25 24 or Visual Basic Script.</p> <p>09:14:27 25 Q. Can you remind us again, how are signature scanning</p>
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<p>09:12:05 1 code and also Mr. Coleman's deposition and trial testimony</p> <p>09:12:08 2 related to this figure?</p> <p>09:12:09 3 A. Yes, I have.</p> <p>09:12:11 4 Q. And what has that analysis revealed to you about</p> <p>09:12:13 5 whether all of the components in this block diagram are</p> <p>09:12:16 6 actually present in the Matrix source code?</p> <p>09:12:19 7 A. Well, as Mr. Coleman testified yesterday, that threat</p> <p>09:12:23 8 definition unit was never implemented. It never went into</p> <p>09:12:25 9 the source code. And in my analysis of the source code, I</p> <p>09:12:28 10 didn't find it.</p> <p>09:12:29 11 Q. I will show you something that came up in</p> <p>09:12:31 12 Mr. Coleman's deposition that's SYMDX12-10. It's a little</p> <p>09:12:40 13 bit difficult to see on the screen, but do you see these</p> <p>09:12:43 14 hash marks through the blocks labeled toward the lower</p> <p>09:12:46 15 right-hand corner of this block diagram?</p> <p>09:12:48 16 A. Yes, I do.</p> <p>09:12:49 17 Q. And do you recall why those hash marks were made by</p> <p>09:12:53 18 Mr. Coleman during his deposition?</p> <p>09:12:54 19 A. Yeah. My understanding is during his deposition, he</p> <p>09:12:56 20 pointed out that those blocks were never implemented. They</p> <p>09:12:59 21 didn't make it into the final source code.</p> <p>09:13:01 22 Q. So if there is no threat definition execution unit</p> <p>09:13:05 23 inside the Matrix component, is there any other component</p> <p>09:13:08 24 inside of Matrix that is capable of extracting a list of</p> <p>09:13:11 25 suspicious operations?</p>	<p>09:14:30 1 technologies different than what's being claimed in the '194</p> <p>09:14:33 2 patent?</p> <p>09:14:33 3 A. Well, with signature scanning, there is some employee</p> <p>09:14:38 4 at Symantec who, in advance, crafts a signature that is --</p> <p>09:14:45 5 specifies a pattern that you are looking for within the</p> <p>09:14:48 6 downloadable to -- which would indicate if the pattern</p> <p>09:14:52 7 matches, that there is something wrong with it, it's bad.</p> <p>09:14:55 8 And with signature scanning, you take the entire</p> <p>09:14:58 9 downloadable and you run the signature against it and you</p> <p>09:15:00 10 see if you get a match. The patent describes something</p> <p>09:15:03 11 different, which is, you take the downloadable, you go</p> <p>09:15:05 12 through it, and you extract the suspicious operations. That</p> <p>09:15:12 13 list of suspicious operations is part of a downloadable</p> <p>09:15:15 14 security profile, which you then use to compare against a</p> <p>09:15:19 15 policy and determine whether the downloadable is malicious.</p> <p>09:15:24 16 Q. If there were no signatures written for the Matrix</p> <p>09:15:26 17 component, could the Matrix component protect against any</p> <p>09:15:31 18 type of downloadable?</p> <p>09:15:36 19 A. No. Because the way it works is it scans the</p> <p>09:15:39 20 signatures and it only reports back a threat I.D. if there</p> <p>09:15:42 21 is a match. If there were no signatures, there couldn't be</p> <p>09:15:45 22 a match and it wouldn't report anything.</p> <p>09:15:47 23 Q. Does the term "signature" appear anywhere in the '194</p> <p>09:15:52 24 patent?</p> <p>09:15:52 25 A. 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	09:24:09	1 Q. In the interest of time, I am only going the focus on
09:21:19	2 threat, it also returns a list of the detected threats."	09:24:12	2 one dependent claim from the '194 patent. That's Dependent
09:21:23	3 First of all, the detected threats, those are	09:24:18	3 Claim 58. Can I have that on the screen, PTX-1112.
09:21:25	4 the threat I.D.s, which are numbers indicating which	09:24:29	4 This is the evidence that Dr. Medvidovic
09:21:29	5 signatures matched. They are not operations. They are not	09:24:32	5 presented regarding the Dependent Claim 58.
09:21:32	6 suspicious operations.	09:24:37	6 THE COURT: Can you confirm that, Doctor?
09:21:33	7 Second, this is a function that's internal to	09:24:40	7 THE WITNESS: Could I see Dependent Claim 58?
09:21:35	8 Matrix, when Matrix finally goes back to the AV engine and	09:24:43	8 MR. PAK: Sure. Absolutely. If we could have
09:21:39	9 says, I found something, you decide what to do about it, it	09:24:45	9 the patent and Dependent Claim 58.
09:21:44	10 sends back only a single threat I.D., not a list.	09:24:55	10 BY MR. PAK:
09:21:52	11 Q. Having gone through the independent claim, I want to	09:24:56	11 Q. Doctor, do you see that Claim 58 describes a
09:21:54	12 have you take a look at the three other asserted independent	09:25:00	12 "comparator for comparing a URL from which the downloadable
09:21:59	13 claims of the '194 patent. That's SYMDX12-3.	09:25:04	13 originated from originated against a known URL"?
09:22:07	14 And Doctor, do you see that we have Claim 32,	09:25:08	14 A. Yes. Thank you for refreshing my memory.
09:22:09	15 Claim 65, and Claim 66 on the screen?	09:25:10	15 Q. Let's go back to the document, PTX-1112.
09:22:13	16 A. Yes, I see that.	09:25:13	16 Do you recall whether Dr. Medvidovic presented
09:22:14	17 Q. And with respect to your opinions about the comparing	09:25:15	17 this document as evidence against this particular claim?
09:22:21	18 a downloadable security profile data containing a list of	09:25:17	18 A. Yes, he did.
09:22:25	19 suspicious operations, what are your opinions with respect	09:25:18	19 Q. Have you had a chance to look at this particular
09:22:28	20 to each of these independent claims?	09:25:20	20 document?
09:22:30	21 A. Well, just as for Claim 1, each of these claims	09:25:20	21 A. I have.
09:22:35	22 contains a limitation which has this language that indicates	09:25:21	22 Q. Does this document provide any indication relating to
09:22:40	23 that the downloadable security profile data includes a list	09:25:26	23 the limitations set forth in Claim 58 with respect to the
09:22:44	24 of suspicious security operations.	09:25:30	24 Matrix component?
09:22:49	25 Perhaps Mr. Shirazi can highlight that in each	09:25:30	25 A. Could I see the claim one more time?
1975		1977	
09:22:52	1 of the claims for me.	09:25:37	1 Q. Sure.
09:22:55	2 So for Claim 32, that's just not present in the	09:25:45	2 A. Okay. Could we go back, then, to the document?
09:22:59	3 Matrix software.	09:25:51	3 The document doesn't indicate that it's talking
09:23:00	4 For Claim 65, the same language is there.	09:25:54	4 about the Matrix component.
09:23:03	5 That's not present in the Matrix software.	09:25:57	5 Q. And are there other components inside of the Symantec
09:23:07	6 And then for Claim 66, the same language is	09:26:00	6 products other than the Matrix component that might be using
09:23:10	7 there.	09:26:03	7 this particular technology?
09:23:12	8 Every independent claim in this patent requires	09:26:05	8 A. It could be that anything described on this page was
09:23:14	9 that the downloadable security profile includes a list of	09:26:07	9 implemented by some other component of Symantec's product,
09:23:18	10 suspicious computer operations.	09:26:10	10 but there is no indication that anything specific here is
09:23:20	11 Q. You also understand, sir, that there is some dependent	09:26:15	11 performed by the Matrix.
09:23:23	12 claims that have been asserted in this case for the '194	09:26:18	12 Q. Now we are going to turn to the other patent. That's
09:23:26	13 patent?	09:26:20	13 the '962 patent.
09:23:27	14 A. Yes, I do.	09:26:22	14 And if you could remind us, is that the gateway
09:23:27	15 Q. What are your opinions with respect to the dependent	09:26:25	15 patent or the client patent?
09:23:29	16 claims that depend from these independent claims that we	09:26:26	16 A. No. The '962 patent is a little bit different. It
09:23:32	17 have discussed?	09:26:29	17 describes software that runs on the client, the actual end
09:23:33	18 A. My understanding of dependent claims in patent is that	09:26:36	18 user's computer, and it's essentially looking at a
09:23:37	19 a dependent claim must satisfy all of the -- in order for it	09:26:41	19 downloadable after it's already begun execution on the
09:23:43	20 to be infringed, all the limitations in the independent	09:26:44	20 client to see if it might be up to no good.
09:23:47	21 claim from which it derives must be met, in addition to	09:26:48	21 Q. And remind us again, what is the accused technology
09:23:51	22 whatever is specified in the dependent claims.	09:26:52	22 from Symantec for the '962?
09:23:55	23 Since all of the dependent claims depend on	09:26:54	23 A. It's a software component called BASH Version 6.0 and
09:24:00	24 these four independent claims, it's my opinion that none of	09:26:58	24 later.
09:24:03	25 the dependent claims are infringed either.	09:26:59	25 Q. And I will put up on the screen a demonstrative that I

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