

Fortinet-1008

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Plaintiff SOPHOS LTD.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FORTINET, INC., a corporation.

Plaintiff,

v.

SOPHOS, INC., a corporation,
MICHAEL VALENTINE, an individual, and
JASON CLARK, an individual,

Defendant.

SOPHOS INC. and SOPHOS LTD.,
corporations,

Counterclaim Plaintiffs,

v.

FORTINET, INC., a corporation,

Counterclaim Defendant.

Case No. 3:13-cv-05831-EMC

**JOINT CLAIM CONSTRUCTION AND
PREHEARING STATEMENT**

[PATENT L.R. 4-3]

Pursuant to Patent Local Rule 4-3, Plaintiff and Counterclaim Defendant Fortinet, Inc. (“Fortinet”) and Defendant and Counterclaim Plaintiff Sophos, Inc. and Counterclaim Plaintiff Sophos Ltd. (collectively, “Sophos”) hereby submit this Joint Claim Construction and Prehearing Statement concerning U.S. Patent Nos. 6,195,587 (“the ‘587 Patent”); 7,757,002 (“the ‘002 Patent”); 8,090,852 (“the ‘852 Patent”); 8,220,050 (“the ‘050 Patent”); 8,261,344 (“the ‘344 Patent”); 8,266,687 (“the ‘687 Patent”); 8,607,347 (“the ‘347 Patent”); 7,698,744 (“the ‘744 Patent”); 8,069,487 (“the ‘487 Patent”); 8,195,938 (“the ‘938 Patent”); 7,376,125 (“the ‘125 Patent”); and 7,333,430 (“the ‘430 Patent”).

I. RESERVATION OF RIGHTS REGARDING PROPOSED CLAIM CONSTRUCTIONS

Discovery related to claim construction matters is ongoing and not scheduled to close until October 3, 2014. (Dkt. No. 59.) The constructions proposed herein are based on the positions taken by the parties to date and the information reasonably available to them at this stage of discovery. The parties have thus far produced documents pursuant to the Patent Local Rules, relating to the parties infringement contentions, invalidity contentions, and claim construction positions, in addition to other documents related to Fortinet’s non-patent causes of action. Should it become necessary for either party to propose a different construction in its claim construction brief(s) than that found in the joint claim construction statement, that party must clearly set forth the new construction and explain the basis for the change. Additionally, that party shall revise and resubmit the joint claim construction statement, so that the Court will have one document reflecting all current proposed constructions.

Further, Sophos objects and reserves its rights to strike Fortinet’s reliance on the testimony of Dr. Seth Nielson for any purpose related to claim construction. Sophos submits that Fortinet’s disclosure of Dr. Nielson’s opinions and the bases thereof has been and continues to be insufficient and in contravention of the Local Patent Rules.

For example, Dr. Nielson apparently intends to opine “that the word ‘sub-deliverable’ is well-understood by those of ordinary skill in the art to refer to less than an entire ‘deliverable,’ and that the combination of all ‘sub-deliverables’ will be ‘stored or processed as a unit.’” However,

1 Fortinet has not disclosed how Dr. Nielson reached this opinion and on what grounds. Indeed,
2 until Sophos received the draft of this joint filing from Fortinet at 7:36 pm Pacific time this
3 evening, despite having asked for the courtesy of receiving a draft earlier in the day because
4 counsel in Washington, D.C. would be reviewing it, Fortinet had only disclosed that “Fortinet may
5 rely on Seth Nielson to provide testimony that this term should be construed as proposed by
6 Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of
7 ordinary skill in the art.” Sophos submits that such a disclosure is also insufficient.

8 Moreover, Fortinet has only now, at 7:36pm, disclosed that it intends to rely on Dr.
9 Nielson to contend that certain terms of the Sophos Patents-in-Suit are indefinite. Sophos objects
10 to this on two grounds. First, Fortinet did not, even in the insufficient manner it did for other
11 terms, disclose in its L. Pat. R. 4-2 statement that Dr. Nielson would have any opinions concerning
12 indefiniteness. Second, Fortinet now claims that the claim terms “reference files” and “set of
13 genes” are indefinite and that it will rely on Dr. Nielson’s testimony in support. However, Fortinet
14 did not disclose in its L. Pat. R. 3-3 invalidity contentions that these terms are indefinite. Fortinet
15 has not made, and has not even sought to make, the required showing of good cause for amending
16 its invalidity contentions.

17 Accordingly, Sophos objects and reserves its rights to strike Fortinet’s reliance on Dr.
18 Nielson’s testimony.

19 Fortinet objects to Sophos’ vehement and quite lengthy objection to Fortinet’s disclosure
20 of indefiniteness positions for certain claim terms, and brief summaries of Dr. Nielson’s
21 anticipated testimony on claim construction issues. Fortinet timely preserved its indefiniteness
22 positions and its reliance on Dr. Nielson’s testimony with its Patent Local Rule 4-2 disclosures.
23 To the extent that Sophos claims nonetheless that Fortinet provided certain portions of this Joint
24 Claim Construction and Prehearing Statement at 7:30 pm this evening, Fortinet confirmed in
25 writing its willingness to begin the claim construction meet and confer process in earnest last
26 week, by exchanging with Sophos each party’s respective proposal for the top ten disputed terms
27 to be construed by this Court. Sophos, however, asked to push that deadline until this week,
28 yesterday in particular. Furthermore, when the parties were unable to agree to a specific time for a

1 telephonic meet and confer yesterday, it was Sophos' counsel that proposed a meet and confer on
 2 the afternoon of today, the deadline for filing this Joint Statement. So, if Sophos is heard to
 3 complain to this Court about times and dates of the parties' joint claim construction
 4 communications, Sophos is complaining of timing issues of its own creation.

5 **II. PATENT L.R. 4-3(A): AGREED-UPON CONSTRUCTIONS**

6 Pursuant to Patent Local Rule 4-3(a), the claim terms on which the parties have reached an
 7 agreed-upon construction are provided in Appendix A. The parties further agree that when such
 8 terms appear more than once in the asserted claims of a patent-in-suit, these agreed-upon
 9 constructions should be applied consistently in that patent-in-suit.

10 **III. PATENT L.R. 4-3(B): PROPOSED CONSTRUCTIONS OF DISPUTED TERMS**

11 Each party's proposed construction of each disputed claim term, phrase, or clause, along
 12 with an identification of all references from the specification or prosecution history that support
 13 that construction, and identification of any extrinsic evidence known to the party on which it
 14 intends to rely either to support its proposed construction of the claim or to oppose any party's
 15 proposed construction of the claim, including, but not limited to, as permitted by law, dictionary
 16 definitions, citations to learned treatises and prior art, and testimony of percipient and expert
 17 witnesses is provided in Appendix B.

18 **IV. PATENT L.R. 4-3(C): IDENTIFICATION OF MOST SIGNIFICANT TERMS**

19 The parties jointly identify the following claim terms as most significant to resolution of
 20 the case (terms are not presented in the following list in order of importance):

21 **A. Fortinet's Terms**

- 22 1. "stor[e/ing] for access [by]" in the '587 Patent
- 23 2. "forms of data" in the '587 Patent
- 24 3. "secondary URL" in the '852 Patent
- 25 4. "sub-deliverable" in the '050 Patent
- 26 5. "gene[s]" in the '344 Patent

27 **B. Sophos's Terms**

- 28 1. "worker module" in the '430 Patent

2. “port” in the ‘430 Patent
3. “flow-based packet classification” in the ‘125 Patent
4. “virtual routing engine (VRE)” in the ‘125 Patent
5. “virtual service engine (VSE)” in the ‘125 Patent.

V. PATENT L.R. 4-3(D): ANTICIPATED LENGTH OF CLAIM CONSTRUCTION HEARING

The Court has scheduled a Claim Construction Tutorial for November 24, 2014 at 10:00 a.m. and a Claim Construction Hearing for December 8 and 9, 2014 at 2:30 p.m. The parties anticipate a 5-6 hour Claim Construction Hearing, not inclusive of the technology tutorial; the parties having equal time for presentation.

VI. PATENT L.R. 4-3(E): WITNESSES FOR CLAIM CONSTRUCTION HEARING

As required by Patent L.R. 4-3(e), below is a summary of each opinion to be offered by any expert expected to be called at the Claim Construction Hearing.

A. Fortinet

Fortinet intends to call the following expert witnesses at the Claim Construction Hearing, or will submit testimony by declaration.

1. Fortinet’s Witnesses

Fortinet intends to submit the testimony of the following expert witnesses by declaration: Dr. Seth Nielson. Additionally, Fortinet reserves the right to call Dr. Nielson at the Claim Construction Hearing to explain or support testimony submitted by declaration.

2. Summary of Expected Testimony

Dr. Nielson will provide a tutorial on the ‘744, ‘487, ‘938, ‘430, and ‘125 Patents (collectively, “Fortinet’s Asserted Patents”). Dr. Nielson will opine as to the level of ordinary skill in the art and such a person’s understanding of computer security software and network appliances, and will opine as to how that understanding relates to Fortinet’s Asserted Patents. Dr. Nielson will also provide rebuttal testimony on the relevant technology, to the extent required.

(a) “sub-deliverable” (‘050 patent)

1 Dr. Nielson will opine that “sub-deliverable” would have been understood by one of
 2 ordinary skill to mean “separately delivered content that will be stored or processed as a unit,”
 3 consistent with Fortinet’s proposed construction. He will opine that the word “sub-deliverable” is
 4 well-understood by those of ordinary skill in the art to refer to less than an entire “deliverable,”
 5 and that the combination of all “sub-deliverables” will be “stored or processed as a unit.” Dr.
 6 Nielson will opine that Fortinet’s proposed construction is consistent with the plain and ordinary
 7 meaning of “sub-deliverable,” the construction proposed by Sophos.

8 Dr. Nielson will also testify in rebuttal to testimony offered by Sophos’ witness(es) with
 9 respect to the “sub-deliverable” term.

10 (b) “series of computing devices” (‘050 patent)

11 Dr. Nielson will opine that “series of computing devices” would have been understood by
 12 one of ordinary skill to mean “computers connected over a network that comprise a path,”
 13 consistent with Fortinet’s proposed construction. He will opine that the word “series,” when used
 14 in connection with “of computing devices,” is well-understood by those of ordinary skill in the art
 15 to mean a discrete chain of connected computing devices. Dr. Nielson will opine that information
 16 relating to a “series of computing devices” would include IP addresses, and other mechanisms of
 17 identifying the machines that network content has travelled through in reaching its destination.

18 Contrary to Sophos’ contention that “no construction is necessary,” Dr. Nielson will opine
 19 that one of ordinary skill in the art would have understood “series of computing devices” to carry
 20 with it a specific meaning, consistent with the construction described above. Dr. Nielson will also
 21 testify in rebuttal to testimony offered by Sophos’ witness(es) with respect to the “series of
 22 computing devices” term.

23 (c) “gene” (‘344 patent)

24 Dr. Nielson will opine that “gene[s]” would have been understood by one of ordinary skill
 25 to mean “sequence[s] of APIs and strings that describes a single piece of functionality or a
 26 property of the program,” consistent with Fortinet’s proposed construction. He will opine that
 27 examples of genes include socket based activity, setting a run key, and executing other programs.
 28

1 Contrary to Sophos' proposed construction, Dr. Nielson will opine that one of ordinary
2 skill in the art would not have understood "gene" to simply mean "a piece of functionality or
3 property of a program." Rather, Dr. Nielson will opine that Sophos' construction is too broad
4 because it could encompass any portion or aspect of a software program, big or small. Dr. Nielson
5 will opine that such a construction does not adequately reflect the subject matter of the '344
6 patent, and attempts to capture more than the '344 patent can properly claim.

7 Dr. Nielson will also testify in rebuttal to testimony offered by Sophos' witness(es) with
8 respect to the "gene[s]" term.

9 (d) "functional block" ('344 patent)

10 Dr. Nielson will opine that "functional block" would have been understood by one of
11 ordinary skill to mean "ordered sequence of the API calls and string references extracted from
12 binary code," consistent with Fortinet's proposed construction. He will opine that extraction
13 requires processing, such that a functional block is a form of intermediate output that is distinct
14 from raw source code.

15 Contrary to Sophos' proposed construction, Dr. Nielson will opine that one of ordinary
16 skill in the art would not have understood "functional block" to mean "segment of the program
17 that illustrates the function and execution flow of the program." Rather, Dr. Nielson will opine
18 that Sophos' construction is too imprecise because it does not describe what content is extracted to
19 form a functional block. Dr. Nielson will also opine that Sophos' construction is incorrect because
20 multiple portions of a "program" may be used to form a functional block.

21 Dr. Nielson will also testify in rebuttal to testimony offered by Sophos' witness(es) with
22 respect to the "functional block" term.

23 (e) Indefiniteness

24 Dr. Nielson will provide testimony in support of Fortinet's contentions that claim terms are
25 indefinite under 35 U.S.C. § 112, paragraph 2. Dr. Nielson will opine as to the level of ordinary
26 skill in the art and whether the asserted claims, when "viewed in light of the specification and
27 prosecution history, inform [that person] about the scope of the invention with reasonable
28

1 certainty.” *Nautilus, Inc. v. Biosig Instruments, Inc.*, No. 13-369, slip op. at 11 (2014). Dr.
2 Nielson will also provide rebuttal testimony, to the extent required.

3 In particular, Dr. Nielson will opine that “contextual information” is indefinite under 35
4 U.S.C. § 112, paragraph 2. Dr. Nielson will opine that the plain language of the claims does not
5 inform those skilled in the art as to the scope of “contextual information” with reasonable
6 certainty. Dr. Nielson will also opine that the descriptions of “contextual information” in the
7 specification and the prosecution history are too open-ended to provide instruction as to the scope
8 of “contextual information” with reasonable certainty. Dr. Nielson will opine that these
9 deficiencies infect the claims that recite “contextual information,” such that the scope of these
10 claims cannot be discerned with reasonable certainty.

11 Dr. Nielson will also opine that the terms “grouping of genes,” “reference files,” and “set
12 of genes” are indefinite under 35 U.S.C. § 112, paragraph 2. Dr. Nielson will opine that the
13 claims, specification, and prosecution history provide insufficient information to provide
14 instruction as to the scope of these terms with reasonable certainty. Dr. Nielson will opine that
15 these deficiencies infect the claims that recite these terms, such that the scope of these claims
16 cannot be discerned with reasonable certainty.

17 Dr. Nielson will also testify in rebuttal to testimony offered by Sophos’ witness(es) with
18 respect to the above-listed terms.

19 Sophos has indicated that it does not intend to rely on live expert testimony at the claim
20 construction hearing. Should Sophos be permitted to present live testimony at the claim
21 construction hearing (which Fortinet believes Sophos has waived the right to do), Fortinet reserves
22 the right to cross examine any such witness and to present testimony of any one of its experts
23 identified here in rebuttal thereto.

24 Further, in response to Sophos’ objection to Fortinet’s anticipated reliance on the expert
25 testimony of Dr. Nielson, Fortinet again notes its timely disclosure of Dr. Nielson in its Patent
26 Local Rule 4-2 disclosure. If Sophos in fact moves to strike Dr. Nielson’s testimony, rather than
27 to lodge a complaint about it in a joint filing, Fortinet will respond further in due course.
28

Fortinet intends to take the depositions of the inventors for the seven Sophos counterclaim patents and may present testimony from those depositions in support of its proposed constructions or in rebuttal to the constructions and evidence presented by Sophos. Fortinet also intends to take the deposition of any expert witness (if any) whose opinions Sophos presents in support of any of its claim construction positions and may present testimony from those depositions in support of its proposed constructions or in rebuttal to the constructions and evidence presented by Sophos.

B. Sophos

As described in Section I, *supra*, Sophos objects and reserves its rights to strike Fortinet's reliance on Dr. Nielson's testimony for any purpose related to claim construction. Moreover, should the Court permit Dr. Nielson's testimony, Sophos reserves the right to rely on the testimony of an expert witness in rebuttal to Dr. Nielson.

DATED: September 3, 2014

Respectfully submitted,

By /s/ John M. Neukom

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1 DATED: September 3, 2014

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing document has been served on September 3, 2014 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system pursuant Civil Local Rule 5-1(i)(3). Any other counsel of record will be served by electronic mail, facsimile, and/or overnight delivery.

I declare under penalty of perjury under the laws of United States that the foregoing is true and correct and that this proof of service was executed on September 3, 2014 at San Francisco, California.

/s/ Alicia M. Veglia

Alicia M. Veglia

SIGNATURE ATTESTATION

Pursuant to Local Rule 5.1(i)(3), I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Sean C. Cunningham.

/s/ John M. Neukom

John M. Neukom

APPENDIX A: AGREED-UPON CONSTRUCTIONS

Pat.	Claim Term	Agreed-Upon Construction and Supporting Evidence
'002	pre-fetch / pre-fetched (cl. 1, 3-4, 7, 18, 21, 27)	“retrieve[d] without request” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,757,002 at 4:7-9; 5:1-6; 6:9-15; 7:38-41; 7:53-67; 9:1-15; 10:8-17; Figures 1-2. See also, e.g., Amendment dated February 14, 2010 at 11-2. “web site that fetches content from other sites at the request of a user, and returns that content to the user” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,266,687 at 1:13-25; 1:25-44; 17:37-54; 18:8-23; 18:55-19:6; 19:12-17; 19:44-48; 20:36-40; 20:41-48; 25:33-46; Figure 3. See also, e.g., Amendment dated January 19, 2012 (application no. ‘415) at 6-9; Notice of Allowance dated May 25, 2012 at 3. <u>Extrinsic Evidence</u> Definition of “anonymous,” “proxy.” Dictionary of Information Security (2006). “an access control mechanism that may identify either a set of one or more code modules approved for execution on one or more computer systems, or a set of one or more code modules not approved for execution on one or more computer systems” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,698,744 at 10:59-11:5; 1:57-2:12; 4:20-26; 5:22-27; 5:65-6:9; 22:44-53; Figures 1, 5, 6. “whitelist of equal or greater scope than the local whitelist, which may contain all or only a subset of known whitelisted software within a particular enterprise” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,698,744 at 9:12-17; 2:5-12; 3:35-46; 5:11-13; 5:22-27; 5:65-6:9; 8:21-67; 11:59-61; 12:33-45; 13:9-19; 19:22-30; 20:34-21:13; Figures 1, 5, 6.
'687	anonymizing proxy website (cl. 1)	
'744	whitelist (cl. 1, 8, 23, 37)	
'744	global whitelist (cl. 1, 23)	

Pat.	Claim Term	Agreed-Upon Construction and Supporting Evidence
'744	local whitelist (cl. 1)	“whitelist of equal or lesser scope than the global whitelist, either embodied in a single list or in several different lists” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,698,744 at 12:38-45; 2:5-8; 2:25-30; 2:66-3:3; 3:21-24; 9:8-45; 11:40-61; 19:52-20:20; 21:25-30; Figures 1, 5, 6.
'744	multi-level whitelist (cl. 1)	“whitelist with one or more levels” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,698,744 at 19:14-17; 1:57-2:12; 10:36-44; 11:8-14; 21:23-26; Figures 1, 5, 6.
'744	trusted third party service provider (cl. 1)	“source external to the organization, enterprise or individual end user or group of end users whose code modules are whitelisted” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,698,744 at 8:21-67; Figures 1, 5.
'744	trusted service provider (cl. 8, 23, 37)	“source external to the organization, enterprise or individual end user or group of end users whose code modules are whitelisted” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,698,744 at 8:21-67; Figures 1, 5.
'744	cryptographic hash value (cl. 8, 23, 37)	“hash value computed over a specific body of encoded data and encrypted using a private key” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,698,744 at 8:6-11; 20:58-21:3. <u>Extrinsic Evidence</u> Definition of “cryptography,” “hash,” “hashing.” Philip E. Margolis, Computer & Internet Dictionary (3d ed. 1998). Definition of “hash,” “hash function.” Definition of “database.” Bryan Pfaffenberger, Webster’s New World Computer Dictionary (2001). Definition of “cryptographic checksum.” Robert Slade, Dictionary of Information Security (2006).

Pat.	Claim Term	Agreed-Upon Construction and Supporting Evidence
'487	whitelist (cl. 1, 11, 16)	“an access control mechanism that may identify either a set of one or more code modules approved for execution on one or more computer systems, or a set of one or more code modules not approved for execution on one or more computer systems” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,069,487 at 9:41-47; 2:11-18; 4:49-60; 7:3-49; 7:57-8:27; 10:22-54; 11:15-59; 11:60-12:3; 17:56-65; 18:35-19:3; 19:17-63; 21:27-36; Figures 1, 5, 6.
'487	global whitelist (cl. 1, 11, 16)	“whitelist of equal or greater scope than the local whitelist, which may contain all or only a subset of known whitelisted software within a particular enterprise” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,069,487 at 7:17-29; 2:11-15; 4:49-60; 7:3-49; 11:15-59; 11:60-12:3; 17:56-65; 19:17-63; Figures 1, 5, 6.
'487	local whitelist (cl. 1, 11, 16)	“whitelist of equal or lesser scope than the global whitelist, either embodied in a single list or in several different lists” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,069,487 at 7:61-66; 2:15-18; 7:57-8:27; 10:22-54; 18:35-19:3; Figures 1, 5, 6.
'487	multi-level whitelist (cl. 1, 11, 16)	“whitelist with one or more levels” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,069,487 at 4:8-11; 9:23-25; 17:56-65; 20:6-13; Figures 1, 5, 6.
'487	cryptographic hash value (cl. 1, 11, 16)	“hash value computed over a specific body of encoded data and encrypted using a private key” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,069,487 at 6:56-60; 1:62-2:29. <u>Extrinsic Evidence</u> Definition of “cryptography,” “hash,” “hashing,” Philip E. Margolis, Computer & Internet Dictionary (3d ed. 1998). Definition of “hash,” “hash function.” Definition of “database.” Bryan Pfaffenberger, Webster's New

Pat.	Claim Term	Agreed-Upon Construction and Supporting Evidence
		World Computer Dictionary (2001). Definition of “hash function.” Alan Freedman, Computer Desktop Encyclopedia (9th ed. 2001). Definition of “cryptographic checksum.” Robert Slade, Dictionary of Information Security (2006).
‘487	trusted third party service provider (cl. 1, 11, 16)	“source external to the organization, enterprise or individual end user or group of end users whose code modules are whitelisted” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,069,487 at 2:11-15; 7:3-49; 19:41-53; Figures 1, 5.
‘938	whitelist (cl. 1, 11, 16)	“an access control mechanism that may identify either a set of one or more code modules approved for execution on one or more computer systems, or a set of one or more code modules not approved for execution on one or more computer systems” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,195,938 at 9:43-49; 2:13-20; 4:51-62; 7:5-51; 7:59-8:29; 10:24-56; 11:17-61; 11:62-12:5; 17:58-67; 18:37-19:5; 19:19-65; 21:29-38; Figures 1, 5, 6.
‘938	global whitelist (cl. 1, 11, 16)	“whitelist of equal or greater scope than the local whitelist, which may contain all or only a subset of known whitelisted software within a particular enterprise” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,195,938 at 7:19-31; 2:12-16; 3:62-64; 4:49-60; 7:5-51; 11:18-60; 11:61-12:4; 19:17-63; Figures 1, 5, 6.
‘938	local whitelist (cl. 1, 11, 16)	“whitelist of equal or lesser scope than the global whitelist, either embodied in a single list or in several different lists” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,195,938 at 7:63-8:1; 2:17-20; 7:59-8:29; 9:65-10:14; 10:24-46; 18:35-52; 19:16-25; Figures 1, 5, 6.
‘938	multi-level whitelist (cl. 1, 11, 16)	“whitelist with one or more levels” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,195,938 at 4:10-13; 9:25-27; 17:58-67; 20:8-15; Figures 1, 5, 6.
‘938	trusted third party	“source external to the organization, enterprise or individual end user or group of end users whose code

Pat.	Claim Term	Agreed-Upon Construction and Supporting Evidence
	service provider (cl. 1, 11, 16)	modules are whitelisted” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,195,938 at 2:13-17; 7:5-51; 19:43-55; Figures 1, 5. Plain and ordinary meaning.
‘125	successful allocation of a new entry of the packet flow cache for the new VR flow (cl. 1, 3, 5)	<u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,376,125 at 6:57-7:3; 11:28-62; 14:34-46; 15:15-33; 15:45-59; Figures 4, 12. <u>Extrinsic Evidence</u> Definition of “virtual.” Philip E. Margolis, Computer & Internet Dictionary (3d ed. 1998). Definition of “virtual.” Bryan Pfaffenberger, Webster’s New World Computer Dictionary (2001). Plain and ordinary meaning.
‘125	packet flow cache (cl. 1, 3, 5)	<u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,376,125 at 11:28-62; 14:34-46; 15:15-33; 15:45-59; Figures 4, 12. <u>Extrinsic Evidence</u> Definition of “packet,” “cache.” Philip E. Margolis, Computer & Internet Dictionary (3d ed. 1998). Definition of “packet,” “cache.” Bryan Pfaffenberger, Webster’s New World Computer Dictionary (2001). Definition of “packet,” “cache.” Alan Freedman, Computer Desktop Encyclopedia (9th ed. 2001). Plain and ordinary meaning.
‘430	coupled (cl. 27)	<u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,333,430 at 2:20-26; 3:22-25; 3:40-54; 4:2-7; 5:25-34; 6:8-10; 14:47-15:13; 16:38-47; Figures 1, 6. Plain and ordinary meaning.
‘430	communicatively coupled (cl. 27)	<u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,333,430 at 3:45-51; 5:31-43; 16:38-47; Figures 1, 6.

APPENDIX B: PROPOSED CONSTRUCTIONS OF DISPUTED TERMS

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
'587	stored for access by / storing for access by (cl. 1, 9)	Fortinet, Sophos	Claim 1, preamble: "stored at a first data processor for access [by]" 1(a): "storing at a second data processor for access [by]" 9(a): "stored at a first data processor for access [by]" <u>Intrinsic Evidence</u> <i>See, e.g.,</i> U.S. Patent No. 6,195,587 at 1:28-40; 1:60-61; 2:7-2:11; 5:26-40; 6:12-29; 6:61-67; 7:6-9; Figure 1. <i>See also, e.g.,</i> Amendment dated March 10, 1995 (application no. '239) at 8-10; Amendment dated October 23, 1995 (application no. '239) at 2, 5; Applicant Brief dated February 20, 1996 at 8, 20. <u>Extrinsic Evidence</u> Definition of "access." Dictionary of Computer Words (1993). Definition of "access," "store." IBM Dictionary of Computing (1994). Definition of "access," "store." Oxford Science Publications Dictionary of Computing (1983). Definition of "access," "store." McGraw-Hill Dictionary of Scientific and Technical Terms (5th ed. 1994). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as	No construction necessary or, in the alternative, plain and ordinary meaning <u>Intrinsic Evidence</u> Abstract; 1:67-2:11; 2:15-21

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'587	data processor (cl. 1, 4-6, 8-9, 11-12)	Fortinet	"computer system such as a workstation or a server" <u>Intrinsic Evidence</u> <i>See, e.g.,</i> U.S. Patent No. 6,195,587 at 1:28-40; 1:60-62; 3:10-45; 6:1-2; 6:12-29; 6:59-7:9; Figure 1. <i>See also, e.g.,</i> Amendment dated March 10, 1995 (application no. '239) at 8-10; Amendment dated October 23, 1995 (application no. '239) at 2, 5; Applicant Brief dated February 20, 1996 at 8, 20. <u>Extrinsic Evidence</u> Definition of "data processor," "interconnected multiple processor." McGraw-Hill Dictionary of Scientific and Technical Terms (5th ed. 1994). Definition of "computer," "workstation." Dictionary of Computer Words (1993). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	No construction necessary
'587	forms of data (cl. 1, 4)	Fortinet	"instructions that are characteristic of a computer virus such as jump instructions"	No construction necessary

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			<u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 6,195,587 at 1:18-27; 1:33-38; 1:62-65; 4:29-33; 6:22-25; 7:1-5. See also, e.g., Amendment dated October 23, 1995 (application no. '239) at 2; Applicant Brief dated February 20, 1996 at 17; Reply Brief dated August 27, 1996 at 4, 6-8; Reply Brief dated March 3, 1997 at 3; BPAI Decision dated February 8, 2000 at 6-7. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'587	item of data (cl. 1, 4-6, 9, 11-12)	Fortinet, Sophos	"records stored or processed as a unit" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 6,195,587 at 2:21-24; 3:55-62; 4:4-5; 4:20-22; 4:33-39; 6:20-25; 6:27-28; 6:46-54; 6:61-64; 7:6-98:5-9; Figure 2a. See also, e.g., Amendment dated October 23, 1995 (application no. '239) at 2; Applicant Brief dated February 20, 1996 at 17; Reply Brief dated March 3, 1997 at 4, 6. <u>Extrinsic Evidence</u> Definition of "file." IBM Dictionary of Computing (1994). Definition of "file." Microsoft Press Computer	Plain and ordinary meaning <u>Intrinsic Evidence</u> 2:22-25

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			Dictionary (1991). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'587	copy of the item of data (cl. 1, 9)	Fortinet, Sophos	"a duplicate of the item of data" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 6,195,587 at 2:21-24; 3:55-62; 4:4-5; 4:20-22; 4:33-39; 6:20-25; 6:61-67; Figure 2a; Figure 3a. <u>Extrinsic Evidence</u> Definition of "copy." IBM Dictionary of Computing (1994). Definition of "copy." Microsoft Press Computer Dictionary (1994). Definition of "copy." Dictionary of Computer Words (1993). Definition of "copy." Oxford Science Publications Dictionary of Computing (1983). Definition of "copy." McGraw-Hill Dictionary of Scientific and Technical Terms (5th ed. 1994). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	Plain and ordinary meaning <u>Intrinsic Evidence</u> 2:22-25; 4:23-44
'587	validity	Fortinet,	"free of unwanted data or of data indicating	"authorized status"

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
	(cl. 1, 9)	Sophos	that the item has been barred from use” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 6,195,587 at 1:4-9; 4:27-29; 6:12-29; 6:61-7:9; Figure 2b; Figure 3b. See also, e.g., Applicant Brief dated February 20, 1996 at 8, 11. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	<u>Intrinsic Evidence</u> 1:10-14; 2:28-33; 2:45-48
‘587	invalidity (cl. 1, 9)	Fortinet, Sophos	“containing unwanted data or data indicating that the item has been barred from use” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 6,195,587 at 1:4-9; 4:27-29; 6:12-29; 6:61-7:9; Figure 2b; Figure 3b. See also, e.g., Applicant Brief dated February 20, 1996 at 8, 11. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	“barred status” <u>Intrinsic Evidence</u> 1:10-14; 2:28-33; 2:45-48; 4:24-29

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
'587	provide / providing (cl. 1, 9)	Fortinet	"send to" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 6,195,587 at 5:43-58; 5:60-65; 6:20-25; 6:61-67; Figure 2a; Figure 3a. See also, e.g., Amendment dated March 10, 1995 (application no. '293) at 8. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	No construction necessary
'587	reporting / reporting to the first data processor (cl. 1)	Fortinet, Sophos	"sending a report to" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 6,195,587 at 4:35-44; 5:51-59; 5:66-67; 6:26-27; 7:6-8; Figure 2b; Figure 3b. See also, e.g., Amendment dated March 10, 1995 (application no. '293) at 8; Amendment dated October 23, 1995 (application no. '293) at 3-4; Applicant Brief dated February 20, 1996 at 11. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the	No construction necessary

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			meaning of the term to one of ordinary skill in the art.	
'587	means in a first data processor of the network for providing a second data processor of the network with a copy of an item of data which is stored for access by the first data processor (cl. 9)	Fortinet, Sophos	Subject to section 112, paragraph 6. Function: providing a second data processor of the network with a copy of an item of data which is stored for access by the first data processor Corresponding structure: Workstation 2a as described in Figure 1, programmed to perform the steps as described in Figure 2a Intrinsic Evidence See, e.g., U.S. Patent No. 6,195,587 at 2:21-24; 3:55-62; 4:4-5; 4:20-22; 4:33-39; 5:1-3; 5:41-67; 6:20-25; 6:61-67; Figure 2a. Extrinsic Evidence Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	Function: providing a second data processor of the network with a copy of an item of data which is stored for access by the first data processor Structure: data processing system, including communications means 8 within workstations 2a, 2b, and 2c, depicted in Fig. 1 and described, for example, at 3:39-54 and 5:41-6:5, and box 13 of Fig. 2a described, for example, at 4:20-22, and statutory equivalents thereof.
'587	storage means for access by the second data processor for storing a set of information defining data of a plurality of characteristic forms that are indicative of invalidity	Fortinet, Sophos	Subject to section 112, paragraph 6. Function: accessing by the second data processor for storing a set of information defining data of a plurality of characteristic forms that are indicative of invalidity Corresponding structure: File server 1 as described in Figure 1, programmed to perform steps 15 and 17 as described in Figure 2b Intrinsic Evidence	Function: storing a set of information defining data of a plurality of characteristic forms that are indicative of invalidity Structure: data processing system, including storage means 3 within file server 1, depicted in Fig. 1 and described, for example, at 3:39-54 and 5:41-6:5, and box 11 of Fig.

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
	(cl. 9)		See, e.g., U.S. Patent No. 6,195,587 at 1:28-40; 1:60-61; 2:7-2:11; 3:45-47; 4:23-44; 5:26-40; 6:12-29; 6:61-67; 7:6-9; Figures 1-2b. See also, e.g., Amendment dated March 10, 1995 (application no. '239) at 8-10; Amendment dated October 23, 1995 (application no. '239) at 2, 5; Applicant Brief dated February 20, 1996 at 8, 20. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	2a described, for example, at 4:13-18, and statutory equivalents thereof.
'587	means in the second data processor for testing for the presence of data of any of the characteristic forms, in the item of data, and generating a validity signal indicative of whether data of any of the characteristic forms has been detected in the item of data	Fortinet, Sophos	Subject to section 112, paragraph 6. Function: testing for the presence of data of any of the characteristic forms, in the item of data, and generating a validity signal indicative of whether data of any of the characteristic forms has been detected in the item of data Corresponding structure: File server 1 as described in Figure 1, programmed to perform steps 15 and 17 as described in Figure 2b. <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 6,195,587 at 1:14-23; 2:15-20; 3:10-15; 3:55-62; 4:24-44; 4:56-62; 5:10-14; 5:48-51; 6:12-29; 6:61-7:9; Figures 1-2b. <u>Extrinsic Evidence</u>	Function: testing for the presence of data of any of the characteristic forms, in the item of data, and generating a validity signal indicative of whether data of any of the characteristic forms has been detected in the item of data Structure: data processing system, including data processing means 4 within file server 1, depicted in Fig. 1 and described, for example, at 3:39-54 and 5:41-6:5, and box 15 of Fig. 2b described, for example, at 4:33-44, and statutory equivalents thereof.

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'587	means for transmitting the validity signal to the first data processor (cl. 9)	Fortinet, Sophos	Subject to section 112, paragraph 6. Function: transmitting the validity signal to the first data processor to indicate whether it may allow access to the item of data Corresponding structure: File server 1 as described in Figure 1, programmed to perform steps 15 and 17 as described in Figure 2b. <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 6,195,587 at 4:35-44; 5:51-59; 5:66-67; 6:26-27; 7:6-8; Figure 3b. See also, e.g., Amendment dated March 10, 1995 (application no. '293) at 8; Amendment dated October 23, 1995 (application no. '293) at 3-4; Applicant Brief dated February 20, 1996 at 11. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	Function: transmitting the validity signal to the first data processor to indicate whether it may allow access to the item of data Structure: data processing system, including communications means 5 within file server 1, depicted in Fig. 1 and described, for example, at 3:39-54 and 5:41-6:5, and box 14, including boxes 15 and 17, of Fig. 2b described, for example, at 4:23-55, and statutory equivalents thereof.
'587	means for accepting a command to check for the	Fortinet, Sophos	Subject to section 112, paragraph 6. Function: accepting a command to check for the presence of data of the characteristic	Function: accepting a command to check for the presence of data of the characteristic

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
	presence of data of the characteristic form(s) in the item of data (cl. 9)		form(s) in the item of data Corresponding structure: File server 1 as described in Figure 1, programmed to perform steps 15 and 17 as described in Figure 2b. Intrinsic Evidence See, e.g., U.S. Patent No. 6,195,587 at 1:28-40; 1:60-61; 2:7-2:11; 3:45-47; 4:23-44; 5:26-40; 5:60-67; 6:12-29; 6:61-67; 7:13-8:3; Figures 1-2b. See also, e.g., Amendment dated March 10, 1995 (application no. '239) at 8-10; Amendment dated October 23, 1995 (application no. '239) at 2, 5; Applicant Brief dated February 20, 1996 at 8, 20. Extrinsic Evidence Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	form(s) in the item of data Structure: data processing system, including communications means 5 within file server 1, depicted in Fig. 1 and described, for example, at 3:39-54 and 5:41-6:5; box 14 of Fig. 2b and the connection between boxes 13 and 15 of Figs. 2a and 2b described, for example, at 4:20-22 and 4:23-55, and statutory equivalents thereof.
'587	means for causing the item of data to be copied to the said second data processor from any other data processor of the network for testing for the presence of data of the	Fortinet, Sophos	Subject to section 112, paragraph 6. Function: causing the item of data to be copied to the said second data processor from any other data processor of the network for testing for the presence of data of the characteristic form(s) in the item Corresponding structure: Workstation 2a as described in Figure 1, programmed to perform the steps as described in Figure 2a	Function: causing the item of data to be copied to the said second data processor from any other data processor of the network for testing for the presence of data of the characteristic form(s) in the item Structure: data processing system, including communications means 8 within workstations 2a, 2b, and 2c,

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
	characteristic form(s) in the item (cl. 9)		<u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 6,195,587 at 1:28-40; 1:60-61; 2:7-2:11; 3:45-47; 4:23-44; 5:41-67; 6:12-29; 6:61-67; 8:4-9; Figures 1-2b. See also, e.g., Amendment dated March 10, 1995 (application no. '239) at 8-10; Amendment dated October 23, 1995 (application no. '239) at 2, 5; Applicant Brief dated February 20, 1996 at 8, 20. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	depicted in Fig. 1 and described, for example, at 3:39-54 and 5:41-6:5, and box 13 of Fig. 2a described, for example, at 4:20-22, and statutory equivalents thereof.
'002	pre-fetch additional content linked or connected to said first content (cl. 1)	Fortinet, Sophos	“retriev[e / ing] additional content although not requested which was linked to content that was requested” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,757,002 at 4:7-9; 5:1-6; 6:9-15; 7:38-41; 7:53-67; 9:1-15; 10:8-17; Figures 1-2. See also, e.g., Amendment dated February 14, 2010 at 11-2. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the	“fetch additional content linked or connected to the first content independent of a request by the user to do so” <u>Intrinsic Evidence</u> 2:49-51; 3:4-6

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			meaning of the term to one of ordinary skill in the art.	
'002	renders links to said allowed content based on a status of said links / renders a representation of said one or more links to said content based on a status of said one or more links (cl. 1, 18, 27)	Fortinet	“graphically displays links to said allowed content based on a status of said links” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,757,002 at 3:11-14; 3:16-22; 4:34-40; 4:63-66; 6:23-30; 6:35-42; 6:48-50; 8:1-8; 8:26-27; 9:15-20; 10:4-7; 10:18-24; 10:32-36; 10:42-44; Figure 1. <u>Extrinsic Evidence</u> Definition of “render,” “rendering.” Microsoft Computer User’s Dictionary (1998). Definition of “render.” Philip E. Margolis, Computer & Internet Dictionary (3d ed. 1998). Definition of “render,” “rendering.” Alan Freedman, Computer Desktop Encyclopedia (9th ed. 2001). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	“provide links to content that has been categorized as allowed” <u>Intrinsic Evidence</u> 3:20-23
'002	linked or connected to (cl. 1, 7, 18)	Fortinet	“hyper-linked to” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,757,002 at 2:12-15; 2:49-51; 3:4-6; 5:1-6; 6:1-4; 6: 9-15; 6:27-30; 6:35-38; 6:43-48; 6:65-7:8; 7:53-8:9; 8:26-27; 9:1-21; 10:1-3; 10:8-24; 10:25-27; 10:42-44; Figures 2-3.	No construction necessary or, in the alternative, plain and ordinary meaning

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			See also, e.g., Amendment dated February 14, 2010 at 11-2. <u>Extrinsic Evidence</u> Definition of "hyperlink." Microsoft Computer User's Dictionary (1998). Definition of "hyperlink." Definition of "database." Bryan Pfaffenberger, Webster's New World Computer Dictionary (2001). Definition of "link," "hyperlink." Alan Freedman, Computer Desktop Encyclopedia (9th ed. 2001). Definition of "link." The Cyberspace Lexicon (1994). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'852	when (cl. 1)	Fortinet	"if and only if" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,090,852 at 19:44-50; 19:55-66; 20:64-66; 22:1-28; 23:1-24:4; Figures 3-5. See also, e.g., Amendment dated February 14, 2011 (application no. '979) at 7-8; Amendment dated September 2, 2011 (application no. '979) at 7-8. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide	No construction necessary

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'852	in response to (cl. 20)	Fortinet	"if and only if there is" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,090,852 at 2:30-36; 19:44-50; 19:55-66; 20:51-55; 20:64-66; 22:1-28; 23:1-24:4; Figures 3-5. See also, e.g., Amendment dated February 14, 2011 (application no. '979) at 7-8; Amendment dated September 2, 2011 (application no. '979) at 7-8. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	No construction necessary
'852	URL (cl. 1, 7, 10, 15, 18, 20, 22)	Fortinet	"a string of characters that identifies an internet resource's type and location, beginning with its protocol" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,090,852 at 18:65-19:16; 22:1-28; 22:37-67; 23:1-24:10; Figures 1-5. See also, e.g., Amendment dated August 2, 2010 (application no. '979) at 8; Amendment	No construction necessary, or "universal resource locator" <u>Intrinsic Evidence</u> Abstract; 1:33-35

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			dated February 14, 2011 (application no. '979) at 7-8; Amendment dated September 2, 2011 (application no. '979) at 7-8. <u>Extrinsic Evidence</u> Definition of "URL." Microsoft Computer User's Dictionary (1998). Definition of "URL." Philip E. Margolis, Computer & Internet Dictionary (3d ed. 1998). Definition of "URL." Bryan Pfaffenberger, Webster's New World Computer Dictionary (2001). Definition of "URL." Alan Freedman, Computer Desktop Encyclopedia (9th ed, 2001). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'852	network policy (cl. 1, 15, 20, 23)	Fortinet	"network policy set by the network administrator" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,090,852 at 1:14-16; 1:33-54; 3:22-33; 4:9-12; 4:25-32; 7:17-30; 9:52-56; 15:21-32; 17:50-60; 18:13-18; 18:58-62; 22:1-30; 22:57-58; 22:61-62; 23:1-24:4; 24:5-7; 24:13-14; Figures 1-3. See also, e.g., Amendment dated September 2, 2011 (application no. '979) at 7-8.	No construction necessary

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			<u>Extrinsic Evidence</u> Definition of “policy.” Robert Slade, Dictionary of Information Security (2006). “request to access a web page” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,090,852 at 6:62-7:6; 10:55-66; 18:65-19:12; 19:40-44; 22:1-28; 22:31-32; 22:52-54; 22:63-65; 23:1-24:4; 24:13-14; Figure 1; Figures 3-5. See also, e.g., Amendment dated August 2, 2010 (application no. ‘979) at 8; Amendment dated February 14, 2011 (application no. ‘979) at 7-8; Amendment dated September 2, 2011 (application no. ‘979) at 7-8. <u>Extrinsic Evidence</u> Definition of “network.” Microsoft Computer User’s Dictionary (1998). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	No construction necessary
‘852	network location request / network access request (cl. 1, 20, 24)	Fortinet	“URL that is a substring of and distinct from the primary URL” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,090,852 at 1:61-63; 2:17-20; 18:65-19:12; 19:22-23; 19:55-66; 20:14-16; 20:37-39; 22:1-28; 22:52-56; 23:1-24:4; 24:5-10; Figures 3-5.	“URL other than the primary URL” <u>Intrinsic Evidence</u> 1:55-2:2; 1:25-43
‘852	secondary URL (cl. 1, 20, 22)	Fortinet, Sophos		

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			See also, e.g., Amendment dated August 2, 2010 (application no. '979) at 8; Amendment dated September 2, 2011 (application no. '979) at 7-8. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'852	primary URL (cl. 1, 20)	Fortinet, Sophos	"URL of the website to which the network location [access] request is directed" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,090,852 at 1:61-63; 2:17-20; 18:65-19:12; 19:22-23; 19:40-44; 19:55-66; 20:14-16; 20:37-39; 22:1-28; 23:1-24:4; Figures 3-5. See also, e.g., Amendment dated August 2, 2010 (application no. '979) at 8; Amendment dated September 2, 2011 (application no. '979) at 7-8. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	"a first network location address" <u>Intrinsic Evidence</u> Fig. 5; 1:55-2:2
'852	proxy site	Sophos	"gateway to access a restricted site by routing	Plain and ordinary meaning

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
	(cl. 1, 20, 22)		traffic through the proxy site camouflaging the restricted site data traffic" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,090,852 at Abstract; 1:6-10; 1:12-24; 1:28-54; 17:63-18:13; 18:22-28; 18:31-40; 18:63-19:21; 20:1-6; 22:1-28; 23:1-24:4; 24:8-10; Figures 2-5. See also, e.g., Amendment dated August 2, 2010 (application no. '979) at 8-10; Amendment dated February 14, 2011 (application no. '979) at 7-8; Amendment dated September 2, 2011 (application no. '979) at 7-8. <u>Extrinsic Evidence</u> Definition of "proxy," "proxy server." Philip E. Margolis, Computer & Internet Dictionary (3d ed. 1998). Definition of "proxy," "proxy server." Alan Freedman, Computer Desktop Encyclopedia (9th ed, 2001). Definition of "proxy." Robert Slade, Dictionary of Information Security (2006). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	<u>Intrinsic Evidence</u> Fig. 2; 1:37-39
'050	contextual information (cl. 1, 11)	Fortinet, Sophos	Indefinite under 35 U.S.C. § 112, paragraph 2.	No construction necessary

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
'050	sub-deliverable (cl. 1, 11)	Fortinet, Sophos	"separately delivered content that will be stored or processed as a unit" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,220,050 at 1:19-24; 19:50-64; 25:7-24; 39:1-13; 39:44-40:9; Figures 12-15. See also, e.g., Amendment dated January 11, 2011 (application no. '892) at 7-8. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	Plain and ordinary meaning <u>Intrinsic Evidence</u> 19:58-60; 25:18-21
'050	target data (cl. 1, 5-6, 11, 15-17)	Fortinet	"data constituting malware, confidential materials, restricted materials, inappropriate materials, or other information that is to be blocked" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,220,050 at 1:54-55; 3:11-12; 3:22-23; 18:59-63; 21:48-51; 22:10-16; 27:17-31; 30:63-31:7; 32:11-17; 39:1-22; 39:44-40:22; Figures 12-15. See also, e.g., Office Action dated February 2, 2012 (application no. '892) at 2-3. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as	Plain and ordinary meaning

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'050	central repository (cl. 1, 11)	Fortinet	"a separate computer central to a network" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,220,050 at 3:1-5; 5:29-34; 12:30-34; 13:14-20; 32:18-33; 34:21-28; 34:37-48; 35:14-19; 37:25-32; 39:16-22; 40:15-22; Figures 2-3, 12-15. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	No construction necessary or, in the alternative, plain and ordinary meaning <u>Intrinsic Evidence</u> 34:37-62
'050	computing devices (cl. 1, 11)	Fortinet	"computers connected over a network" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,220,050 at 3:1-5; 5:29-34; 12:30-34; 13:14-20; 13:54-59; 30:12-20; 37:25-32; 39:1-22; 39:44-40:22; Figures 12-15. See also, e.g., Amendment dated January 11, 2011 (application no. '892) at 7; Office Action dated February 2, 2012 (application no. '892) at 2-3. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide	No construction necessary

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'050	series of computing devices (cl. 1, 11)	Fortinet	"computers connected over a network that comprise a path" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,220,050 at 2:58-62; 5:29-34; 12:30-34; 13:14-20; 13:54-59; 21:53-56; 22:49-53; 26:49-53; 30:12-20; 32:67-33:5; 37:25-32; 39:1-22; 39:44-40:22; Figures 3, 12-15. See also, e.g., Amendment dated January 11, 2011 (application no. '892) at 7-8; Office Action dated February 2, 2012 (application no. '892) at 2-3. <u>Extrinsic Evidence</u> Definition of "series." McGraw-Hill Dictionary of Scientific and Technical Terms (5th ed. 1994). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	No construction necessary
'050	causing contextual information to be attached (cl. 1, 11)	Fortinet	Indefinite under 35 U.S.C. § 112, paragraph 2.	No construction necessary

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
'050	pattern of changing source addresses (cl. 1, 11)	Fortinet, Sophos	"discernible order of changing source addresses" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,220,050 at 1:19-24; 2:7-11; 18:67-19:2; 19:24-30; 19:47-64; 21:51-56; 25:7-24; 39:1-22; 39:44-40:22; Figures 12-15. See also, e.g., Amendment dated January 11, 2011 (application no. '892) at 7-8. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	Plain and ordinary meaning <u>Intrinsic Evidence</u> 25:39-60
'050	policy management facility (cl. 5, 15)	Fortinet, Sophos	"databases or text files of external network locations or application that may be accessed by the client, or alternatively, that the client is not permitted to access" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,220,050 at 4:32-43; 7:64-8:4; 8:18-28; 11:43-55; 16:30-41; 39:1-22; 39:44-40:22; Figures 12-15. <u>Extrinsic Evidence</u> Definition of "policy." Robert Slade, Dictionary of Information Security (2006). Definition of "policy." Alan Freedman, Computer Desktop Encyclopedia (9th ed.	"a set of rules or policies governing access permission for the client facility, including a database, a text file, a combination of database and text files, and the like" <u>Intrinsic Evidence</u> 7:55-8:17

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			2001). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'050	scanning (cl. 1, 11)	Fortinet	"examining all of" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,220,050 at 2:7-11; 19:24-30; 19:47-64; 25:7-24; 26:40-42; 28:39-41; 28:52-59; 32:11-14; 39:13-15; 40:12-14; Figures 2-3, 12-15. See also, e.g., Amendment dated January 11, 2011 (application no. '892) at 7-8. <u>Extrinsic Evidence</u> Definition of "scan." Merriam Webster Dictionary, available at http://www.merriam-webster.com/dictionary/scan. Definition of "scan." Google Dictionary, available at http://www.google.com. Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	No construction necessary
'050	determine a remedial action for the target data (cl. 1, 11)	Fortinet	"selecting a remedial action for the client to perform on the target data" <u>Intrinsic Evidence</u>	No construction necessary

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			See, e.g., U.S. Patent No. 8,220,050 at 1:65-67; 2:17-20; 11:56-12:24; 18:59-63; 19:66-20:3; 22:1-4; 22:10-16; 22:23-26; 23:12-16; 25:7-10; 27:35-36; 29:8-11; 29:12-50; 31:25-28; 31:29-63; 32:14-17; 37:23-25; 39:1-22; 39:44-40:22; Figures 2-3, 12-15. See also, e.g., Amendment dated January 11, 2011 (application no. '892) at 8.	
			<u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'050	remedial action (cl. 1, 4, 11, 14)	Sophos	“remedial action for the client to perform” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,220,050 at 1:65-67; 2:17-20; 11:56-12:24; 18:59-63; 19:66-20:3; 22:1-4; 22:10-16; 22:23-26; 23:12-16; 25:7-10; 27:35-36; 29:8-11; 29:12-50; 31:25-28; 31:29-63; 32:14-17; 37:23-25; 39:1-22; 39:44-40:22; Figures 2-3, 12-15. See also, e.g., Amendment dated January 11, 2011 (application no. '892) at 8. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the	“terminating or modifying an ongoing process or interaction, sending a warning to a client or administration facility of an ongoing process or interaction, executing a program or application to remediate against a threat or violation, record interactions for subsequent evaluation, or the like” <u>Intrinsic Evidence</u> 11:56-64; 12:25-26

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			meaning of the term to one of ordinary skill in the art.	
'344	gene / genes (cl. 1, 16)	Fortinet	“sequence[s] of APIs and strings that describes a single piece of functionality or a property of the program” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,261,344 at Abstract; 1:59-62; 3:34-37; 5:17-45; 5:56-67; 6:11-45; 7:58-8:4; 8:40-54; Figure 2. See also, e.g., Amendment dated September 17, 2010 (application no. '203) at 11-12; Amendment dated June 8, 2011 (application no. '203) at 7-9; Amendment dated April 3, 2012 (application no. '203) at 7-9. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	“a piece of functionality or property of a program” <u>Intrinsic Evidence</u> 5:32-33; 5:40-41; 5:37-41
'344	functional block (cl. 1)	Fortinet	“ordered sequence of the API calls and string references extracted from binary code” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,261,344 at Abstract; 2:32-37; 2:53-57; 5:17-28; 5:29-38; 6:11-42; 7:58-8:4; 8:40-54; Figure 2. See also, e.g., Amendment dated September 17, 2010 (application no. '203) at 11-12; Amendment dated June 8, 2011 (application	“segment of the program that illustrates the function and execution flow of the program” <u>Intrinsic Evidence</u> 5:18-20; 5:32-41; 5:27-28

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			no. '203) at 8-9; Amendment dated April 3, 2012 (application no. '203) at 7-9. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'344	property of the software (cl. 1, 16)	Fortinet	<u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,261,344 at Abstract; 2:33-37; 2:53-57; 5:4-6; 5:32-35; 7:58-8:4; 8:44-48; Figure 2. See also, e.g., Amendment dated September 17, 2010 (application no. '203) at 11-12; Amendment dated June 8, 2011 (application no. '203) at 7-8; Amendment dated April 3, 2012 (application no. '203) at 9. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	No construction necessary
'344	groupings of genes (cl. 1, 16)	Fortinet	Indefinite under 35 U.S.C. § 112, paragraph 2.	Plain and ordinary meaning, or "groupings of pieces of functionality or property of a

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
				program” <u>Intrinsic Evidence</u> Fig. 3; 2:51-61; 3:34-38; 6:46-55 Plain and ordinary meaning
'344	strings (cl. 1, 16)	Fortinet	“sequences of ASCII characters” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,261,344 at Abstract; 2:32-37; 2:53-57; 5:17-28; 5:29-38; 6:11-42; 7:58-8:4; 8:40-54; Figure 2. See also, e.g., Amendment dated September 17, 2010 (application no. '203) at 11-12; Amendment dated June 8, 2011 (application no. '203) at 8-9; Amendment dated April 3, 2012 (application no. '203) at 7-9. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'344	notifying a user (cl. 1)	Fortinet	“sending a message to a human user” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,261,344 at 3:63-67; 8:1-5; Figure 2. <u>Extrinsic Evidence</u> Definition of “user.” Philip E. Margolis, Computer & Internet Dictionary (3d ed. 1998). Fortinet may rely on Seth Nielson to provide	No construction necessary

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'344	unwanted software (cl. 10, 13)	Fortinet	"software that is installed or used without the system owner's permission" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,261,344 at Abstract; 1:9-10; 1:51-58; 1:63-2:3; 2:25-27; 6:43-45; 6:61-67; 8:23-25; 8:31-34. See also, e.g., Amendment dated April 3, 2012 (application no. '203) at 7-9. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	No construction necessary
'344	blocking access (cl. 13)	Fortinet	"preventing the software from being opened or run" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,261,344 at 2:13-17; 3:18-24; 4:36-38; 4:42-47; 8:31-34. <u>Extrinsic Evidence</u> Definition of "block." Microsoft Computer User's Dictionary (1998). Fortinet may rely on Seth Nielson to provide	No construction necessary

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'344	false-positives (cl. 16)	Fortinet	“incorrect identifications as malware or unwanted software” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,261,344 at 2:9-12; 2:13-19; 7:7-9; 8:40-54. <u>Extrinsic Evidence</u> Definition of “false positive.” Robert Slade, Dictionary of Information Security (2006). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	Plain and ordinary meaning
'344	reference files (cl. 16)	Fortinet	Indefinite under 35 U.S.C. § 112, paragraph 2.	No construction necessary
'344	set of genes (cl. 16)	Fortinet	Indefinite under 35 U.S.C. § 112, paragraph 2.	No construction necessary
'687	monotonic growth (cl. 1)	Fortinet, Sophos	“increasing and never decreasing” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,266,687 at 20:45-53; 25:33-46; Figure 3. See also, e.g., Amendment dated January 19, 2012 (application no. '415) at 6-9; Notice of Allowance dated May 25, 2012 at 3.	“continuous growth” <u>Intrinsic Evidence</u> 20:41-60

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			<u>Extrinsic Evidence</u> Definition of "monotone." Mathematic Dictionary (1976). Definition of "monotone function." McGraw-Hill Dictionary of Scientific and Technical Terms (5th ed. 1994). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'687	cookie (cl. 1, 13)	Fortinet	"a block of data that a web server stores on a client and which the client sends back to the web server when a user revisits a website" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,266,687 at 17:56-18:7; 18:38-45; 18:65-19:6; 25:33-46; Figure 3. See also, e.g., Amendment dated January 19, 2012 (application no. '415) at 6-9; Notice of Allowance dated May 25, 2012 at 3. <u>Extrinsic Evidence</u> Definition of "cookie." Microsoft Computer User's Dictionary (1998). Definition of "cookie." Philip E. Margolis, Computer & Internet Dictionary (3d ed. 1998). Definition of "cookie." Bryan Pfaffenberger, Webster's New World Computer Dictionary (2001). Definition of "cookie." Robert Slade,	Plain and ordinary meaning

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			Dictionary of Information Security (2006). Definition of "cookie." Alan Freedman, Computer Desktop Encyclopedia (9th ed. 2001). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'687	monotonic growth in said at least one cookie (cl. 1)	Fortinet	"change in the number or size of at least one cookie that increases and never decreases" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,266,687 at 18:38-45; 18:65-19:6; 20:45-53; 25:33-46; Figure 3. See also, e.g., Amendment dated January 19, 2012 (application no. '415) at 6-9; Notice of Allowance dated May 25, 2012 at 3. <u>Extrinsic Evidence</u> Definition of "cookie." Microsoft Computer User's Dictionary (1998). Definition of "cookie." Philip E. Margolis, Computer & Internet Dictionary (3d ed. 1998). Definition of "cookie." Robert Slade, Dictionary of Information Security (2006). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	"the size of at least one cookie increases continuously" <u>Intrinsic Evidence</u> 20:41-60

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
'687	applying a rule corresponding to said predetermined characteristic of said cookie (cl. 1)	Fortinet	"applying a rule corresponding to said predetermined characteristic of said cookie according to said analysis" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,266,687 at 18:38-45; 19:18-22; 19:34-48; 20:24-40; 20:53-60; 25:33-46; Figure 3. See also, e.g., Amendment dated January 19, 2012 (application no. '415) at 6-9; Notice of Allowance dated May 25, 2012 at 2-4. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	Plain and ordinary meaning
'687	determining whether the website request is an anonymizing proxy website request based on an application of said rule (cl. 1)	Fortinet	"determining whether the website request is an anonymizing proxy website request based on an application of said rule determined from said analysis" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,266,687 at 18:38-45; 19:18-22; 19:34-48; 20:24-40; 20:53-60; 25:33-46; Figure 3. See also, e.g., Amendment dated January 19, 2012 (application no. '415) at 6-9; Notice of Allowance dated May 25, 2012 at 2-4. <u>Extrinsic Evidence</u>	Plain and ordinary meaning

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			Definition of "anonymous," "proxy." Robert Slade, Dictionary of Information Security (2006). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'347	network content (cl. 1-2, 13)	Fortinet	"content from the internet" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,607,347 at 1:44-2:5; 18:20-37; 23:1-24; 23:25-26; 24:28-29; 24:13-23; Figure 1. <u>Extrinsic Evidence</u> Definition of "network." Microsoft Computer User's Dictionary (1998). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	No construction necessary
'347	source (cl. 1, 13)	Fortinet, Sophos	"source URL" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,607,347 at 19:10-14; 19:22-27; 21:29-32; 21:53-53; 23:1-24; 23:41-46; 24:1-7; Figures 2-4. See also, e.g., Amendment dated February 16, 2011 (application no. '867) at 7; Amendment	Plain and ordinary meaning

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			dated November 6, 2012 (application no. '867) at 7-8. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'347	networked source lookup database (cl. 1, 7, 9, 13, 19, 21)	Fortinet, Sophos	“database of URLs stored at a remote location accessible by a network” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,607,347 at 18:23-28; 19:22-38; 19:64-20:2; 20:27-34; 21:29-32; 21:51-53; 23:1-24; 23:41-46; 24:1-7; Figures 2-4. See also, e.g., Amendment dated February 16, 2011 (application no. '867) at 7-8; Amendment dated November 6, 2012 (application no. '867) at 7-8. <u>Extrinsic Evidence</u> Definition of “network,” “network database.” Microsoft Computer User's Dictionary (1998). Definition of “database,” “network.” Philip E. Margolis, Computer & Internet Dictionary (3d ed. 1998). Definition of “database,” “network.” Bryan Pfaffenberger, Webster's New World Computer Dictionary (2001). Definition of “database.” Alan Freedman,	Plain and ordinary meaning

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			Computer Desktop Encyclopedia (9th ed. 2001). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'347	networked checksum lookup database (cl. 1, 13)	Fortinet	"database of checksums stored at a remote location accessible by a network" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,607,347 at 19:63-20:2; 21:32-35; 23:15-24; 24:8-22; Figures 2-4. See also, e.g., Amendment dated February 16, 2011 (application no. '867) at 7-9; Amendment dated November 6, 2012 (application no. '867) at 7-9. <u>Extrinsic Evidence</u> Definition of "checksum," "database." Dictionary of Computer Words (1993). Definition of "checksum," "network," "network database." Microsoft Computer User's Dictionary (1998). Definition of "checksum," "database," "network." Philip E. Margolis, Computer & Internet Dictionary (3d ed. 1998). Definition of "checksum," "database," "network." Bryan Pfaffenberger, Webster's New World Computer Dictionary (2001). Definition of "database." Alan Freedman, Computer Desktop Encyclopedia (9th ed.	Plain and ordinary meaning <u>Intrinsic Evidence</u> 1:52-57

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			2001). Definition of "checksum." Dictionary of Information Security (2006). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'347	scanning facility (cl. 1)	Fortinet	"network device that scans internet content" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,607,347 at 19:7-16; 19:39-43; 23:1-24; 24:1-22; Figures 2-4. See also, e.g., Amendment dated February 16, 2011 (application no. '867) at 8-9; Amendment dated November 6, 2012 (application no. '867) at 7-9. <u>Extrinsic Evidence</u> Definition of "scanner." Robert Slade, Dictionary of Information Security (2006). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	Plain and ordinary meaning <u>Intrinsic Evidence</u> 17:35-42; 17:46-54
'347	black list (cl. 9, 21)	Fortinet	"database of URLs that are unacceptable to access" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,607,347 at 6:41-46;	Plain and ordinary meaning

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			9:62-67; 21:29-32; 21:51-53; 23:1-24; 23:41-46; 24:1-7. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'347	URL (cl. 7, 9, 13, 19, 21)	Fortinet	“a string of characters that precisely identifies an internet resource's type and location, beginning with its protocol” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,607,347 at 1:66-2:5; 2:21-23; 18:5-10; 18:41-46; 19:4-38; 19:64-20:2; 20:27-51; 23:1-24; 23:38-46; 24:1-7. <u>Extrinsic Evidence</u> Definition of “URL.” Philip E. Margolis, Computer & Internet Dictionary (3d ed. 1998). Definition of “URL.” Bryan Pfaffenberger, Webster's New World Computer Dictionary (2001). Definition of “URL.” Alan Freedman, Computer Desktop Encyclopedia (9th ed. 2001). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the	No construction necessary, or “universal resource locator”

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			meaning of the term to one of ordinary skill in the art.	
'347	on-device (cl. 13)	Fortinet	"locally stored and executed" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,607,347 at 17:35-42; 17:46-58; Figures 2-4. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	No construction necessary
'347	sequentially performing a first query of the networked source lookup database and a second query of the networked checksum lookup database (cl. 13)	Fortinet	"first performing a query on a database of checksums stored at a remote location accessible by a network and then performing a query on a database of checksums stored at a remote location accessible by a network" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 8,607,347 at 19:63-20:2; 21:32-35; Figures 3-4. See also, e.g., Amendment dated February 16, 2011 (application no. '867) at 7; Amendment dated November 6, 2012 (application no. '867) at 7-9. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic	No construction necessary

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'125	virtual routing engine (VRE) (cl. 1, 3, 5)	Fortinet, Sophos	"engine that can support multiple routing policies" <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,376,125 at Abstract; 2:7-22; 4:56-63; 5:49-61; 7:52-57; 10:10-20; 10:64-11:21; 11:22-11:53; 14:20-15:7; 15:13-14; 15:45-59; Figures 3-4, 8, 11, 12. <u>Extrinsic Evidence</u> Definition of "routing," "virtual." Philip E. Margolis, Computer & Internet Dictionary (3d ed. 1998). Definition of "virtual." Bryan Pfaffenberger, Webster's New World Computer Dictionary (2001). Definition of "virtual." Alan Freedman, Computer Desktop Encyclopedia (9th ed. 2001). Definition of "virtual." Robert Slade, Dictionary of Information Security (2006). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	"an IPSEG element that contains at least one CPU and a virtual routing processor and performs all hardware processing" <u>Intrinsic Evidence</u> 5:35-51; 10:10-20; 14:50-55
'125	packet transformations	Fortinet, Sophos	Plain and ordinary meaning.	"packet processing that can be achieved in hardware"

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
	(cl. 1, 3, 5)		<u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,376,125 at 11:34-53; 15:15-27; 15:45-59; Figures 4, 12. <u>Extrinsic Evidence</u> Definition of "packet." Philip E. Margolis, Computer & Internet Dictionary (3d ed. 1998). Definition of "packet." Bryan Pfaffenberger, Webster's New World Computer Dictionary (2001). Definition of "packet." Alan Freedman, Computer Desktop Encyclopedia (9th ed. 2001). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	<u>Intrinsic Evidence</u> 14:50-55
'125	process the packet (cl. 1, 3, 5)	Sophos	Plain and ordinary meaning. <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,376,125 at 2:12-14; 2:20-22; 3:33-43; 5:11-17; 5:24-34; 10:11-16; 11:34-53; 15:45-59; Figures 4, 12. <u>Extrinsic Evidence</u> Definition of "packet." Philip E. Margolis, Computer & Internet Dictionary (3d ed. 1998). Definition of "packet." Bryan Pfaffenberger, Webster's New World Computer Dictionary (2001). Definition of "packet." Alan Freedman,	"perform software-based, upper layer packet processing" <u>Intrinsic Evidence</u> 5:42-48; 10:10-20; 12:45-51

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			Computer Desktop Encyclopedia (9th ed. 2001). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'125	virtual service engine (VSE) (cl. 1, 3, 5)	Sophos	“virtual service controller for packet processing” <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,376,125 at 2:7-14; 5:51-52; 6:3-6; 10:10-20; 14:34-46; 15:28-33; 15:45-59; Figures 3-4, 8, 11, 12. <u>Extrinsic Evidence</u> Definition of “virtual.” Philip E. Margolis, Computer & Internet Dictionary (3d ed. 1998). Definition of “virtual.” Bryan Pfaffenberger, Webster's New World Computer Dictionary (2001). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	“an IPSG element that contains at least two CPUs and performs software-based, upper layer packet processing” <u>Intrinsic Evidence</u> 5:35-51; 14:50-55
'125	flow-based packet classification (cl. 1, 3, 5)	Sophos	Plain and ordinary meaning. <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,376,125 at 11:22-33; 11:34-62; 14:34-46; 15:15-27; 15:45-59;	“classifying a packet based on fields of an LQ header and of the L3/L4 headers” <u>Intrinsic Evidence</u>

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			Figures 4, 12. <u>Extrinsic Evidence</u> Definition of "packet." Philip E. Margolis, Computer & Internet Dictionary (3d ed. 1998). Definition of "packet." Bryan Pfaffenberger, Webster's New World Computer Dictionary (2001). Definition of "packet." Alan Freedman, Computer Desktop Encyclopedia (9th ed. 2001). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	15:18-23; See generally, '125 patent file history at pp. 43-76.
'125	flow learning (cl. 1, 3, 5)	Sophos	Plain and ordinary meaning. <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,376,125 at 15:15-33; 15:45-59; Figures 4, 12. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	"determining how packets in the flow should be treated" <u>Intrinsic Evidence</u> 15:18-23; See also '125 patent file history at 43-76, 49, 65-66.
'125	Advanced Security Engine (ASE)	Sophos	"virtual processor for performing encryption" <u>Intrinsic Evidence</u>	"an IPSP element that contains specialized encryption hardware and performs VPN processing"

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
	(cl. 2, 4, 6)		See, e.g., U.S. Patent No. 7,376,125 at 2:15-22; 12:43-14:19; 15:28-33; 15:45-59; Figures 3, 4, 9. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	<u>Intrinsic Evidence</u> 5:3-5; 5:53-55; 6:6-9; 12:45-58; 13:7-20
'125	means for establishing a flow cache / means for establishing a flow cache having a plurality of entries each identifying one of a plurality of virtual router (VR) flows through a VRbased network device and corresponding forwarding state information" or "means for establishing a flow cache (cl. 5)	Fortinet, Sophos	Subject to section 112, paragraph 6. Function: establishing a flow cache Corresponding structure: Memory. <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,376,125 at 6:57-7:3; 11:28-62; 14:34-46; 15:15-33; 15:45-59; Figures 4, 12. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	Function: establishing a flow cache having a plurality of entries each identifying one of a plurality of virtual router (VR) flows through a VR-based network device and corresponding forwarding state information Structure: none disclosed.
'125	means for receiving a packet at an input port of a line	Fortinet, Sophos	Subject to section 112, paragraph 6. Function: receiving a packet at an input port of	Function: receiving a packet at an input port of a line interface module of the VR-based

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
	interface module of the VR-based network device and for forwarding the packet to a virtual routing engine (VRE) (cl. 5)		a line interface module of the VR-based network device and for forwarding the packet to a virtual routing engine (VRE) Corresponding structure: A network interface. <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,376,125 at 2:7-22; 14:26-34; 15:8-12; 15:45-59; Figures 4, 12. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	network device and for forwarding the packet to a virtual routing engine (VRE) Structure: the “variety of interfaces” described at 4:35-37 (Gigabit, Ethernet, DS3/E3, POS and ATM), and statutory equivalents thereof.
'125	means associated with the VRE for determining one or more appropriate packet transformations” (Fortinet) / “means associated with the VRE for determining one or more appropriate packet transformations for application to the packet by	Fortinet, Sophos	Subject to section 112, paragraph 6. Function: determining one or more appropriate packet transformations Corresponding structure: A processor. <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,376,125 at 11:34-53; 15:15-27; 15:45-59; Figures 4, 12. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in	Function: determining one or more appropriate packet transformations for application to the packet by performing flow-based packet classification on the packet Structure: none disclosed.

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
	performing flowbased packet classification on the packet (cl. 5)		the art.	
'125	means for using a result of the flow-based packet classification / means for using a result of the flow-based packet classification to retrieve an entry of a plurality of entries of the flow cache" or "means for using a result of the flow-based packet classification (cl. 5)	Fortinet, Sophos	Subject to section 112, paragraph 6. Function: using a result of the flow-based packet classification to retrieve an entry of a plurality of entries of the flow cache Corresponding structure: A processor. <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,376,125 at 11:22-33; 11:34-62; 14:34-46; 15:15-27; 15:45-59; Figures 4, 12. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	Function: using a result of the flow-based packet classification to retrieve an entry of a plurality of entries of the flow cache Structure: none disclosed.
'125	means for, on a flow cache hit, determining, based on the corresponding forwarding state information of the retrieved flow cache entry, whether to process the packet with a virtual service engine (VSE) of the VR-based network device	Fortinet, Sophos	Subject to section 112, paragraph 6. Function: determining whether to process the packet with a virtual service engine (VSE) of the VR-based network device Corresponding structure: A processor. <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,376,125 at 11:28-62; 14:34-46; 15:15-33; 15:45-59; Figures 4,	Function: determining, based on the corresponding forwarding state information of the retrieved flow cache entry, whether to process the packet with a virtual service engine (VSE) of the VR-based network device Structure: none disclosed.

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
	with a virtual service engine (VSE) of the VR-based network device (cl. 5)		12. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'125	means for, on a packet flow cache miss, identifying the existence of a new VR flow / means for, on a packet flow cache miss, identifying the existence of a new VR flow and upon successful allocation of a new entry of the packet flow cache for the new VR flow, forwarding the packet to software on the processor for flow learning Structure: none disclosed.	Fortinet, Sophos	Subject to section 112, paragraph 6. Function: identifying the existence of a new VR flow Corresponding structure: A processor. <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,376,125 at 11:28-62; 14:34-46; 15:15-33; 15:45-59; Figures 4, 12. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	Function: identifying the existence of a new VR flow and upon successful allocation of a new entry of the packet flow cache for the new VR flow, forwarding the packet to software on the processor for flow learning Structure: none disclosed.

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
	(cl. 5)			
'430	port (cl. 8, 27)	Sophos	Plain and ordinary meaning. Intrinsic Evidence See, e.g., U.S. Patent No. 7,333,430 at 1:45-50; 3:40-57; 4:19-37; 14:20-30; 16:38-47; Figures 1, 6. Extrinsic Evidence Definition of "port." Philip E. Margolis, Computer & Internet Dictionary (3d ed. 1998). Definition of "port." McGraw-Hill Computer Desktop Encyclopedia (2001). Definition of "port." Microsoft Computer Dictionary (2002). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	"a discrete hardware interface" Intrinsic Evidence 3:43-48; 4:19-24; 4:62-5:11; 7:26-30; 8:47-51; 8:66-9:2; 14:20-29
'430	worker module (cl. 1, 5, 8, 11, 14, 15, 27, 30)	Sophos	Plain and ordinary meaning. Intrinsic Evidence See, e.g., U.S. Patent No. 7,333,430 at 1:45-50; 3:22-39; 4:19-39; 6:25-62; 7:35-8:18; 8:52-9:40; 10:22-65; 11:58-12:33; 13:17-31; 16:38-47; Figures 1, 6. Extrinsic Evidence Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic	"a module having at least two data ports and a switch port" Intrinsic Evidence Fig. 1; 3:43-48; 3:66-4:2; 4:24-26; 4:35-39

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'430	tag / tagging (cl. 9)	Sophos	Plain and ordinary meaning. <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,333,430 at 4:40-5:11; 5:12-14; 6:22-24; 7:24-46; 8:65-9:2; 9:57-58; 10:54-11:3; 11:55-61; 12:25-27; 12:63-13:16; 13:33-64; 16:38-47; Figures 2A-5B.	“adding to a packet a header or other information that uniquely identifies an interface mapping” <u>Intrinsic Evidence</u> 4:40-45; 4:62-5:3; 7:24-38; 9:17-20
'430	mapping (cl. 8)	Sophos	Plain and ordinary meaning. <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,333,430 at 4:19-26; 4:40-43; 4:62-5:11; 7:18-23; 16:38-47; Figures 2A-5B. <u>Extrinsic Evidence</u> Definition of “map.” Philip E. Margolis, Computer & Internet Dictionary (3d ed. 1998). Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	“a one-to-one association between a port and a logical interface” <u>Intrinsic Evidence</u> 4:24-26; 4:37-39; 4:62-5:3
'430	means for receiving network traffic data (cl. 14)	Fortinet, Sophos	Subject to section 112, paragraph 6. Function: receiving network traffic data Corresponding structure: An IO module. <u>Intrinsic Evidence</u>	Function: receiving network traffic data Structure: communication interface 618 described at 16:1-4, and statutory equivalents thereof.

Pat.	Claim Term	Party Requesting Construction	Fortinet's Proposed Construction and Supporting Evidence	Sophos' Proposed Construction and Supporting Evidence
			See, e.g., U.S. Patent No. 7,333,430 at Abstract; 1:51-57; 2:5-11; 3:22-39; 3:59-4:18; 4:40-49; 4:67-5:3; 6:11-24; 9:17-25; 9:52-59; 16:38-47; Figures 2A-5B. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	
'430	means for passing the network traffic data / means for passing the network traffic data to one of a plurality of worker modules for processing the network traffic data (cl. 14)	Fortinet, Sophos	Subject to section 112, paragraph 6. Function: passing the network traffic data to one of a plurality of worker modules Corresponding structure: An IO module. <u>Intrinsic Evidence</u> See, e.g., U.S. Patent No. 7,333,430 at Abstract; 1:51-57; 2:5-11; 3:59-4:18; 4:53-56; 6:22-24; 7:24-34; 8:65-9:25; 10:46-11:3; 11:55-57; 12:63-13:16; 13:47-52; 16:38-47; Figures 2A-5B. <u>Extrinsic Evidence</u> Fortinet may rely on Seth Nielson to provide testimony that this term should be construed as proposed by Fortinet in light of intrinsic evidence, extrinsic evidence, and/or the meaning of the term to one of ordinary skill in the art.	Function: passing the network traffic data to one of a plurality of worker modules for processing the network traffic data Structure: bus 602 described at 14:49-55, and statutory equivalents thereof.