

EXHIBIT F

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable William H. Alsup, Judge

Finjan, Inc.,)
)
Plaintiff,)
)
VS.) NO. 17-CV-5659
)
Juniper Network, Inc.,)
)
Defendant.)
)

San Francisco, California
Thursday, February 22, 2018

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

For Plaintiff: KRAMER LEVIN NAFTALIS & FRANKEL LLP
990 Marsh Road
Menlo Park, CA 94025

BY: Mr. Paul Andre
Mr. Kristopher Kastens

For Defendant: IRELL & MANELLA LLP
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Newport Beach, CA 92660

BY: Ms. Rebecca Carson

Reported By: Vicki Eastvold, RMR, CRR
Official Reporter

1 cleanly instead of you all treating me like your early neutral
2 evaluation judge and two years later I'm still trying to figure
3 out which end is up.

4 All right. I had one other question for you. What is the
5 PTAB situation? In other words, of these 16 claims are any of
6 them in the PTAB right now?

7 MS. CARSON: Your Honor, they haven't yet told us the
8 16 claims, so I'll leave that to Mr. Andre.

9 THE COURT: Oh, really? That was a nice little slight
10 of hand. How come you haven't told them?

11 MR. ANDRE: We agree it would be 16 claims. We put
12 that in the schedule that we proposed to the Court. But we can
13 do that obviously earlier.

14 THE COURT: Well, I think you should do it. I thought
15 you should do that today. Can you do that today?

16 MR. ANDRE: I can't do it off the top of my head, Your
17 Honor.

18 THE COURT: Will you do it by tomorrow at noon?

19 MR. ANDRE: Sixteen claims, we can do it by tomorrow
20 by noon.

21 THE COURT: Okay. 16 claims tomorrow at noon.

22 MR. ANDRE: It was baked into the schedule. 16
23 claims.

24 THE COURT: Those will be the 16. Then I'm still
25 giving you two weeks from today, I guess, to withdraw any of

1 the 16.

2 MR. ANDRE: Okay.

3 THE COURT: Now you can't go -- once you limit it to
4 16, and you withdraw one, you can't substitute some other one.
5 You don't get to do that. So if you withdraw one, then you're
6 down to 15.

7 MR. ANDRE: Your Honor, as far as the PTAB situation
8 goes, the patents that are involved in this case I think
9 they've been subject to about 25 or 30 IPR petitions.
10 Nothing's in the PTAB except for one. One of the patents --
11 the patents have all survived multiple PTAB challenges. And so
12 the claims that we'll select, there's a chance that one of the
13 patents has been instituted but has not been final. And so
14 that's the only patent that has anything that would be
15 implicated in the shootout.

16 THE COURT: Well, my thought is that that won't affect
17 us. We'll just push ahead. If you pick one that's going to be
18 at the PTAB or you pick one that's at the PTAB, I'm just going
19 to ignore the PTAB and make my own decision. So unless you two
20 could stipulate to something I might figure out a -- but the
21 PTAB will not resolve any of these by August. Right?

22 MS. CARSON: That's correct. There's also a number of
23 recent proceedings that have been filed but not yet reached the
24 institution decision phase by other defendants.

25 THE COURT: How many of these patents are still

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CERTIFICATE OF REPORTER

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

DATE: Thursday, February 27, 2018.

Vicki Eastvold, RMR, CRR, U.S. Court Reporter