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10 FINJAN, INC.

11 **IN THE UNITED STATES DISTRICT COURT**  
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
13 **SAN FRANCISCO DIVISION**

15 FINJAN, INC., a Delaware Corporation,

16 Plaintiff,

17 v.

18 JUNIPER NETWORKS, INC., a Delaware  
19 Corporation,

20 Defendant.

Case No.: 3:17-cv-05659-WHA

**DECLARATION OF KRISTOPHER  
KASTENS IN SUPPORT OF PLAINTIFF  
FINJAN, INC.’S OPPOSITION TO  
DEFENDANT JUNIPER NETWORKS, INC.’S  
MOTION FOR SUMMARY JUDGMENT**

Date: July 26, 2018  
Time: 8:00 a.m.  
Courtroom: Courtroom 12, 19<sup>th</sup> Floor  
Before: Hon. William Alsup

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24  
25 **REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED**  
26  
27  
28

1 I, Kristopher Kastens, duly declare as follows:

2 1. I am an attorney at Kramer Levin Naftalis & Frankel LLP, counsel of record for  
3 plaintiff Finjan Inc. (“Finjan”). I have personal knowledge regarding the statements below and can  
4 testify competently about these statements. I submit this declaration in support of Finjan’s opposition  
5 to Defendant Juniper Networks, Inc.’s (“Juniper”) Motion for Summary Judgment (Dkt. No. 96).

6 2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from a document  
7 entitled “SRX Series Services Gateways for the Branch”, bearing bates number FINJAN-JN 005221.

8 3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from a document  
9 entitled “SRX Space,” bearing bates number JNPR-FNJN\_29017\_00552580.

10 4. Attached hereto as Exhibit 3 is a true and correct copy of a excerpts from a document  
11 entitled “Sky Advanced Threat Prevention Administration Guide,” bearing bates numbers FINJAN-JN  
12 005265-66 and FINJAN-JN 005269.

13 5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from a document  
14 entitled [REDACTED] bearing bates number JNPR-FNJN\_29032\_00590555.

15 6. Attached hereto as Exhibit 5 is a true and correct copy of pages 169-170 and 172 from  
16 the transcript of the deposition of Chandra Nagarajan, taken on May 31, 2018.

17 7. Attached hereto as Exhibit 6 is a true and correct copy of excerpts of the Joe Sandbox –  
18 Report webpage bearing bates numbers FINJAN-JN 304957 and FINJAN-JN 304963.

19 8. Attached hereto as Exhibit 7 is a true and correct copy of pages 129, 144-145, and 449-  
20 458 of the printouts of Juniper source code.

21 9. Attached hereto as Exhibit 8 is a true and correct copy of page 3 of the Notice of  
22 Allowability from the patent file history of U.S. Patent No. 6,804,780, dated May 13, 2004.

23 10. Attached hereto as Exhibit 9 is a true and correct copy of pages 14 and 15 from  
24 “JavaScript for Dummies” bearing bates numbers FINJAN-JN 398436-37.

25 11. Attached hereto as Exhibit 10 is a true and correct copy of pages 99 and 100 from the  
26 publication “Java in a Nutshell a Desktop Quick Reference” bearing bates numbers FINJAN-JN  
27 358556-57.

28

1 12. Attached hereto as Exhibit 11 is a true and correct copy of page 2 from the Order  
2 Construing the Terms of U.S. Patent Nos. 6,092,194; 6,804,780; 7,058,822; 6,357,010; and 7,185,361  
3 from *Finjan, Inc. v. Secure Computing*, C.A. 06-cv-00369 (GMS), Dkt. 142 (D. Del. Dec. 11, 2007).

4 13. Attached hereto as Exhibit 12 is a true and correct copy of pages 13 and 28 from the  
5 transcript of the deposition of Yuly Tenorio, taken on May 9, 2018.

6 14. Attached hereto as Exhibit 13 is a true and correct copy of a document produced by  
7 Finjan, bearing bates numbers FINJAN-JN 045225.

8 15. Attached hereto as Exhibit 14 is a true and correct copy of a document entitled [REDACTED]  
9 [REDACTED] bearing bates number JNPR-FNJN\_29033\_00858887.

10 16. Attached hereto as Exhibit 15 is a true and correct copy of excerpts from a presentation  
11 entitled "Sky Advanced Threat Prevention Competitive Presentation" bearing bates numbers JNPR-  
12 FNJN\_29008\_00505454 and JNPR-FNJN\_29008\_00505456.

13 17. Attached hereto as Exhibit 16 is a true and correct copy of excerpts from a presentation  
14 entitled [REDACTED] bearing bates number  
15 JNPR-FNJN\_29003\_00163740.

16 18. Attached hereto as Exhibit 17 is a true and correct copy of excerpts from a presentation  
17 entitled "Sky Advanced Threat Prevention" bearing bates number JNPR-FNJN\_29008\_00514123.

18 19. Attached hereto as Exhibit 18 is a true and correct copy of a webpage entitled "Joe  
19 Sandbox Desktop – Analysis Report 34362" bearing bates number FINJAN-JN 358722.

20 20. Attached hereto as Exhibit 19 is a true and correct copy of a document entitled "Juniper  
21 Sky Advanced Threat Protection vs. Locky Malware" bearing bates numbers JNPR-  
22 FNJN\_29033\_00635680-90.

23 21. Attached hereto as Exhibit 20 is a true and correct copy of excerpts from a presentation  
24 entitled "Sky ATP Advanced Threat protection Juniper's Sky IS the limit!" bearing bates number  
25 FINJAN-JN 044847.

26 22. Attached hereto as Exhibit 21 is a true and correct copy of a document entitled  
27 [REDACTED] bearing bates number JNPR-  
28

1 FNJN\_29017\_00552710.

2 23. Attached hereto as Exhibit 22 is a true and correct copy of a document produced by  
3 Juniper, bearing bates numbers JNPR-FNJN\_29030\_00553951 and JNPR-FNJN\_29030\_00553954.

4 24. Attached hereto as Exhibit 23 is a true and correct copy of pages 5-6 from Finjan's First  
5 Set of Requests for Production of Documents to Juniper (Nos. 1-60), served on February 23, 2018,  
6 requesting all documents and communications relating to Finjan and the Asserted Patents, which  
7 included any internal pre-suit communications within Juniper regarding Finjan and its Asserted  
8 Patents. Documents responsive to Request Nos. 1-3 are communications between Meredith  
9 McKenzie and Scott Coonan, who communicated with Finjan regarding the Asserted Patents.

10 25. Attached hereto as Exhibit 24 is a true and correct copy of excerpts from an email from  
11 Lisa Kobialka to Josh Glucoft dated June 10, 2018, regarding a June 8, 2018, discussion in which  
12 Juniper's counsel confirmed that Ms. McKenzie and Mr. Coonan's emails had been searched but not  
13 produced, despite the Court's standing orders.

14 26. Attached hereto as Exhibit 25 is a true and correct copy of excerpts from an email  
15 between Ivan Chaperot and Ms. McKenzie, bearing bates number FINJAN-JN 193509.

16 27. Attached hereto as Exhibit 26 is a true and correct copy of excerpts from an email  
17 between Ivan Chaperot and Scott Coonan bearing bates number FINJAN-JN 193514.

18 28. Attached hereto as Exhibit 27 is a true and correct copy of excerpts from a document  
19 produced by Finjan, bearing bates number FINJAN-JN 193518.

20 29. Attached hereto as Exhibit 28 is a true and correct copy of pages 192-196, 199-200,  
21 219-220, and 224-225 from the transcript of the deposition of John Garland, taken on May 24, 2018.

22 30. Attached hereto as Exhibit 29 is a true and correct copy of pages 4-6 from Finjan's  
23 Second Supplemental Objections and Responses to Juniper's First Set of Interrogatories (No. 6), served  
24 on May 23, 2018.

25 31. Attached hereto as Exhibit 30 is a true and correct copy of excerpts from a presentation  
26 entitled "Finjan Cybersecurity" bearing bates number FINJAN-JN 303432.

27 32. Attached hereto as Exhibit 31 is a true and correct copy of excerpts from a presentation  
28

1 entitled “Finjan Cybersecurity” bearing bates number FINJAN-JN 303441.

2 33. Attached hereto as Exhibit 32 is a true and correct copy of excerpts from a document  
3 produced by Finjan, bearing bates number FINJAN-JN 303455.

4 34. Attached hereto as Exhibit 33 is a true and correct copy of excerpts from a document  
5 produced by Finjan, bearing bates number FINJAN-JN 303459.

6 35. Attached hereto as Exhibit 34 is a true and correct copy of excerpts from a document  
7 produced by Finjan, bearing bates number FINJAN-JN 303464.

8 36. Attached hereto as Exhibit 35 is a true and correct copy of pages 4-6 from an Order  
9 from *Arthrex, Inc. v. Smith & Nephew, Inc.*, No. 15-cv-01047, Dkt. 275 (E.D. Tex. Nov. 29, 2016).

10 37. Attached hereto as Exhibit 36 is a true and correct copy of excerpts from an email  
11 between Ms. McKenzie and Julie Mar-Spinola bearing bates numbers FINJAN-JN 192859-60.

12 38. Attached hereto as Exhibit 37 is a true and correct copy of excerpts from a February 9,  
13 2015 letter from Ivan Chaperot to Manoj Leelanivas, bearing bates numbers FINJAN-JN 180255 and  
14 FINJAN-JN 180261.

15 39. Attached hereto as Exhibit 38 is a true and correct copy of a January 28, 2016, letter  
16 from Michael Kim to David Jakopin bearing bates numbers FINJAN-JN 193290-92.

17 40. Attached hereto as Exhibit 39 is a true and correct copy of excerpts from a presentation  
18 entitled “Finjan Cybersecurity” bearing bates numbers FINJAN-JN 192954-55 and FINJAN-JN  
19 192979.

20 41. Attached hereto as Exhibit 40 is a true and correct copy of pages 1-6 from Finjan’s First  
21 Supplemental Objections and Responses to Juniper’s First Set of Interrogatories (Nos. 3, 4, 6, 7),  
22 served on May 16, 2018.

23 42. Attached hereto as Exhibit 41 is a true and correct copy of pages 1-2 from a webpage  
24 entitled “Aladdin agrees to private equity buy-out, merger with SafeNet”, available at  
25 [https://www.finextra.com/newsarticle/19507/aladdin-agrees-to-private-equity-buy-out-merger-with-](https://www.finextra.com/newsarticle/19507/aladdin-agrees-to-private-equity-buy-out-merger-with-safenet)  
26 [safenet](https://www.finextra.com/newsarticle/19507/aladdin-agrees-to-private-equity-buy-out-merger-with-safenet), dated January 12, 2009.

27 43. Attached hereto as Exhibit 42 is a true and correct copy of excerpts from the  
28

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