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11 FINJAN, INC.

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**
14

15 FINJAN, INC., a Delaware Corporation,

16 Plaintiff,

17 v.

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

20 Defendant.
21

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

**DECLARATION OF KRISTOPHER
KASTENS IN SUPPORT OF PLAINTIFF
FINJAN, INC.'S OPENING CLAIM
CONSTRUCTION BRIEF**

Date: TBD
Time: 8:00 a.m.
Courtroom: Courtroom 12, 19th Floor
Before: Hon. William Alsup

1 I, Kristopher Kastens, duly declare as follows:

2 1. I am an attorney at Kramer Levin Naftalis & Frankel LLP, a counsel of record for the
3 plaintiff, Finjan, Inc. (“Finjan”), in the above referenced matter. I have personal knowledge of the
4 facts stated below and can testify competently to those facts. I submit this declaration in support of
5 Finjan’s Opening Claim Construction brief.

6 2. Attached hereto as the Exhibit 1 is a true and correct copy of the U.S. Patent No.
7 7,647,633 (“‘633 Patent”).

8 3. Attached hereto as the Exhibit 2 is a true and correct copy of the U.S. Patent No.
9 7,613,926.

10 4. Attached hereto as the Exhibit 3 is a true and correct copy of the U.S. Patent No.
11 6,804,780.

12 5. Attached hereto as the Exhibit 4 is a true and correct copy of the U.S. Patent No.
13 6,154,844.

14 6. Attached hereto as the Exhibit 5 is a true and correct copy of the U.S. Patent No.
15 8,141,154.

16 7. Attached hereto as the Exhibit 6 is a true and correct copy of the Final Written Decision
17 (Paper 49) entered on March 16, 2017 by the Patent Trial and Appeal Board in IPR2015-01974, *Palo*
18 *Alto Networks, Inc. v. Finjan, Inc.*.

19 8. Attached hereto as the Exhibit 7 is a true and correct copy of the Notice of Intent to
20 Issue *Ex Parte* Reexamination Certificate for U.S. Application No. 90/013,652, related to the ‘633
21 Patent, dated May 10, 2016.

22 9. Attached hereto as the Exhibit 8 is a true and correct copy of the Declaration of Aviel
23 D. Rubin dated September 24, 2015, filed in support of Palo Alto Networks, Inc.’s petition for *Inter*
24 *Partes* Review of U.S. Patent No. 7,647,633 in IPR2015-01974.

25 10. Attached hereto as the Exhibit 9 is a true and correct copy of the Joint Claim
26 Construction Pre-hearing Statement in *Finjan, Inc. v. Symantec Corp.*, Case No. 14-cv-02998-HSG,
27 Dkt. No. 68, filed on March 16, 2015.

1 11. Attached hereto as the Exhibit 10 is a true and correct copy of a Joint Claim
2 Construction Pre-hearing Statement *Finjan, Inc. v. Sophos Inc.*, Case No. 14-cv-01197-WHO, Dkt. No.
3 54, filed on October 14, 2014.

4 12. Attached hereto as the Exhibit 11 is a true and correct copy of excerpts from the
5 Declaration of Jack W. Davidson dated September 10, 2015, filed in support of Symantec
6 Corporation's petition for *Inter Partes* Review in IPR2015-01893.

7 13. Attached hereto as the Exhibit 12 is a true and correct copy of excerpts from the
8 Declaration of Jack W. Davidson dated September 10, 2015 filed in support of Symantec
9 Corporation's petition for *Inter Partes* Review in IPR2015-01895

10 14. Attached hereto as the Exhibit 13 is a true and correct copy of excerpts from the
11 Declaration of Aviel D. Rubin filed on November 5, 2015 in support of Palo Alto Networks, Inc.'s
12 petition for *Inter Partes* Review in IPR2016-00151.

13 I declare under penalty of perjury under the laws of the United States that the foregoing is true
14 and correct. Executed on August 6, 2018 in Menlo Park, California.

15
16 /s/ Kristopher B. Kastens

Kristopher B. Kastens