

1 PAUL J. ANDRE (State Bar No. 196585)
pandre@kramerlevin.com
2 LISA KOBIALKA (State Bar No. 191404)
lkobialka@kramerlevin.com
3 JAMES HANNAH (State Bar No. 237978)
jhannah@kramerlevin.com
4 KRISTOPHER KASTENS (State Bar No. 254797)
kkastens@kramerlevin.com
5 KRAMER LEVIN NAFTALIS & FRANKEL LLP
6 990 Marsh Road
7 Menlo Park, CA 94025
8 Telephone: (650) 752-1700
9 Facsimile: (650) 752-1800
10 *Attorneys for Plaintiff*
11 FINJAN, INC.

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

14 FINJAN, INC., a Delaware Corporation,
15
16 Plaintiff,
17 v.
18 JUNIPER NETWORKS, INC., a Delaware
19 Corporation,
20 Defendant.

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

**DECLARATION OF AUSTIN MANES IN
SUPPORT OF PLAINTIFF FINJAN, INC.'S
OPPOSITIONS TO DEFENDANT
JUNIPER NETWORKS, INC.'S MOTIONS
IN LIMINE NOS. 1-3**

Date: December 4, 2018
Time: 9:00 a.m.
Courtroom: Courtroom 12, 19th Floor
Before: Hon. William Alsup

1 I, Austin Manes, declare:

2 1. I am licensed to practice law in the State of California and am an attorney at Kramer
3 Levin Naftalis & Frankel LLP, counsel of record for Finjan, Inc. (“Finjan”). I have personal
4 knowledge of the facts stated herein. I make this declaration in support of Plaintiff Finjan, Inc.’s
5 Oppositions to Juniper Networks, Inc.’s (“Juniper”) Motions *in Limine* Nos. 1-3.

6 2. Attached hereto as Exhibit 1 is a true and correct copy of a document entitled “Juniper
7 Advanced Anti-Malware Service on SRX Software Functional Specification, bearing bates numbers
8 JNPR-FNJNI_29002_00173278-340.

9 3. Attached hereto as Exhibit 2 is a true and correct copy of page 50 from the transcript of
10 Raju Manthena, taken on May 30, 2018.

11 4. Attached hereto as Exhibit 3 is a true and correct copy page 188 from the transcript of
12 Yuly Tenorio, taken on May 9, 2018.

13 5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from Juniper’s Form
14 10-Q for the quarterly period ended September 30, 2017, bearing bates numbers FINJAN-JN 042683,
15 42692.

16 6. Attached hereto as Exhibit 5 is a true and correct copy of a webpage entitled “Juniper
17 Networks Acquires Security Firm Cyphort,” dated August 31, 2017, available from
18 <https://www.sdxcentral.com/articles/news/juniper-networks-acquires-security-firm-cyphort/2017/08>.

19 7. Attached hereto as Exhibit 6 is a true and correct copy of a letter from Finjan to
20 Cyphort, dated February 9, 2015, bearing bates numbers FINJAN-JN 180255-66.

21 8. Attached hereto as Exhibit 7 is a true and correct copy of a letter from Finjan to
22 Pillsbury Winthrop Shaw Pittman LLP, dated January 28, 2016, bearing bates numbers FINJAN-JN
23 193290-92.

24 9. Attached hereto as Exhibit 8 is a true and correct copy of a Finjan presentation entitled,
25 “Patent Licensing Discussions”, dated March 23, 2016, bearing bates numbers FINJAN-JN 193230-69.

26 10. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from Juniper’s
27 Second Supplemental Response to Finjan’s First Set of Interrogatories, served on June 18, 2018.

1 11. Attached hereto as Exhibit 10 is a true and correct copy of a transcript of Mr. Coonan
2 and John Garland's conversations, bearing bates numbers JNPR-FNJNI_29011_00960575-91.

3 12. Attached hereto as Exhibit 11 is a true and correct copy of pages 51 and 173-174 from
4 the transcript of the deposition of Scott Coonan, taken on November 16, 2018.

5 13. Attached hereto as Exhibit 12 is a true and correct copy of an email from RPX Weekly
6 Newsletter to Scott Coonan, dated November 7, 2016, bearing bates numbers JNPR-
7 FNJNI_29011_00960426-29.

8 14. Attached hereto as Exhibit 13 is a true and correct copy of an email from RPX Weekly
9 Newsletter to Scott Coonan, dated March 4, 2016, bearing bates numbers JNPR-
10 FNJNI_29011_00960480-92.

11 15. Attached hereto as Exhibit 14 is a true and correct copy of pages 10, 17-20 and
12 demonstrative slides 13, 15, 20 from the Expert Rebuttal Report of Dr. Alessandro Orso, served on
13 October 11, 2018.

14
15 I declare under penalty of perjury under the laws of the United States of America that each
16 of the above statements is true and correct. Executed on November 23, 2018, in San Francisco,
17 CA.

18 /s/ Austin Manes
19 Austin Manes