

# Exhibit 1

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**From:** ~Kastens, Kristopher  
**Sent:** Wednesday, November 7, 2018 12:23 PM  
**To:** Glucoft, Josh; ~Andre, Paul; ~Caire, Yuridia; ~Hannah, James; ~Hedvat, Shannon; ~Kobialka, Lisa; ~Lee, Hannah; ~Lee, Michael; ~Manes, Austin; ~Martinez, Cristina; ~Nguyen, Stephanie  
**Cc:** Kagan, Jonathan; Carson, Rebecca; Curran, Casey; Song, Sharon; Wang, Kevin  
**Subject:** RE: Depositions  
**Attachments:** Arst Summary.pdf

Josh,

We agree to our proposal regarding postponing the depositions of Mr. Marcellin, Kuzenetsov, and Touboul. Furthermore, we understand that Juniper will not be calling Mr. Icasiano to trial, as he was a late disclosure only identified on Nov. 5<sup>th</sup>. Notify Finjan immediately if this is not the case.

Regarding invoice summaries, we provided a summary of Dr. Bim's fees billed this morning and I've attached a summary for Dr. Arst. We will get back to you about when we can provide information for Drs. Orso and Cole.

Given the Court's order regarding a second early summary judgment, provide a proposed date in 2018 for the 30(b)(6) deposition regarding Joe Security/Sandbox. Regarding the number of malware analyzed, while Juniper contends it does not track all of this information, it certainly much of this information (See Nagarajan at 53:14-55:19). As such, provide dates for a 30(b)(6) deponent on this topic.

Finally, Juniper has produced several sets of documents well after Finjan has submitted its opening expert reports and rebuttal expert reports. We understand that Juniper will not rely on these late disclosures for any purpose during the December 10<sup>th</sup> trial. Notify Finjan immediately if this is not the case.

Sincerely,  
Kris

Kris Kastens  
Partner

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**From:** Glucoft, Josh [mailto:JGlucoft@irell.com]

**Sent:** Monday, November 05, 2018 5:19 PM

**To:** Kastens, Kris; Andre, Paul; Caire, Yuridia; Hannah, James; Hedvat, Shannon H.; Kastens, Kris; Kobialka, Lisa; Lee, Hannah; Lee, Michael H.; Manes, Austin; Martinez, Cristina; Nguyen, Stephanie

**Cc:** Kagan, Jonathan; Carson, Rebecca; Curran, Casey; Song, Sharon; Wang, Kevin; #Juniper/Finjan [Int]

**Subject:** [EXTERNAL] Depositions

Kris,

I write to memorialize our call today.

Juniper does not at this time intend to call Mr. Marcellin or Mr. Kuznetsov at the December 10 trial, and I understand that Finjan does not at this time intend to call Mr. Touboul at the December 10 trial. Accordingly, we would agree to postpone the depositions of Mr. Marcellin, Mr. Kuznetsov, and Mr. Touboul until after the December 10 trial; please confirm.

We can accept the proposed November 16 date for Mr. Kroll's deposition at Kramer Levin. Mr. Coonan's deposition that same day will take place at Juniper's headquarters in Sunnyvale rather than at your offices, per your request. Please confirm Mr. Bushong's deposition for November 15 at Juniper's headquarters by the end of tomorrow. As I mentioned, Mr. Bushong does not have any other availability in November due to pre-scheduled holiday and work commitments.

As we agreed on our call, the parties will exchange summaries of hours/fees billed by the experts on the following schedule:

- Bims: before his deposition
- Arst/Rubin: Nov 7 at noon
- Cole: Nov 12 at noon

Please provide a date certain for Dr. Orso's production, as Finjan has agreed. Relatedly, we do not believe that the expert engagement letters for this matter are properly considered work product; Finjan itself subpoenaed this information from Dr. Rubin and Dr. Ugone, and the case law is clear that this information is discoverable. We urge Finjan to reconsider its position. If you do not confirm that Finjan will produce its retention letters with its experts by end of day tomorrow, Juniper will raise this issue with the Court.

Lastly, you agreed to defer until after the December 10 trial the deposition on the first 30(b)(6) topic ("Any efforts by Juniper to incorporate or use any technologies provided by Joe Security LLC...."). We will be designating Ms. Gupta for the third topic ("Development and research costs associated with each of the Accused Products"). As I noted on our call with regard to the second topic, Juniper does not track "[t]he total number of threats, malware, files detected, classified, analyzed or received by each of the Accused Products." But if Finjan nevertheless wishes to pursue a deposition on this topic before the December trial, please let us know.

Thanks,

Josh

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Joshua P. Glucoft | Irell & Manella LLP | 310.203.7189 | [www.irell.com](http://www.irell.com)

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