

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)  
5 kkastens@kramerlevin.com  
6 KRAMER LEVIN NAFTALIS & FRANKEL LLP  
7 990 Marsh Road  
8 Menlo Park, CA 94025  
9 Telephone: (650) 752-1700  
10 Facsimile: (650) 752-1800

11 *Attorneys for Plaintiff*  
12 FINJAN, INC.

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

16 FINJAN, INC., a Delaware Corporation,

17 Plaintiff,

18 v.

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

21 Defendant.

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

**DECLARATION OF KRISTOPHER  
KASTENS IN SUPPORT OF PLAINTIFF  
FINJAN, INC.’S NOTICE OF MOTION  
AND RENEWED MOTION FOR  
JUDGMENT AS A MATTER OF LAW  
PURSUANT TO FED. R. CIV. P. 50(B);  
MOTION FOR NEW TRIAL UNDER FED.  
R. CIV. P. 59; AND MOTION FOR  
CERTIFICATION FOR IMMEDIATE  
APPEAL IN THE ALTERNATIVE**

Trial: TBD  
Time: TBD  
Courtroom: Courtroom 12, 19th Floor  
Before: Hon. William Alsup

1 I, Kristopher Kastens, 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 and can testify competently to those facts. I make this declaration  
5 in support of Plaintiff Finjan, Inc.’s Renewed Motion for Judgment as a Matter of Law Pursuant to  
6 Rule 50(b), Motion for New Trial under Rule 59, and Motion for Certification for Immediate Appeal in  
7 the Alternative.

8 2. Attached hereto as **Exhibit 1** is a true and correct copy of pages 13-15, 390-394, 427-  
9 468, 718-722, 738-739, 741-760, 763-772, 775-779, 783-784, 786-787, and 837 from the transcript of  
10 Trial proceedings held on December 10, 2018, December 12, 2018, December 13, 2018 and December  
11 14, 2018.

12 3. Attached hereto as **Exhibit 2** is a true and correct copy of Trial Exhibit 78, bearing  
13 Bates numbers FINJAN-JN 0044744 – 99.

14 4. Attached hereto as **Exhibit 3** is a true and correct copy of Trial Exhibit 94, bearing  
15 Bates numbers JNPR-FNJN\_29018\_00963203 – 21.

16 5. Attached hereto as **Exhibit 4** is a true and correct copy of Trial Exhibit 99.

17 6. Attached hereto as **Exhibit 5** is a true and correct copy of Trial Exhibit 92, bearing  
18 Bates numbers JNPR-FNJN\_29017\_00553147 – 428.

19 7. Attached hereto as **Exhibit 6** is a true and correct copy of Trial Exhibit 399, bearing  
20 Bates numbers JNPR-FNJN\_29032\_00590572 – 632.

21 8. Attached hereto as **Exhibit 7** is a true and correct copy of Trial Exhibit 65, bearing  
22 Bates numbers JNPR-FNJN\_29030\_00553972 – 77.

23 9. Attached hereto as **Exhibit 8** is a true and correct copy of Trial Exhibit 122, the Final  
24 Written Decision from *Symantec Corp. v. Finjan, Inc.*, Case IPR2015-01892, Paper No. 58, dated  
25 March 15, 2017.

26 10. Attached hereto as **Exhibit 9** is a true and correct copy of pages 16 and 53-54 from the  
27 transcript of Pre-Trial proceedings held on December 4, 2018.

1 11. Attached hereto as **Exhibit 10** is a true and correct copy of pages 25-28, 51-53, 69-71,  
2 83, 87-94, and 100 from the transcript of the deposition of Shelly Gupta, taken on December 7, 2018.

3 12. Attached hereto as **Exhibit 11** is a true and correct copy of pages 41-42 from the  
4 Rebuttal Expert Report of Keith R. Ugone, Ph.D., served on November 7, 2018.

5 13. Attached hereto as **Exhibit 12** is a true and correct copy of pages 11-12 from the  
6 transcript of the deposition of Raju Manthana, taken on May 30, 2018.

7 14. Attached hereto as **Exhibit 13** is a true and correct copy of Trial Exhibit 74, bearing  
8 Bates numbers FINJAN-JN 005382 – 86.

9 15. Attached hereto as **Exhibit 14** is a true and correct copy of pages 61-63 from the  
10 transcript of the deposition of Alexander Icasiano, taken on November 30, 2018.

11 16. Attached hereto as **Exhibit 15** is a true and correct copy of pages 7-9 from the transcript  
12 of proceedings held on November 29, 2018, on the parties' Daubert motions in this case.

13 17. Attached hereto as **Exhibit 16** is a true and correct copy of Defendant Juniper  
14 Networks, Inc.'s Second Supplemental Response to Plaintiff Finjan, Inc.'s Second Set of  
15 Interrogatories, dated September 7, 2018.

16  
17 I declare under penalty of perjury under the laws of the United States of America that each of  
18 the above statements is true and correct. Executed on January 10, 2019, in Menlo Park, CA.

19  
20 /s/ Kristopher Kastens

Kristopher Kastens

1 **ATTESTATION PURSUANT TO L.R. 5-1(I)**

2 In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this  
3 document has been obtained from any other signatory to this document.  
4

5 By:           /s/ Lisa Kobialka            
6 Lisa Kobialka  
7 Attorney for Plaintiff Finjan, Inc.  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28