Exhibit 3

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📁 **Coonan, Scott (Vol. 01) - 11/16/2018**   **1 CLIP (RUNNING 00:15:12.743)**

🎬 Plaintiff's Deposition Designations for Scott Coonan - with Juniper's Counters and Finjan's Counters (11-16-18)

SC1116-CC   **43 SEGMENTS (RUNNING 00:15:12.743)**

1. PAGE 7:03 TO 7:15 (RUNNING 00:00:24.427)

```
03                    SCOTT JAMES COONAN,
04   the witness herein, having been first duly sworn, was
05   examined and testified as follows:
06            THE VIDEOGRAPHER:  Please proceed, Counsel.
07                    EXAMINATION
08   BY MR. LEE:
09        Q    Please state your full name.
10        A    Scott James Coonan.
11        Q    And where do you work?
12        A    At Juniper Networks in Sunnyvale, California.
13        Q    What is your position?
14        A    I am the senior director of IP litigation and
15   strategy.
```

2. PAGE 7:16 TO 7:22 (RUNNING 00:00:30.506)

```
16        Q    What are your responsibilities?
17        A    Besides the ones that are self-evident from
18   the title?  I largely -- I manage all IP litigation and
19   some non-IP litigation, principally.  I also support the
20   commercial function in negotiating various terms of
21   equipment sales to our customers.  Those are my
22   principal responsibilities.
```

3. PAGE 25:23 TO 26:01 (RUNNING 00:00:12.610)

```
23        Q    Have you heard the SRX series?
24        A    I'm familiar with the -- the product, yes.
25        Q    Does Juniper's SRX products use anything from
00026:01   NetScreen?
```

4. PAGE 26:03 TO 26:03 (RUNNING 00:00:01.981)

```
03        A    I don't know.
```

5. PAGE 26:08 TO 26:10 (RUNNING 00:00:06.368)

```
08            Did you previously say that there are some
09   Juniper firewall products that use technology from
10   NetScreen?
```

6. PAGE 26:12 TO 26:20 (RUNNING 00:00:29.933)

```
12        A    I said I wasn't comfortable saying whether a
13   particular product used NetScreen technology or did not.
14   What I then said in a subsequent question was that I was
15   fairly certain that when the transaction took place
16   between NetScreen and Juniper, that NetScreen had
17   firewall and VPN products.
18        Q    Can you be more specific in what the names of
19   these products are?
20        A    No.
```

7. PAGE 26:21 TO 26:22 (RUNNING 00:00:04.660)

```
21        Q    Can you name any of Juniper's firewall or VPN
```

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```
        22  products?
```

8. PAGE 26:24 TO 27:04 (RUNNING 00:00:18.811)

```
        24      A    SRX is a firewall product.  I don't know how
        25  much of it, if any, was derived from the NetScreen
  00027:01  products.
        02      Q    When was this transaction made?
        03      A    I believe it was somewhere around April of
        04  2004.
```

9. PAGE 29:01 TO 29:04 (RUNNING 00:00:09.228)

```
  00029:01      Q    You mentioned that Juniper acquired NetScreen
        02  to get into the security business?
        03      A    Yes.
        04      Q    Can you elaborate what do you mean by that?
```

10. PAGE 29:06 TO 29:17 (RUNNING 00:01:00.515)

```
        06      A    Well, Juniper -- Juniper was founded as an
        07  alternative to Cisco in the networking space.  And when
        08  it was initially founded, we only sold routers.  As we
        09  grew up and became more of a real company and not just a
        10  startup, people felt like we needed to have a more --
        11  this is the way the story has been told to me -- a
        12  broader offering.  And we were not in the security
        13  business at the time, and that was a logical next step
        14  because, you know, in addition to building network --
        15  the network, it's logical to want to make the network
        16  safe from intrusion.  So that was a -- a logical next
        17  step for us to offer a security set of products.
```

11. PAGE 127:01 TO 127:04 (RUNNING 00:00:24.090)

```
  00127:01      Q    You've been handed an exhibit marked as
        02  Exhibit 7.  Exhibit 7 is -- has the heading of
        03  "Transcript."  It's Bates labeled
        04  JNPR-FNJN_29011_00960575 to 0591.
```

12. PAGE 128:06 TO 128:17 (RUNNING 00:00:40.577)

```
        06      Q    Do you have Exhibit 7 in front of you?
        07      A    Yes.
        08      Q    Do you have any understanding of what is
        09  Exhibit 7?
        10      A    I do.
        11      Q    And what is Exhibit 7?
        12      A    This is a transcribed version of -- of the
        13  phone call that I had with Mr. Garland in November --
        14  November 2015 time frame.
        15      Q    Is the call with Mr. Garland on November 24th,
        16  2015?
        17      A    That sounds about right.
```

13. PAGE 130:20 TO 130:23 (RUNNING 00:00:18.391)

```
        20      Q    Did you create the audio file?
        21      A    Yes.
        22      Q    How did you create this audio file?
        23      A    Using the voice memo feature on my iPhone.
```

14. PAGE 130:24 TO 131:02 (RUNNING 00:00:09.796)

```
        24      Q    During your November 24th, 2015, call with
        25  Mr. Garland, did you ever inform him that you were
  00131:01  recording the call?
        02      A    I did not.
```

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15. PAGE 131:05 TO 131:14 (RUNNING 00:00:46.594)

```
05        Q    Can you provide any reason why you didn't
06  inform him that you were recording the call?
07        A    The reason I decided to record the call was to
08  protect myself because I had become aware that -- that
09  certain mischaracterizations of events during the
10  negotiations had taken place, and I wanted to make sure
11  that didn't happen again, and I wanted to make sure that
12  the truth was going to be told accurately.  To advise
13  him of the recording would have, you know, eviscerated
14  that protection, would have made it meaningless.
```

16. PAGE 133:14 TO 133:15 (RUNNING 00:00:10.254)

```
14        Q    So during your November 24th call with
15  Mr. Garland, Sky ATP was never discussed?
```

17. PAGE 133:16 TO 133:21 (RUNNING 00:00:20.523)

```
16        A    Correct.
17        Q    But SRX was discussed?
18        A    We mentioned SRX on a few occasions, yes.
19        Q    Did you and Mr. Garland discuss any other
20  Juniper products other than Juniper's SRX product during
21  your November 24th call?
```

18. PAGE 133:23 TO 133:24 (RUNNING 00:00:04.315)

```
23        A    My recollection is -- can I take a moment to
24  look through this?
```

19. PAGE 133:25 TO 134:01 (RUNNING 00:00:05.020)

```
25        Q    Sure.  Are you looking for something in
00134:01  particular?
```

20. PAGE 134:02 TO 134:03 (RUNNING 00:00:10.593)

```
02        A    So at the bottom of 577, he's talking about
03  next-generation firewalls, UTM, your antivirus, your --
```

21. PAGE 134:04 TO 134:05 (RUNNING 00:00:13.442)

```
04  with filtering.  So modules that, when we think of
05  modules, we think of SRX as a module-based product.
```

22. PAGE 134:06 TO 134:09 (RUNNING 00:00:19.062)

```
06           So in my view, there was nothing that was
07  either expressly mentioning Sky ATP, nor by implication,
08  in my view, mentioning Sky ATP or things that would
09  implicate Sky ATP.
```

23. PAGE 141:18 TO 141:19 (RUNNING 00:00:08.230)

```
18        Q    And why did you not inform him that you were
19  recording the call?
```

24. PAGE 141:21 TO 142:03 (RUNNING 00:00:34.078)

```
21        A    Well, I was comfortable that what I was doing
22  was legal.  I was located in North Carolina, which is a
23  one-party consent state.  I had ascertained
24  Mr. Garland's location earlier as being on the East
25  Coast.  It's a -- that's the majority approach.  And
00142:01  since I was comfortable that I was doing something
02  legal, I didn't feel that it was necessary to disclose
03  it.
```

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25. PAGE 145:01 TO 145:22 (RUNNING 00:01:24.615)

```
00145:01        Q    What is it about this particular call with
      02  Mr. Garland on November 24th, 2015, that you decided
      03  that it needed to be recorded?
      04        A    Well, maybe I -- I've led a charmed life, but
      05  it's not often that you are dealing with a party that
      06  you know in advance going into a particular conversation
      07  that that person is probably not going to be entirely
      08  truthful.  I had that insight.  I couldn't ignore that.
      09  I couldn't take that away as a fact that operated in the
      10  background of this case.
      11            Since we were going to be talking about a very
      12  important topic, something Juniper takes very seriously,
      13  but that could ultimately, you know, result in the
      14  payment of, you know, large sums of money, I felt like
      15  the facts needed to be accurate and that I needed to be
      16  able to rely on those facts.  And so I chose to -- to
      17  record it because I had that information ahead of time.
      18  And I think I would, you know -- was just looking out
      19  for the situation where, you know, there was no
      20  recording, and I said that he said one thing, and he
      21  said that he said another, and then I would know that I
      22  was right, but I'd have no way of proving it.
```

26. PAGE 147:11 TO 147:14 (RUNNING 00:00:13.871)

```
      11        Q    So you recorded the call between you and
      12  Mr. Garland on November 24th, 2015, because he was
      13  untruthful about saying that you reneged on the offer
      14  for the PAN litigation?
```

27. PAGE 147:16 TO 147:23 (RUNNING 00:00:19.938)

```
      16        Q    Is that correct?
      17        A    That's the -- that's the main reason.
      18        Q    Any other reason?
      19        A    The -- the fact that there were two different
      20  instances involving, you know, fairly senior people at
      21  the same company getting the same fact -- taking the
      22  same fact and twisting it in a different way, both of
      23  them incorrect.
```

28. PAGE 155:15 TO 156:06 (RUNNING 00:01:01.134)

```
      15        Q    You said that you started recording this after
      16  you and Mr. Garland already started speaking, correct?
      17        A    Yes.
      18        Q    Why did you decide to -- to -- to start
      19  recording partway into your conversation with
      20  Mr. Garland?
      21        A    It wasn't a -- it wasn't a conscious decision
      22  to start it late.  I was doing a lot of things.  I was
      23  in my -- in my home office.  I was juggling -- I can't
      24  recall whether I was on two phones or one phone.  I had
      25  my notepad.  I had, you know, a pen, and I was trying to
00156:01  just start the call and be on time for the call.  So
      02  just a lot of things going on.  I might have -- we
      03  might -- I can't recall whether I sent him or he sent me
      04  one of those bridges where you have dial-in
      05  instructions.  And so after that kind of settled down,
      06  then I got around to pressing record.
```

29. PAGE 156:07 TO 156:11 (RUNNING 00:00:06.339)

```
      07        Q    You mentioned that you were in your home
      08  office?
      09        A    Yes.
      10        Q    Where is your home office located?
```

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