

## **EXHIBIT 6**

**REDACTED VERSION OF  
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REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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FINJAN, Inc., a Delaware  
corporation

Plaintiff,

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

JUNIPER NETWORKS, INC., a  
Delaware corporation

Defendant.

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30(b)(6) VIDEOTAPED DEPOSITION OF

JOHN GARLAND

Thursday, May 24, 2018

Reported by:

COREY W. ANDERSON

CSR No. 4096

Job No. 2923791

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1 THE WITNESS: It's really outside my 09:50:51  
 2 scope. 09:50:52  
 3 BY MS. CARSON: 09:50:52  
 4 **Q. Before Finjan filed those lawsuits, did 09:50:58**  
 5 **Finjan do anything to confirm it had a reasonable 09:51:00**  
 6 **basis for asserting infringement of the patents that 09:51:02**  
 7 **were at issue in those lawsuits? 09:51:05**  
 8 MS. KOBIALKA: Objection, form. 09:51:07  
 9 THE WITNESS: Yeah, I think that's outside 09:51:09  
 10 my scope where I'm handling licensing. But I can 09:51:10  
 11 say that Finjan complies with everything it's 09:51:14  
 12 required to comply with. 09:51:17  
 13 BY MS. CARSON: 09:51:18  
 14 **Q. Is it Finjan's policy to only maintain 09:51:26**  
 15 **patent infringement claims in a lawsuit when it has 09:51:28**  
 16 **a reasonable basis for maintaining those claims? 09:51:30**  
 17 MS. KOBIALKA: Objection, form. 09:51:33  
 18 THE WITNESS: I'm not sure, I -- I mean, I 09:51:36  
 19 can continue to answer these questions, but I'm 09:51:38  
 20 really questioning how we are talking about notice 09:51:40  
 21 for marking. The topic of the deposition is notice 09:51:45  
 22 and marking and I'm getting questions about 09:51:49  
 23 litigation where I'm a licensing executive. 09:51:51  
 24 BY MS. CARSON: 09:51:54  
 25 **Q. Can you answer the question? 09:51:54**

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1 A. Can you be more specific? 09:52:50  
 2 [REDACTED]  
 3 [REDACTED]  
 4 [REDACTED]  
 5 [REDACTED]  
 6 [REDACTED]  
 7 [REDACTED]  
 8 [REDACTED]  
 9 [REDACTED]  
 10 [REDACTED]  
 11 [REDACTED]  
 12 [REDACTED]  
 13 [REDACTED]  
 14 [REDACTED]  
 15 [REDACTED]  
 16 [REDACTED]  
 17 [REDACTED]  
 18 [REDACTED]  
 19 [REDACTED]  
 20 [REDACTED]  
 21 [REDACTED]  
 22 [REDACTED]  
 23 [REDACTED]  
 24 [REDACTED]  
 25 [REDACTED] 09:54:19

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1 MS. KOBIALKA: I'm going to object to 09:51:56  
 2 form. 09:51:57  
 3 THE WITNESS: I need the question 09:51:58  
 4 repeated. 09:51:58  
 5 (Whereupon, the reporter read back 09:51:58  
 6 the record as follows: 09:51:58  
 7 "Is it Finjan's policy to only 09:51:59  
 8 maintain patent infringement claims 09:51:59  
 9 in a lawsuit when it has a 09:51:59  
 10 reasonable basis for maintaining 09:51:59  
 11 those claims?") 09:51:59  
 12 MS. KOBIALKA: I object to the form of 09:52:16  
 13 that question. 09:52:18  
 14 THE WITNESS: I -- I can't answer the 09:52:21  
 15 question. 09:52:21  
 16 BY MS. CARSON: 09:52:22  
 17 **Q. You don't know one way or another? 09:52:22**  
 18 MS. KOBIALKA: Objection to form. 09:52:24  
 19 THE WITNESS: I think, you know, you are 09:52:26  
 20 starting to get into privilege and we are starting 09:52:29  
 21 to get into, you know, beyond my scope of 09:52:30  
 22 responsibilities. 09:52:34  
 23 BY MS. CARSON: 09:52:35  
 24 **Q. Does Finjan have standard terms for its 09:52:44**  
 25 **licenses? 09:52:48**

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1 [REDACTED]  
 2 [REDACTED]  
 3 [REDACTED]  
 4 [REDACTED]  
 5 [REDACTED]  
 6 [REDACTED]  
 7 [REDACTED]  
 8 [REDACTED]  
 9 [REDACTED]  
 10 [REDACTED]  
 11 [REDACTED]  
 12 [REDACTED]  
 13 [REDACTED]  
 14 [REDACTED]  
 15 [REDACTED]  
 16 [REDACTED]  
 17 [REDACTED]  
 18 [REDACTED]  
 19 [REDACTED] 09:55:07  
 20 BY MS. CARSON: 09:55:10  
 21 **Q. Does Finjan know whether any of its 09:55:13**  
 22 **licensees practice the patents-in-suit? 09:55:17**  
 23 MS. KOBIALKA: Objection to form. 09:55:25  
 24 THE WITNESS: It would depend. 09:55:27  
 25 BY MS. CARSON: 09:55:29

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<p>1 no or you don't know. 15:59:49</p> <p>2 I'm not trying to direct his answer, but 15:59:50</p> <p>3 I'm trying to work through the privilege. If you 15:59:52</p> <p>4 are going to object, Counsel, I'll just stop and 15:59:53</p> <p>5 I'll just make an instruction. 15:59:57</p> <p>6 MS. CARSON: So I'm just trying to think 16:00:02</p> <p>7 through the issue because if he took like 16:00:03</p> <p>8 contemporaneous notes with a phone call he had with 16:00:05</p> <p>9 Juniper, I'm not sure how that would fall within the 16:00:08</p> <p>10 scope of privilege. 16:00:11</p> <p>11 MS. KOBIALKA: If his question's for 16:00:13</p> <p>12 counsel, absolutely. I think absolutely if you 16:00:14</p> <p>13 would take notes for purposes of getting legal 16:00:17</p> <p>14 advice, I do think that those notes -- 16:00:19</p> <p>15 MS. CARSON: Hmm. 16:00:24</p> <p>16 MS. KOBIALKA: -- would be privileged, 16:00:24</p> <p>17 especially like if these are the issues I need to 16:00:25</p> <p>18 talk about with counsel. 16:00:27</p> <p>19 MS. CARSON: Okay. Well, we'll just start 16:00:29</p> <p>20 with a yes or no, do they exist. 16:00:30</p> <p>21 MS. KOBIALKA: She is just asking whether 16:00:32</p> <p>22 or not they exist. You can answer that yes or no if 16:00:33</p> <p>23 you know one way or the other, you don't know, and 16:00:35</p> <p>24 then we'll take from it there. I don't want you to 16:00:38</p> <p>25 expound on it, is -- because I think that does get 16:00:40</p> <p style="text-align: right;">Page 222</p>	<p>1 THE WITNESS: That call's pretty bright. 16:01:37</p> <p>2 That call's pretty bright, unique. 16:01:39</p> <p>3 BY MS. CARSON: 16:01:41</p> <p>4 <b>Q. So that wasn't an answer to the question. 16:01:41</b></p> <p>5 <b>Did reviewing your notes from the call 16:01:43</b></p> <p>6 <b>refresh your recollection as to what occurred on the 16:01:45</b></p> <p>7 <b>call? 16:01:48</b></p> <p>8 MS. KOBIALKA: Objection to form. 16:01:48</p> <p>9 THE WITNESS: Yes. Given it's November of 16:01:52</p> <p>10 2015, yes. 16:01:54</p> <p>11 MS. CARSON: Okay. So Counsel, we would 16:01:56</p> <p>12 request that that be produced given that it 16:01:57</p> <p>13 refreshed the recollection of the Rule 30(b)(6) 16:01:58</p> <p>14 witness. 16:02:01</p> <p>15 MS. KOBIALKA: He just said his memory was 16:02:02</p> <p>16 very bright from the call. He didn't say -- 16:02:04</p> <p>17 MS. CARSON: But he also said yes, it did 16:02:06</p> <p>18 refresh his recollection. We can take it up 16:02:08</p> <p>19 after -- after the deposition. 16:02:10</p> <p>20 <b>Q. Are you aware of any evidence that Juniper 16:02:52</b></p> <p>21 <b>had notice of the '780 patent prior to Finjan filing 16:02:54</b></p> <p>22 <b>this lawsuit? 16:02:59</b></p> <p>23 MS. KOBIALKA: Objection to form. 16:03:00</p> <p>24 THE WITNESS: I need the question again, 16:03:06</p> <p>25 sorry. 16:03:07</p> <p style="text-align: right;">Page 224</p>
<p>1 into privilege issues. 16:00:43</p> <p>2 THE WITNESS: I documented the summary of 16:00:52</p> <p>3 that call -- 16:00:53</p> <p>4 MS. KOBIALKA: Well, okay, so now, I want 16:00:54</p> <p>5 you to very careful because it starts to get into 16:00:56</p> <p>6 privilege issues. 16:01:00</p> <p>7 So you can answer the question yes or no 16:01:00</p> <p>8 or if you don't know, one way or the other. But I 16:01:03</p> <p>9 don't want to get -- 16:01:06</p> <p>10 THE WITNESS: I'm not going to get into 16:01:08</p> <p>11 substance, but just -- 16:01:09</p> <p>12 MS. KOBIALKA: She is only asking does it 16:01:10</p> <p>13 exist. Otherwise I'm going to instruct you not to 16:01:11</p> <p>14 answer. 16:01:14</p> <p>15 THE WITNESS: Yes, it exists. 16:01:17</p> <p>16 MS. KOBIALKA: Okay. 16:01:18</p> <p>17 BY MS. CARSON: 16:01:18</p> <p>18 <b>Q. Did you review it before your deposition 16:01:18</b></p> <p>19 <b>today? 16:01:20</b></p> <p>20 MS. KOBIALKA: Objection to form. 16:01:26</p> <p>21 THE WITNESS: Uh-huh. 16:01:29</p> <p>22 BY MS. CARSON: 16:01:30</p> <p>23 <b>Q. Did it refresh your recollection as to 16:01:30</b></p> <p>24 <b>what occurred on the call? 16:01:31</b></p> <p>25 MS. KOBIALKA: Objection to form. 16:01:33</p> <p style="text-align: right;">Page 223</p>	<p>1 (Whereupon, the reporter read back 16:03:07</p> <p>2 the record as follows: 16:03:07</p> <p>3 "Are you aware of any evidence that 16:03:07</p> <p>4 Juniper had notice of the '780 16:03:07</p> <p>5 patent prior to Finjan filing this 16:03:07</p> <p>6 lawsuit?") 16:03:07</p> <p>7 THE WITNESS: Only Mr. Coonan's 16:03:23</p> <p>8 representation that he had done an invalidity 16:03:24</p> <p>9 analysis on the entire Finjan portfolio and as 16:03:29</p> <p>10 mentioned in the interrogatory about the '968 and 16:03:33</p> <p>11 the relationships of the patents. 16:03:35</p> <p>12 BY MS. CARSON: 16:03:40</p> <p>13 <b>Q. You are not aware of any instance where 16:03:40</b></p> <p>14 <b>Finjan told Juniper either orally or in writing 16:03:43</b></p> <p>15 <b>about the '780 patent and its infringement 16:03:46</b></p> <p>16 <b>contentions related to that. 16:03:48</b></p> <p>17 <b>Correct? 16:03:51</b></p> <p>18 A. Correct. 16:03:52</p> <p>19 MS. KOBIALKA: Objection to form. 16:03:53</p> <p>20 BY MS. CARSON: 16:03:54</p> <p>21 <b>Q. Are you aware of any evidence that Juniper 16:04:00</b></p> <p>22 <b>had notice of the '926 patent prior to this lawsuit 16:04:01</b></p> <p>23 <b>being failed? 16:04:04</b></p> <p>24 MS. KOBIALKA: Objection, form. 16:04:06</p> <p>25 THE WITNESS: Only what's in the 16:04:13</p> <p style="text-align: right;">Page 225</p>

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