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13 JUNIPER NETWORKS, INC.

14
15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN FRANCISCO DIVISION**

18 FINJAN, INC., a Delaware Corporation,) Case No. 3:17-cv-05659-WHA
19)
Plaintiff,) **DECLARATION OF JOSHUA GLUCOFT**
20 vs.) **IN SUPPORT OF DEFENDANT JUNIPER**
21) **NETWORKS, INC.’S MOTION TO**
JUNIPER NETWORKS, INC., a Delaware) **STRIKE UNDISCLOSED THEORIES**
22 Corporation,) **FROM PLAINTIFF FINJAN, INC.’S**
23) **MOTION FOR SUMMARY JUDGMENT**
Defendant.)
Date: May 2, 2019
24) Time: 8:00 a.m.
Courtroom: Courtroom 12, 19th Floor
25) Before: Hon. William Alsup
26)
27)
28)

DECLARATION OF JOSHUA GLUCOFT

I, Joshua Glucoft, declare as follows:

1. I am a member in good standing of the State Bar of California and an associate at Irell & Manella LLP, counsel of record in this action for Defendant Juniper Networks, Inc. (“Juniper”). I have personal knowledge of the facts set forth in this declaration, and I could and would testify competently thereto if called upon to do so. I make this declaration in support of Juniper’s Motion to Strike New Theories from Plaintiff Finjan, Inc.’s (“Finjan”) Motion for Summary Judgment.

2. Attached hereto as Exhibit 1 is a true and correct copy of Finjan’s Infringement Contentions for Claim 1 of U.S. Patent No. 8,141,154 related to Juniper’s SRX Gateways.

3. Attached hereto as Exhibit 2 is a true and correct copy of Finjan’s Infringement Contentions for Claim 1 of U.S. Patent No. 8,141,154 related to Juniper’s Sky ATP.

4. Attached hereto as Exhibit 3 is a true and correct copy of Finjan’s Infringement Contention for Claim 1 of U.S. Patent No. 8,141,154 related to Juniper’s ATP Appliance.

5. Attached hereto as Exhibit 4 is a true and correct copy of U.S. Patent No. 8,141,154.

6. Juniper made the source code associated with the accused SRX products and Sky ATP service available for inspection no later than March 21, 2018. Juniper also made the source code associated with the accused ATP Appliance product available for inspection no later than June 18, 2018.

7. On March 1, I emailed counsel for Finjan to notify them that Finjan’s motion for summary judgment presented new theories that were not disclosed in Finjan’s infringement contentions. On March 7, 2019, Kris Kastens, counsel for Finjan, replied via email and notified Juniper—for the first time—that Finjan intended to supplement its infringement contentions, asking if Juniper opposed such supplementation. On March 8, 2019, I conferred with Mr. Kastens telephonically and asked him to provide the proposed supplemental infringement contentions so that Juniper could assess the nature of Finjan’s proposed supplementation. As of the date of this

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1 declaration, Finjan still has not provided Juniper with its proposed supplemental infringement
2 contentions.

3 I declare under penalty of perjury under the laws of the United States of America that the
4 foregoing is true and correct to the best of my knowledge. Executed this 14th day of March, 2019
5 at Los Angeles, California.

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7 By: /s/ Joshua Glucoft
8 Joshua Glucoft (SBN 301249)
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