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11 FINJAN, INC.

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

15 FINJAN, INC., a Delaware Corporation,

16 Plaintiff,

17 v.

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

20 Defendant.

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

**DECLARATION OF KRISTOPHER
KASTENS IN SUPPORT OF PLAINTIFF
FINJAN, INC.'S OPPOSITION TO
DEFENDANT JUNIPER NETWORKS, INC.'S
MOTION FOR SUMMARY JUDGMENT RE
CLAIM 9 OF U.S. PATENT NO. 6,804,780**

Date: May 2, 2019

Time: 8:00 a.m.

Courtroom: Courtroom 12, 19th Floor

Before: Hon. William Alsup

1 I, Kristopher Kastens, duly declare as follows:

2 1. I am an attorney at Kramer Levin Naftalis & Frankel LLP, counsel of record for
3 plaintiff Finjan Inc. (“Finjan”). I have personal knowledge regarding the statements below and can
4 testify competently about these statements. I submit this declaration in support of Plaintiff Finjan’s
5 Opposition to Defendant Juniper Networks, Inc.’s (“Juniper”) Motion for Summary Judgment (Dkt.
6 No. 371).

7 2. Attached hereto as Exhibit 1 is a true and correct copy of excerpted pages 25, 27-28, 30-
8 31, 35, 48, 60, 74-75, 78-80, 85-87, 89 from the transcript of the deposition of Aviel Rubin, taken on
9 March 9, 2019.

10 3. Attached hereto as Exhibit 2 is a true and correct copy of excerpted page FINJAN-JN
11 413732 from the transcript of the deposition of Shlomo Touboul, taken on July 23, 2018 in the matter
12 *Finjan, Inc. v. ESET, LLC, et al.*, No. 17-cv-00183-CAB-BGS (S.D. Cal) bearing Bates number
13 FINJAN-JN 413693.

14 4. Attached hereto as Exhibit 3 is a true and correct copy of excerpted page FINJAN-JN
15 042692 from a Juniper Securities and Exchange Commission document bearing Bates number
16 FINJAN-JN 042683.

17 5. Attached hereto as Exhibit 4 is a true and correct copy of a letter from Michael Kim to
18 David A. Jakopin, bearing Bates number FINJAN-JN 193172.

19 6. Attached hereto as Exhibit 5 is a true and correct copy of pages FINJAN-JN 180353
20 from a Finjan document entitled “Finjan-Cyphort Mutual Non-Disclosure and Standstill Agreement”
21 bearing Bates number FINJAN-JN 180353.

22 7. Attached hereto as Exhibit 6 is a true and correct copy of excerpted pages FINJAN-JN
23 193223, 193230, 193235, 193240-41, 193251-52 from an e-mail between John Garland and David A.
24 Jakopin and attachment bearing Bates number FINJAN-JN 193223.

25 8. Attached hereto as Exhibit 7 is a true and correct copy of excerpted pages FINJAN-JN
26 192866 from a Finjan e-mail between John Garland and David A. Jakopin bearing Bates number
27 FINJAN-JN 192866.

28

1 9. Attached hereto as Exhibit 8 is a true and correct copy of excerpted pages FINJAN-JN
2 193143 from an e-mail between John Garland and David Jakopin bearing Bates number FINJAN-JN
3 193143.

4 10. Attached hereto as Exhibit 9 is a true and correct copy of excerpted pages FINJAN-JN
5 193148-49 from a draft document entitled "Finjan, Inc. Licensing Term Sheet" bearing Bates number
6 FINJAN-JN 193148.

7 11. Attached hereto as Exhibit 10 is a true and correct copy of excerpted pages FINJAN-JN
8 193175-76 from an e-mail between David A. Jakopin to John Garland bearing Bates number FINJAN-
9 JN 193175.

10 12. Attached hereto as Exhibit 11 is a true and correct copy of excerpted pages FINJAN-JN
11 193044-46 from an e-mail between John Garland, David A. Jakopin and Steve Morgan bearing Bates
12 number FINJAN-JN 193044.

13 13. Attached hereto as Exhibit 12 is a true and correct copy of excerpted pages FINJAN-JN
14 045069-71 from a Juniper whitepaper entitled "Advanced Threat Prevention Appliance" bearing Bates
15 number FINJAN-JN 045069.

16 14. Attached hereto as Exhibit 13 is a true and correct copy of excerpted pages 7-9, 11, 52,
17 73-75 from a Juniper guide entitled "Juniper Advanced Threat Prevention Appliance HTTP API
18 Guide", released in March 2018.

19 15. Attached hereto as Exhibit 14 is a true and correct copy of excerpted page JNPR-
20 FNJN_29032_00590555 from a draft Juniper guide bearing Bates number JNPR-
21 FNJN_29032_00590553.

22 16. Attached hereto as Exhibit 15 is a true and correct copy of excerpted pages JNPR-
23 FNJN_29018_00975653, -55, 75-77, 78-79 from a Juniper document entitled "Event Storage
24 Functional and Design Spec" bearing Bates number JNPR-FNJN_29018_00975646.

25 17. Attached hereto as Exhibit 16 is a true and correct copy of excerpted pages JNPR-
26 FNJN_29018_00962787-88, 91-92 from a Juniper document entitled "SRX Advance Integration with
27 JATP" bearing Bates number JNPR-FNJN_29018_00962784.

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1 18. Attached hereto as Exhibit 17 is a true and correct copy of excerpted pages JNPR-
2 FNJN_29018_00962911 from a Cyphort guide entitled “Cyphort HTTP API Version 4.1.1” bearing
3 Bates number JNPR-FNJN_29018_00962820.

4 19. Attached hereto as Exhibit 18 is a true and correct copy of excerpted pages JNPR-
5 FNJN_29018_00971129 from a Cyphort guide entitled “Web Collector Quick Start Guide Version
6 4.1.1” bearing Bates number JNPR-FNJN_29018_00971129.

7 20. Attached hereto as Exhibit 19 is a true and correct copy of excerpted pages 12, 16-20
8 from a decision in *Finjan v. Palo Alto Networks*, IPR2016-00165, Paper No. 7, dated April 21, 2016.

9 21. Attached hereto as Exhibit 20 is a true and correct copy of pages 965-966 from the
10 transcript of Trial proceedings held on December 14, 2019.

11 22. Attached hereto as Exhibit 21 is a true and correct copy of excerpted pages 1-5, 13 from
12 Finjan’s First Supplemental Objections and Responses to Defendant Juniper Networks, Inc.’s First Set
13 of Interrogatories (Nos. 3, 4, 6, 7), served on May 16, 2018.

14 23. Attached hereto as Exhibit 22 is a true and correct copy of pages 319 of from the
15 transcript of Trial proceedings held on December 11, 2018.

16 24. Attached hereto as Exhibit 23 is a true and correct copy of excerpted pages FINJAN-JN
17 039951 from a Finjan document entitled “Confidential Master Agreement” bearing Bates number
18 FINJAN-JN 039949.

19 25. Attached hereto as Exhibit 24 is a true and correct copy of excerpted pages FINJAN-JN
20 046112 from a Finjan document entitled “Settlement, Release, and License Agreement” bearing Bates
21 number FINJAN-JN 046087.

22 26. Attached hereto as Exhibit 25 is a true and correct copy of excerpted page 282 from a
23 book entitled “American Heritage Dictionary,” Fourth Ed.

24 27. Attached hereto as Exhibit 26 is a true and correct copy of excerpted pages 18-20, 36-41
25 from the transcript of the deposition of Aviel Rubin, taken on June 12, 2018.

26 28. Attached hereto as Exhibit 27 is a true and correct copy of excerpted page 1 of from the
27 Oxford Dictionary website definition of “embody”.

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