

EXHIBIT 22

Volume 2

Pages 198 - 397

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

BEFORE THE HONORABLE WILLIAM H. ALSUP, JUDGE

FINJAN, INC.,)	
Plaintiff,)	
VS.)	No. C 17-5659 WHA
JUNIPER NETWORKS, INC.,)	
Defendant.)	
)	San Francisco, California
)	Tuesday, December 11, 2018

TRANSCRIPT OF PROCEEDINGS

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1 patent?
 2 A. That's my limited understanding, yes.
 3 Q. Now, you mentioned earlier -- we've been talking about the
 4 fact that Finjan has entered into a number of patent licenses;
 5 correct?
 6 A. Yes. More than 20.
 7 Q. And it's fair to say that Finjan believes its licensees
 8 use its patents in their products; correct?
 9 A. Well, it's certainly used in the negotiations towards
 10 arriving at a license.
 11 Q. But Finjan believes that its licensees are actually using
 12 its patents in those products; correct?
 13 A. Yes, we believe that.
 14 Q. And you would suspect that Finjan's licensees' products
 15 are still being sold in the marketplace; correct?
 16 A. Uhm, yes, that's my personal understanding as well.
 17 Q. But you're not aware of any Finjan licensees that have
 18 marked their products with Finjan's patent numbers since the
 19 '494 patent issued in 2014; correct?
 20 A. Well, I would have to look at the Trustwave boxes. That's
 21 where I would go. I just don't know the answer.
 22 **THE COURT:** As you sit here right -- you're not
 23 answering the question.
 24 As you sit here right now, can you identify a single
 25 product by any of those licensees that bears the marking of the

1 '494 patent? You can answer that yes or no.
 2 **THE WITNESS:** As I sit here, no.
 3 **THE COURT:** All right. Next question.
 4 **BY MS. CARSON:**
 5 Q. You don't believe that any of Finjan's licenses have
 6 marking provisions; correct?
 7 A. That is my understanding, that our agreements do not.
 8 Q. And, in fact, you're not aware of any efforts by Finjan to
 9 monitor whether its licensees are marking their products with
 10 Finjan's patents; correct?
 11 A. That is correct.
 12 Q. I want to turn back for a moment to some of your testimony
 13 about Finjan's licensing program.
 14 One of the alternate options you identified was a per-scan
 15 rate; correct?
 16 A. Yes.
 17 Q. You're not aware of any licensees who have agreed to a
 18 per-scan rate in any licenses that Finjan has; correct?
 19 A. Uhm, no, not that they've agreed to.
 20 Q. Now, another way that a patentee can provide notice is by
 21 giving actual notice to the accused infringer; correct?
 22 A. Again, I don't know the standard of what that is.
 23 Q. You don't know one way or another whether Finjan gave
 24 Juniper what you would refer to as a notice letter in this
 25 case; correct?

1 A. I -- I don't know one way or another.
 2 Q. And you don't know whether Finjan ever provided Juniper
 3 with claim charts for the '494 patent prior to bringing its
 4 lawsuit; correct?
 5 A. Uhm, I don't know one way or another.
 6 Q. You never identified any specific accused products to
 7 Juniper during the presuit negotiations; correct?
 8 A. I did not, no.
 9 Q. Now, you provided some testimony today about the value of
 10 Finjan's patents; correct?
 11 A. Uhm, in the number of different contexts, yes.
 12 Q. But you would not consider yourself to be an expert in
 13 valuing patents; correct?
 14 A. No, I am not qualified for that.
 15 Q. And you don't have any formal training in the valuation of
 16 intellectual property; correct?
 17 A. I do not, no.
 18 Q. So you wouldn't consider yourself to be an expert in
 19 patent licensing issues; fair?
 20 A. Yeah, I think "expert" denotes something that I am not in
 21 this case.
 22 Q. And, in fact, you don't think you could competently value
 23 a patent portfolio; correct?
 24 A. Uhm, no, I don't think that would be something I would be
 25 very good at.

1 Q. If you wanted to value Finjan's patent portfolio, you
 2 would probably seek assistance from an expert; correct?
 3 A. Uhm, I have not ever sought to seek Finjan's patent
 4 portfolio to be valued, so I don't know what I would do.
 5 Q. I'd like to read from your testimony from the
 6 November 18th, 2014, deposition in the matter involving a
 7 different defendant, *Finjan v. Blue Coat*.
 8 **MS. CARSON:** We don't have the video for this one, so
 9 I will read it into the record. It's at page --
 10 **THE COURT:** Wait, just a second.
 11 Does the other side have any issue?
 12 **MS. KOBIALKA:** What's the citation?
 13 **MS. CARSON:** So it's page 27, lines 16 to 24.
 14 **MS. KOBIALKA:** The November 2014?
 15 **MS. CARSON:** November 18th, 2014.
 16 **THE COURT:** Are you there?
 17 **MS. KOBIALKA:** I'm sorry, it's 27?
 18 **MS. CARSON:** Page 27, line 16 to 24.
 19 **MS. KOBIALKA:** That's fine.
 20 **THE COURT:** All right. Read the question exactly.
 21 Say question, read it, then say answer, read it. No fixing it
 22 up in any way.
 23 **MS. CARSON:** May I omit the objections?
 24 **MS. KOBIALKA:** That's fine, Your Honor.
 25 **THE COURT:** All right. Omit the objections.