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11 FINJAN, INC.

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15 FINJAN, INC.,

16 Plaintiff,

17 v.

18 JUNIPER NETWORKS, INC.,

19 Defendant.

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

**DECLARATION OF KRISTOPHER
KASTENS IN SUPPORT OF FINJAN,
INC.'S ADMINISTRATIVE MOTION TO
EXTEND THE DEADLINE FOR FINJAN'S
REPLY**

1 I, Kristopher Kastens, declare:

2 1. I am an attorney with the law firm Kramer Levin Naftalis & Frankel LLP, counsel of
3 record for Finjan, Inc. (“Finjan”). I have personal knowledge of the facts stated herein and can testify
4 competently to those facts. I make this declaration in support of Finjan, Inc.’s Administrative Motion
5 to Extend the Deadline for Finjan’s Reply.

6 2. Attached as Exhibit A is a true and correct copy of an email exchange between Finjan’s
7 counsel and Juniper’s counsel, with redactions added, regarding the scheduling of Dr. Rubin’s
8 deposition.

9 3. Reply briefs for the second round of Summary Judgment motions are due on April 4,
10 2019 and the hearing is set for May 2, 2019. *See* Dkt. 219. Finjan’s motion seeks to extend the
11 deadline for its reply brief by two (2) business days.

12 4. Finjan and Juniper exchanged emails to identify a date on which Juniper’s expert, Dr.
13 Rubin, could be deposed so that his testimony could be incorporated into Finjan’s Reply brief for its
14 motion for summary judgment on the ‘154 Patent. On March 19, 2019, Juniper offered two dates for
15 Dr. Rubin’s deposition: Saturday, March 30, 2019, and Tuesday, April 2, 2019. For the April 2, 2019
16 date, Juniper unilaterally imposed an 11 a.m. start time for Dr. Rubin’s deposition.

17 5. On March 21, 2019, Finjan informed Juniper that it could not depose Dr. Rubin on
18 Saturday, March 30, 2019, but would agree to depose Dr. Rubin on April 2, 2019 if Juniper would
19 stipulate to extend the filing date for Finjan’s Reply brief to April 8, 2019.

20 6. On March 21, 2019, Juniper declined to agree to extend the deadline for Finjan’s Reply
21 brief, alleging that Finjan had sufficient time to integrate the testimony into its Reply brief.

22 7. On March 22, 2019, Finjan filed an administrative motion to extend the deadline to file
23 its reply brief.

24 8. A time extension will provide Finjan with enough time to receive the transcript from the
25 deposition of Dr. Rubin and incorporate it in its reply brief. Finjan will likely be harmed if it is not
26 afforded sufficient time to incorporate Dr. Rubin’s testimony in its Reply brief.

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9. Granting Finjan's requested time extension here will not affect any other dates in the case schedule.

10. Prior time modifications include the following: The Court issued an amended case management order on February 23, 2018; the Court granted in part and denied in part Finjan's motion to shorten time on April 24, 2018 (Dkt. 73); the Court issued a second amended case management order on August 31, 2018 (Dkt. 191); the Court granted a joint stipulation and order to modify the Scheduling Order with respect to Juniper's election of asserted prior art and the service of Juniper's rebuttal expert reports on October 9, 2018, (Dkt. No. 206); and on February 6, 2019, the Court rescheduled the hearing for judgment as a matter of law (Dkt. 367).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on March 22, 2019 in Menlo Park, California.

/s/ Kristopher Kastens
Kristopher Kastens