

1 PAUL ANDRE (State Bar No. 196585)  
pandre@kramerlevin.com  
2 LISA KOBIALKA (State Bar No. 191404)  
lkobialka@kramerlevin.com  
3 JAMES HANNAH (State Bar No. 237978)  
jhannah@kramerlevin.com  
4 KRISTOPHER KASTENS (State Bar No. 254797)  
kkastens@kramerlevin.com  
5 KRAMER LEVIN NAFTALIS  
6 & FRANKEL LLP  
7 990 Marsh Road  
8 Menlo Park, CA 94025  
9 Telephone: (650) 752-1700  
10 Facsimile: (650) 752-1800

*Attorneys for Plaintiff*  
11 FINJAN, INC.

12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14 **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 TO STRIKE THEORIES  
FROM FINJAN'S MOTION FOR  
SUMMARY JUDGMENT, AND MOTION  
TO AMEND**

Date: May 2, 2019  
Time: 8:00 a.m.  
Courtroom: Courtroom 12, 19<sup>th</sup> Floor  
Before: Hon. William Alsup

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25  
26 **REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED**  
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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 Plaintiff Finjan, Inc.’s Opposition to  
5 Defendant Juniper Networks, Inc.’s Motion to Strike Theories from Finjan’s Motion for Summary  
6 Judgment, and Motion to Amend.

7 2. Attached hereto as Exhibit A is a true and correct copy of an email exchange between  
8 Finjan’s counsel and Juniper’s counsel, dated February 12, 2019, regarding Juniper’s failure to make  
9 source code for Juniper’s ATP Appliance available earlier in the case, including tools for accessing the  
10 code.

11 3. Attached hereto as Exhibit B is a true and correct copy of an email exchange between  
12 Finjan’s counsel and Juniper’s counsel, dated March 3, 2019, to March 6, 2019, regarding Juniper’s  
13 untimely production of information relating to [REDACTED] which was requested more than one year  
14 prior to its production.

15 4. Attached hereto as Exhibit C is a true and correct copy of excerpts from Plaintiff Finjan,  
16 Inc.’s First Set of Requests for Production of Documents to Defendant Juniper Networks, Inc. (Nos. 1-  
17 60), including Request No. 38, served on February 23, 2018.

18 5. Attached hereto as Exhibit D is a true and correct copy of Plaintiff Finjan, Inc.’s Third  
19 Set of Requests for Production of Documents to Defendant Juniper Networks, Inc. (Nos. 87-97),  
20 served on July 11, 2018.

21  
22 I declare under penalty of perjury under the laws of the United States that the foregoing is true  
23 and correct. Executed on March 28, 2019 in Menlo Park, California.

24  
25 /s/ Kristopher Kastens  
26 Kristopher Kastens