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12 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
17 Plaintiff,
18 v.
19 JUNIPER NETWORKS, INC., a Delaware
20 Corporation,
21 Defendant.

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

**DECLARATION OF KRISTOPHER
KASTENS IN SUPPORT OF PLAINTIFF
FINJAN, INC.’S NOTICE OF MOTION
AND MOTION FOR RELIEF FROM
JUDGMENT PURSUANT TO FED. R. CIV.
P. 60(B)**

Date: May 9, 2019
Time: 8:00 a.m.
Courtroom: Courtroom 12, 19th Floor
Before: Hon. William Alsup

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 Motion for
5 Relief from Judgment Pursuant to Fed. R. Civ. P. 60(b).

6 2. Counsel for Finjan also conducted a search for public documents relating to the
7 functionality or use of the Joe Sandbox component, including specifically searching for any Joe
8 Sandbox or Joe Security user guide. Counsel searched on Juniper’s website and Joe Security’s
9 website, and also conducted various searches using Google. For example, the search for “joe sandbox”
10 AND “user guide” returned about 16,600 results on Google, and counsel reviewed the first five pages
11 of results without finding any user guides. None of these searches yielded any of the twelve
12 documents that Juniper produced on February 4, 2019. None of these searches yielded documents
13 describing a database within Joe Sandbox.

14 3. Counsel for Finjan met and conferred on March 8, 2019, with counsel for Juniper
15 regarding the Joe Sandbox documents that were produced on February 4, 2019. I asked if Juniper had
16 previously produced the same documents in another form. Counsel could not answer. I asked what
17 Juniper’s basis was for withholding these documents. Counsel stated that Juniper had not located the
18 documents and that Finjan could have either subpoenaed Joe Security LLC for the documents or asked
19 for them informally. Juniper’s counsel did not state that the documents were outside Juniper’s
20 possession, custody, or control at any time.

21 4. Attached hereto as Exhibit 1 is a true and correct copy of a user guide entitled “Joe
22 Sandbox User Guide” produced by Juniper Networks, Inc. (“Juniper”), bearing Bates numbers JNPR-
23 FNJN_29043_01517141 – 53.

24 5. Attached hereto as Exhibit 2 is a true and correct copy of a user guide entitled “Joe
25 Sandbox Interface Guide” produced by Juniper, bearing Bates numbers JNPR-FNJN_29043_01517201
26 – 13.

1 6. Attached hereto as Exhibit 3 is a true and correct copy of Plaintiff Finjan, Inc.'s First
2 Set of Requests for Production of Documents to Defendant Juniper Networks, Inc. (Nos. 1-60), served
3 on February 23, 2018.

4 7. Attached hereto as Exhibit 4 is a true and correct copy of pages 2-8, 30-32, and 78-80
5 from Defendant Juniper Networks, Inc.'s Response to Plaintiff Finjan, Inc.'s First Set of Requests for
6 Production, served on March 26, 2018.

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

10 9. Attached hereto as Exhibit 6 is a true and correct copy of Defendant Juniper Networks,
11 Inc.'s Response to Plaintiff Finjan, Inc.'s Third Set of Requests for Production (Nos. 87-97), served on
12 August 10, 2018.

13 10. Attached hereto as Exhibit 7 is a true and correct copy of the license agreement between
14 Joe Security LLC and Juniper Networks, Inc. produced by Juniper, bearing Bates numbers JNPR-
15 FNJN_29035_00962471 – 99.

16 11. Attached hereto as Exhibit 8 is a true and correct copy of pages 73, 76-77, 126, 155-
17 157, 163, and 261-269 from the transcript of the deposition of Yuly Tenorio, taken on May 9, 2018.

18 12. Attached hereto as Exhibit 9 is a true and correct copy of Plaintiff Finjan, Inc.'s Fourth
19 Set of Interrogatories to Defendant Juniper Networks, Inc. (No. 11-12), served on April 27, 2018.

20 13. Attached hereto as Exhibit 10 is a true and correct copy of Defendant Juniper Networks,
21 Inc.'s Response to Plaintiff Finjan, Inc.'s Fourth Set of Interrogatories, served on May 29, 2018.

22 14. Attached hereto as Exhibit 11 is a true and correct copy of pages 33 and 34 from the
23 transcript of the deposition of Chandra Nagarajan, taken on May 31, 2018.

24 15. Attached hereto as Exhibit 12 is a true and correct copy of page 201 from the transcript
25 of the deposition of Raju Manthana, taken on May 30, 2018.

1 16. Attached hereto as Exhibit 13 is a true and correct copy of an email exchange produced
2 by Juniper, bearing Bates numbers JNPR-FNJNI_29040_01462103 – 04, and JNPR-
3 FNJNI_29040_01462115 – 43.

4 17. Attached hereto as Exhibit 14 is a true and correct copy of the correspondence letter
5 addressed to Johnathan Kagan, counsel for Juniper, from myself, counsel for Finjan, regarding
6 discovery items, dated December 17, 2018.

7 18. Attached hereto as Exhibit 15 is a true and correct copy of an email exchange between
8 counsel for Juniper, and counsel for Finjan, dated January 2, 2019 regarding discovery issues.

9 19. Attached hereto as Exhibit 16 is a true and correct copy of pages 742 and 743 from the
10 transcript of Trial proceedings held on December 13, 2018.

11 20. Attached hereto as Exhibit 17 is a true and correct copy of pages 931 and 932 from the
12 transcript of Trial proceedings held on December 14, 2018.

13 21. Attached hereto as Exhibit 18 is a true and correct copy of pages 3 and 4 from the
14 transcript of proceedings held on February 21, 2019.

15 22. Attached hereto as Exhibit 19 is a true and correct copy of an email exchange between
16 counsel for Juniper, and counsel for Finjan, dated March 6, 2019, regarding a meet and confer amongst
17 the parties regarding Joe Sandbox.

18 23. Attached hereto as Exhibit 20 is a true and correct copy of pages 16 and 76 from the
19 transcript of proceedings held on December 4, 2018.

20 24. Attached hereto as Exhibit 21 is a true and correct copy of pages 2-8, and 38-42 from
21 Defendant Juniper Networks, Inc.'s First Supplemental Response to Plaintiff Finjan, Inc.'s First Set of
22 Requests for Production, served on June 18, 2018.

23 25. Attached hereto as Exhibit 22 is a true and correct copy of the clip report from the
24 deposition transcript of Shelly Gupta, taken on December 7, 2018, played at the December 13, 2018,
25 Trial date.

26 26. Attached hereto as Exhibit 23 is a true and correct copy of Trial Exhibit 490, marked as
27 Exhibit 12 at the deposition of Shelly Gupta, taken on December 7, 2018.

1 27. Attached hereto as Exhibit 24 is a true and correct copy of Trial Exhibit 494, marked as
2 Exhibit 16 at the deposition of Shelly Gupta, taken on December 7, 2018.

3
4 I declare under penalty of perjury under the laws of the United States of America that each
5 of the above statements is true and correct. Executed on March 29, 2019, in Menlo Park,
6 California.

7 */s/ Kristopher Kastens*
8 Kristopher Kastens

9
ATTESTATION PURSUANT TO L.R. 5-1(I)

10 In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this
11 document has been obtained from any other signatory to this document.
12

13 */s/ Lisa Kobialka*
14 Lisa Kobialka