

EXHIBIT 20

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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.,)	
)	San Francisco, California
Defendant.)	
)	
)	

Tuesday, December 4, 2018

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

For Plaintiff:

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Reported By: **BELLE BALL, CSR 8785, CRR, RDR**
Official Reporter, U.S. District Court

(Appearances continued, next page)

1 cross-examine him so skillfully that the jury will award
2 \$70 million.

3 **MR. KAGAN:** Your Honor, given that they're stuck with
4 a \$1.8 million base, I think that's unlikely.

5 **THE COURT:** Yeah, I think so, too. But I'm -- that's
6 why I enjoy this. Because he's going to get maybe a shot,
7 shot to try.

8 **MR. KAGAN:** Your Honor --

9 **THE COURT:** No, I'm not going to be talked out of
10 this. You're not going to just get to the end of the case
11 because I exclude their expert. There's other ways to prove
12 damages. And I'm not prepared to say he doesn't have a
13 damages case at all.

14 **MR. KAGAN:** I wasn't going to argue that. What I was
15 going to ask, though, is if we could get a formal offer of
16 proof --

17 **THE COURT:** He has. He went through each section
18 that he wants to prove.

19 That's the offer of proof, right?

20 **MR. ANDRE:** Your Honor, it is for Mr. Arst. That's
21 what he will testify to. And Your Honor is absolutely
22 correct. We will put on a fact-based case.

23 I've tried several cases the last two days without a
24 damages expert.

25 **THE COURT:** That's good. Actually, it heartens me to

1 **THE COURT:** All right, look. Here's the problem. I
2 don't -- I'm not going to rule on this right now. But if you
3 want to take another deposition on the 17,000 between now and
4 the day of trial, I will let you did do that. At their
5 expense. They will would have to pay for it. And -- but I'm
6 not going to decide this just yet, because it does trouble me
7 that this was produced so late.

8 But on the other hand, the theory that your expert came up
9 with was swinging for the fences on a different theory,
10 altogether. And I don't see how this information would have
11 helped or hurt him. So I am troubled by that, too.

12 And so I'm not going to rule on this yet. But I -- if you
13 -- if you want to even use this at all in your defense case, if
14 Mr. Andre by the end of today asks for a deposition this week
15 or over the weekend, you had better, at your expense, let him
16 have that.

17 **MS. CURRAN:** Understood.

18 **THE COURT:** All right. The court reporter is going
19 to need a break. She's been going an hour and a half.

20 Let me just see where we are on this list.

21 Non-infringing alternative, Dr. Rubin's report. Is that
22 moot now?

23 **MS. CURRAN:** The non-infringing alternatives point is
24 moot now. I believe Dr. Rubin's report and demonstratives is
25 still in play.