

DKT. 130-3

(REDACTED)

EXHIBIT 29

UNREDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY

1 Finjan’s response. First, Finjan initiated discussions with Juniper in 2014 by providing a claim chart
2 for how the ‘968 Patent relates to Juniper. FINJAN-JN 193514-517. Finjan continued discussions
3 with Juniper, notified Juniper of Finjan’s patent portfolio, and stated that a license discussions were
4 related to a license of Finjan’s patent portfolio. In 2014, 2015, and 2016, Finjan reached out to Juniper
5 for discussions related to licensing Finjan’s patents, including the Patents-In-Suit. FINJAN-JN
6 192859-861. FINJAN-JN 193526-527; FINJAN-JN 193539-541; FINJAN-JN 193499-3500. Finjan
7 requested that Juniper enter an non-disclosure agreement (“NDA”) so that Finjan can provide already
8 prepared confidential claim charts on other Patents-in-Suit, including the ‘494 Patent, as part of the
9 licensing discussions and Juniper’s infringement. FINJAN-JN 193526-527; FINJAN-JN 193539-541;
10 FINJAN-JN 193499-3500. Juniper refused to enter an NDA, stated all communications were not
11 subject to FRE 408, and also indicated its intent to share any information Finjan shared with third
12 parties. FINJAN-JN 193535-538. Juniper’s refusal to enter an NDA, statements that none of the
13 communications were under FRE 408, and that it could publicly disclose any material that Finjan
14 provided hampered discussions between the parties and limited the information that Finjan could share
15 with Juniper. Finjan notified Juniper that it was its established practice to limit the information shared
16 unless under an NDA, and that it was not willing to declassify its confidential information to non-
17 confidential for Juniper’s unfettered disclosures. FINJAN-JN 193526-527.

18 Furthermore, Finjan notified Juniper on several occasions that Finjan had additional claim
19 charts that Finjan could share with Juniper that described its infringement of at least the ‘494 and ‘154
20 Patents. By October 9, 2015, Finjan had created claim charts for the ‘494 Patent that it offered to share
21 with Juniper. Furthermore, by October 30, 2015, Finjan had completed a claim chart for the ‘154
22 Patent that it offered to share with Juniper. However, because of Juniper’s refusal to enter an NDA
23 and threats to publicly publish any claim charts provided, Finjan could not and did not provide these
24 charts to Juniper.

25 As previously provided in Finjan’s incorporated response to Interrogatory No. 2, documents
26 related to these discussions between Finjan and Juniper include: FINJAN-JN 192859-865, 192859-
27 192865, 192866-193543, 193544-193575.

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1 Furthermore, Finjan notified Cyphort, Inc. (acquired by Juniper) of its infringement on several
2 occasions. [REDACTED]

3 [REDACTED]
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15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6:**

19 Subject to and without waiving the foregoing general and specific objections, Finjan responds
20 as follows:

21 By 2015, Finjan also notified Juniper that it had charts prepared and ready to share with Juniper
22 for U.S. Patent Nos. 8,225,408; 8,141,154; and 7,418,731. Finjan did not share these charts because of
23 Juniper’s unwillingness to enter an NDA.

24 Finjan provided further notice of Finjan’s patents and Juniper’s infringement of those patents
25 during a November 2015 phone call between John Garland of Finjan and Mr. Coonan of Juniper.
26 During this call, Mr. Garland stated that Finjan had at least six patents that Finjan believed Juniper
27 infringed and had claim charts directed to Juniper’s security products, including the SRX Gateways

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1 and Sky ATP, and could share them with Juniper, so long as Juniper treated the charts as confidential.
2 Mr. Coonan stated on this call that he would not treat the charts as confidential and would publicly
3 share any charts provided by Finjan to Juniper.

4 Additional evidence of notice to Juniper is that the ‘968 Patent includes references to the ‘844
5 Patent and U.S. Patent No. 6,092,194 (“the ‘194 Patent”). The ‘194 Patent is a parent to the ‘780,
6 ‘494, and ‘633 Patents. The ‘780 Patent is a parent to the ‘926 Patent. Juniper would have been put on
7 notice of these patents when it performed invalidity analysis of the ‘968 Patent, and also through its
8 knowledge of the ‘780, ‘926, ‘633, ‘154, and ‘494 Patents being asserted against Palo Alto Networks,
9 which was discussed between Finjan and Juniper.

10 Finjan’s investigation of this matter is ongoing and it will comply with Fed. R. Civ. P. 26(e)
11 should additional information become known to it.

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14 Dated: May 23, 2018

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