


EXHIBIT 3

Case Clip(s) Detailed Report
Wednesday, December 12, 2018, 7:46:00 AM

Finjan v. Juniper

 **Coonan, Scott (Vol. 01) - 11/16/2018**

1 CLIP (RUNNING 00:15:12.743)

 Plaintiff's Deposition Designations for Scott Coonan - with Juniper's Counters and Finjan's Counters (11-16-18)

SC1116-CC 43 SEGMENTS (RUNNING 00:15:12.743)



1. PAGE 7:03 TO 7:15 (RUNNING 00:00:24.427)

03 SCOTT JAMES COONAN,
 04 the witness herein, having been first duly sworn, was
 05 examined and testified as follows:
 06 THE VIDEOGRAPHER: Please proceed, Counsel.
 07 EXAMINATION
 08 BY MR. LEE:
 09 Q Please state your full name.
 10 A Scott James Coonan.
 11 Q And where do you work?
 12 A At Juniper Networks in Sunnyvale, California.
 13 Q What is your position?
 14 A I am the senior director of IP litigation and
 15 strategy.

2. PAGE 7:16 TO 7:22 (RUNNING 00:00:30.506)

16 Q What are your responsibilities?
 17 A Besides the ones that are self-evident from
 18 the title? I largely -- I manage all IP litigation and
 19 some non-IP litigation, principally. I also support the
 20 commercial function in negotiating various terms of
 21 equipment sales to our customers. Those are my
 22 principal responsibilities.

3. PAGE 25:23 TO 26:01 (RUNNING 00:00:12.610)

23 Q Have you heard the SRX series?
 24 A I'm familiar with the -- the product, yes.
 25 Q Does Juniper's SRX products use anything from
 00026:01 NetScreen?

4. PAGE 26:03 TO 26:03 (RUNNING 00:00:01.981)

03 A I don't know.

5. PAGE 26:08 TO 26:10 (RUNNING 00:00:06.368)

08 Did you previously say that there are some
 09 Juniper firewall products that use technology from
 10 NetScreen?

6. PAGE 26:12 TO 26:20 (RUNNING 00:00:29.933)

12 A I said I wasn't comfortable saying whether a
 13 particular product used NetScreen technology or did not.
 14 What I then said in a subsequent question was that I was
 15 fairly certain that when the transaction took place
 16 between NetScreen and Juniper, that NetScreen had
 17 firewall and VPN products.
 18 Q Can you be more specific in what the names of
 19 these products are?
 20 A No.

7. PAGE 26:21 TO 26:22 (RUNNING 00:00:04.660)

21 Q Can you name any of Juniper's firewall or VPN

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22 products?

8. PAGE 26:24 TO 27:04 (RUNNING 00:00:18.811)

24 A SRX is a firewall product. I don't know how
 25 much of it, if any, was derived from the NetScreen
 00027:01 products.
 02 Q When was this transaction made?
 03 A I believe it was somewhere around April of
 04 2004.

9. PAGE 29:01 TO 29:04 (RUNNING 00:00:09.228)

00029:01 Q You mentioned that Juniper acquired NetScreen
 02 to get into the security business?
 03 A Yes.
 04 Q Can you elaborate what do you mean by that?

10. PAGE 29:06 TO 29:17 (RUNNING 00:01:00.515)

06 A Well, Juniper -- Juniper was founded as an
 07 alternative to Cisco in the networking space. And when
 08 it was initially founded, we only sold routers. As we
 09 grew up and became more of a real company and not just a
 10 startup, people felt like we needed to have a more --
 11 this is the way the story has been told to me -- a
 12 broader offering. And we were not in the security
 13 business at the time, and that was a logical next step
 14 because, you know, in addition to building network --
 15 the network, it's logical to want to make the network
 16 safe from intrusion. So that was a -- a logical next
 17 step for us to offer a security set of products.

11. PAGE 127:01 TO 127:04 (RUNNING 00:00:24.090)

00127:01 Q You've been handed an exhibit marked as
 02 Exhibit 7. Exhibit 7 is -- has the heading of
 03 "Transcript." It's Bates labeled
 04 JNPR-FNJN_29011_00960575 to 0591.

12. PAGE 128:06 TO 128:17 (RUNNING 00:00:40.577)

06 Q Do you have Exhibit 7 in front of you?
 07 A Yes.
 08 Q Do you have any understanding of what is
 09 Exhibit 7?
 10 A I do.
 11 Q And what is Exhibit 7?
 12 A This is a transcribed version of -- of the
 13 phone call that I had with Mr. Garland in November --
 14 November 2015 time frame.
 15 Q Is the call with Mr. Garland on November 24th,
 16 2015?
 17 A That sounds about right.

13. PAGE 130:20 TO 130:23 (RUNNING 00:00:18.391)

20 Q Did you create the audio file?
 21 A Yes.
 22 Q How did you create this audio file?
 23 A Using the voice memo feature on my iPhone.

14. PAGE 130:24 TO 131:02 (RUNNING 00:00:09.796)

24 Q During your November 24th, 2015, call with
 25 Mr. Garland, did you ever inform him that you were
 00131:01 recording the call?
 02 A I did not.

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15. PAGE 131:05 TO 131:14 (RUNNING 00:00:46.594)

05 Q Can you provide any reason why you didn't
06 inform him that you were recording the call?
07 A The reason I decided to record the call was to
08 protect myself because I had become aware that -- that
09 certain mischaracterizations of events during the
10 negotiations had taken place, and I wanted to make sure
11 that didn't happen again, and I wanted to make sure that
12 the truth was going to be told accurately. To advise
13 him of the recording would have, you know, eviscerated
14 that protection, would have made it meaningless.

16. PAGE 133:14 TO 133:15 (RUNNING 00:00:10.254)

14 Q So during your November 24th call with
15 Mr. Garland, Sky ATP was never discussed?

17. PAGE 133:16 TO 133:21 (RUNNING 00:00:20.523)

16 A Correct.
17 Q But SRX was discussed?
18 A We mentioned SRX on a few occasions, yes.
19 Q Did you and Mr. Garland discuss any other
20 Juniper products other than Juniper's SRX product during
21 your November 24th call?

18. PAGE 133:23 TO 133:24 (RUNNING 00:00:04.315)

23 A My recollection is -- can I take a moment to
24 look through this?

19. PAGE 133:25 TO 134:01 (RUNNING 00:00:05.020)

25 Q Sure. Are you looking for something in
00134:01 particular?

20. PAGE 134:02 TO 134:03 (RUNNING 00:00:10.593)

02 A So at the bottom of 577, he's talking about
03 next-generation firewalls, UTM, your antivirus, your --

21. PAGE 134:04 TO 134:05 (RUNNING 00:00:13.442)

04 with filtering. So modules that, when we think of
05 modules, we think of SRX as a module-based product.

22. PAGE 134:06 TO 134:09 (RUNNING 00:00:19.062)

06 So in my view, there was nothing that was
07 either expressly mentioning Sky ATP, nor by implication,
08 in my view, mentioning Sky ATP or things that would
09 implicate Sky ATP.

23. PAGE 141:18 TO 141:19 (RUNNING 00:00:08.230)

18 Q And why did you not inform him that you were
19 recording the call?

24. PAGE 141:21 TO 142:03 (RUNNING 00:00:34.078)

21 A Well, I was comfortable that what I was doing
22 was legal. I was located in North Carolina, which is a
23 one-party consent state. I had ascertained
24 Mr. Garland's location earlier as being on the East
25 Coast. It's a -- that's the majority approach. And
00142:01 since I was comfortable that I was doing something
02 legal, I didn't feel that it was necessary to disclose
03 it.

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25. PAGE 145:01 TO 145:22 (RUNNING 00:01:24.615)

00145:01 Q What is it about this particular call with
02 Mr. Garland on November 24th, 2015, that you decided
03 that it needed to be recorded?
04 A Well, maybe I -- I've led a charmed life, but
05 it's not often that you are dealing with a party that
06 you know in advance going into a particular conversation
07 that that person is probably not going to be entirely
08 truthful. I had that insight. I couldn't ignore that.
09 I couldn't take that away as a fact that operated in the
10 background of this case.
11 Since we were going to be talking about a very
12 important topic, something Juniper takes very seriously,
13 but that could ultimately, you know, result in the
14 payment of, you know, large sums of money, I felt like
15 the facts needed to be accurate and that I needed to be
16 able to rely on those facts. And so I chose to -- to
17 record it because I had that information ahead of time.
18 And I think I would, you know -- was just looking out
19 for the situation where, you know, there was no
20 recording, and I said that he said one thing, and he
21 said that he said another, and then I would know that I
22 was right, but I'd have no way of proving it.

26. PAGE 147:11 TO 147:14 (RUNNING 00:00:13.871)

11 Q So you recorded the call between you and
12 Mr. Garland on November 24th, 2015, because he was
13 untruthful about saying that you reneged on the offer
14 for the PAN litigation?

27. PAGE 147:16 TO 147:23 (RUNNING 00:00:19.938)

16 Q Is that correct?
17 A That's the -- that's the main reason.
18 Q Any other reason?
19 A The -- the fact that there were two different
20 instances involving, you know, fairly senior people at
21 the same company getting the same fact -- taking the
22 same fact and twisting it in a different way, both of
23 them incorrect.

28. PAGE 155:15 TO 156:06 (RUNNING 00:01:01.134)

15 Q You said that you started recording this after
16 you and Mr. Garland already started speaking, correct?
17 A Yes.
18 Q Why did you decide to -- to -- to start
19 recording partway into your conversation with
20 Mr. Garland?
21 A It wasn't a -- it wasn't a conscious decision
22 to start it late. I was doing a lot of things. I was
23 in my -- in my home office. I was juggling -- I can't
24 recall whether I was on two phones or one phone. I had
25 my notepad. I had, you know, a pen, and I was trying to
00156:01 just start the call and be on time for the call. So
02 just a lot of things going on. I might have -- we
03 might -- I can't recall whether I sent him or he sent me
04 one of those bridges where you have dial-in
05 instructions. And so after that kind of settled down,
06 then I got around to pressing record.

29. PAGE 156:07 TO 156:11 (RUNNING 00:00:06.339)

07 Q You mentioned that you were in your home
08 office?
09 A Yes.
10 Q Where is your home office located?

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