

1 IRELL & MANELLA LLP
Jonathan S. Kagan (SBN 166039)
2 jkagan@irell.com
Alan Heinrich (SBN 212782)
3 aheinrich@irell.com
Joshua Glucoft (SBN 301249)
4 jglucoft@irell.com
1800 Avenue of the Stars, Suite 900
5 Los Angeles, California 90067-4276
Telephone: (310) 277-1010
6 Facsimile: (310) 203-7199

7 Rebecca Carson (SBN 254105)
rcarson@irell.com
8 Ingrid M. H. Petersen (SBN) 313927)
ipetersen@irell.com
9 Kevin Wang (SBN 318024)
kwang@irell.com
10 840 Newport Center Drive, Suite 400
Newport Beach, California 92660-6324
11 Telephone: (949) 760-0991
Facsimile: (949) 760-5200

12 *Attorneys for Defendant*
13 JUNIPER NETWORKS, INC.

14
15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN FRANCISCO DIVISION**

18 FINJAN, INC., a Delaware Corporation,) Case No. 3:17-cv-05659-WHA
19)
Plaintiff,) **DECLARATION OF JOSHUA GLUCOFT**
20) **IN SUPPORT OF DEFENDANT JUNIPER**
vs.) **NETWORKS, INC.’S OPPOSITION TO**
21) **PLAINTIFF FINJAN, INC.’S MOTION**
JUNIPER NETWORKS, INC., a Delaware) **FOR RELIEF FROM JUDGMENT**
22 Corporation,) **PURSUANT TO FED. R. CIV. P. 60(B)**
23)
Defendant.) Date: May 9, 2019
24) Time: 8:00 a.m.
25) Courtroom: Courtroom 12, 19th Floor
26) Before: Hon. William Alsup
27)
28)

DECLARATION OF JOSHUA GLUCOFT

I, Joshua Glucoft, declare as follows:

1. I am a member in good standing of the State Bar of California and an associate at Irell & Manella LLP, counsel of record in this action for Defendant Juniper Networks, Inc. (“Juniper”). The statements in this declaration reflect my current knowledge, and I could and would testify competently thereto if called upon to do so. I make this declaration in support of Juniper’s Opposition to Finjan’s Motion for Relief from Judgment Pursuant to Fed. R. Civ. P. 60(b).

2. Attached hereto as Exhibit 1 is a true and correct copy of the document bearing Bates JNPR-FNJJN_29035_00962471 through _00962499, which Juniper produced on July 12, 2018.

3. Attached hereto as Exhibit 2 is a true and correct copy of the document bearing Bates JNPR-FNJJN_29040_01280968 through _01280978, which Juniper produced on November 6, 2018.

4. Attached hereto as Exhibit 3 is a true and correct copy of the document bearing Bates JNPR-FNJJN_29040_01462115 thorough _01462143, which Juniper produced on November 6, 2018.

5. On October 16, 2018, Kris Kastens, counsel for Finjan sent me an email requesting, for the first time, a Rule 30(b)(6) deposition of Juniper. One of the requested topics related to Joe Security. Attached hereto as Exhibit 4 is a true and correct copy of that email. On November 5, 2018, I conferred with Mr. Kastens to discuss, among other things, the timing of the requested Rule 30(b)(6) depositions. I stated that the Rule 30(b)(6) deposition related to Joe Security appeared to be irrelevant to the upcoming trial and that, as result, it might make sense for the parties to defer the deposition until after the trial. Mr. Kastens agreed to defer the deposition until after the trial. Later that day, I sent Mr. Kastens an email memorializing our discussion, including his agreement to defer the Rule 30(b)(6) deposition related to Joe Security. Attached hereto as Exhibit 5 is a true and correct copy of that email.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 6. Attached hereto as Exhibit 6 is a true and correct copy of excerpts of the deposition
2 transcript of Yuly Tenorio.

3 7. Attached hereto as Exhibit 7 is a true and correct copy of excerpts of the deposition
4 transcript of Raju Manthena.

5 8. Attached hereto as Exhibit 8 is a true and correct copy of excerpts of the deposition
6 transcript of Chandra Nagarajan.

7 9. Attached hereto as Exhibit 9 is a true and correct copy of excerpts of the transcript
8 of the December trial in this matter.

9 10. Juniper has previously informed Finjan via email that Juniper's response to
10 Finjan's interrogatory number 12 contains a typo and should read "Amazon S3" instead of
11 "Amazon RDS" on line 8 of page 14 the document titled "Defendant Juniper Networks, Inc.'s
12 Response To Plaintiff Finjan's Inc.'s Fourth Set Of Interrogatories" dated May 29, 2018.

13 11. Attached hereto as Exhibit 10 is a true and correct copy of the document bearing
14 Bates JNPR-FNJJN_29040_01455978 through _01455991, which Juniper produced on November
15 6, 2018.

16 12. Attached hereto as Exhibit 11 is a true and correct copy of the document bearing
17 Bates JNPR-FNJJN_29040_01457211 through _01457216, which Juniper produced on November
18 6, 2018.

19 13. Attached hereto as Exhibit 12 is a true and correct copy of the document bearing
20 Bates JNPR-FNJJN_29040_01457124 through _01457154, which Juniper produced on November
21 6, 2018.

22 14. Attached hereto as Exhibit 13 is a true and correct copy of the document bearing
23 Bates JNPR-FNJJN_29040_01464974 through _01465002, which Juniper produced on November
24 6, 2018.

25 15. Attached hereto as Exhibit 14 is a true and correct copy of the document bearing
26 Bates JNPR-FNJJN_29040_01462047 through _01462075, which Juniper produced on November
27 6, 2018.

28

1 16. The deposition of Finjan’s infringement expert, Dr. Eric Cole, took place on
2 November 14, 2018. The deposition of Juniper’s infringement expert, Dr. Avi Rubin, took place
3 on November 9, 2018.

4 17. The high-level diagram of Sky ATP appearing in Juniper’s opposition initially
5 appeared as demonstrative slide number 45 attached to the rebuttal expert report of Dr. Rubin,
6 served on Finjan on October 11, 2018.

7 18. Juniper’s response to Finjan’s third set of RFPs related to Joe Security stated (after
8 several specific objections):

9 Subject to these specific objections and the General Objections
10 incorporated herein, Juniper responds that it has already
11 completed its technical production detailing the operation of
12 Sky ATP, which includes both the complete Sky ATP source
13 code as well as many thousands of pages of technical
14 specifications, design and development documents, and
15 administration guides. Juniper further responds, subject to
16 these specific objections and the General Objections
17 incorporated herein, that it has already produced licenses with
18 Joe Security for products used by Sky ATP. If Finjan believes
19 that additional discovery is somehow proportional to the needs
20 of the case, Juniper is willing to meet and confer with Finjan to
21 understand exactly what other types of documents Finjan
22 believes are relevant and proportional to the needs of the case.

23 Dkt. 412-8 at, *e.g.*, 8. After Juniper served these objections and responses, Finjan did not reach
24 out to Juniper to meet and confer regarding the production of additional Joe Security documents
25 until after the December 2018 trial.

26 19. On December 17, 2018, Finjan sent a letter to Juniper asking Juniper to produce
27 certain documents by January 28, 2019. Dkt. 412-16 at 2-3. Juniper promptly investigated the
28 issues raised in Finjan’s letter and located twelve additional Joe Security documents. Those
documents were produced on February 4, 2019.

 20. Attached hereto as Exhibit 15 is Finjan’s infringement contentions related to the
‘494 Patent as asserted against Sky ATP.

 21. Attached hereto as Exhibit 16 is the complete transcript of February 7, 2019
deposition of Khurram Islah as Juniper’s Rule 30(b)(6) witness on the topic of “Any efforts by

1 Juniper to incorporate or use any technologies provided by Joe Security LLC into any of the
2 Accused Products, including identification of all technologies provided by Joe Security LLC to
3 Juniper, a description of how the technologies provided by Joe Security LLC are incorporated by
4 or used by the Accused Products, a description of how the technologies provided by Joe Security
5 are hosted or managed by Juniper, and identification of the relevant source code.” That deposition
6 took place after Juniper had produced the twelve additional Joe Security documents. I performed
7 a keyword search for the word “database” and it does not appear in the transcript..

8 //

9 I declare under penalty of perjury under the laws of the United States of America that the
10 foregoing is true and correct to the best of my knowledge. Executed this 12th day of April, 2019
11 at Los Angeles, California.

12
13 By: /s/ Joshua Glucoft
14 Joshua Glucoft (SBN 301249)
15
16
17
18
19
20
21
22
23
24
25
26
27
28