

EXHIBIT 5

Holland, Eileen

From: Glucoft, Josh
Sent: Monday, November 5, 2018 5:19 PM
To: ~Kastens, Kristopher; ~Andre, Paul; ~Caire, Yuridia; ~Hannah, James; ~Hedvat, Shannon; ~Kastens, Kristopher; ~Kobialka, Lisa; ~Lee, Hannah; ~Lee, Michael; ~Manes, Austin; ~Martinez, Cristina; ~Nguyen, Stephanie
Cc: Kagan, Jonathan; Carson, Rebecca; Curran, Casey; Song, Sharon; Wang, Kevin; #Juniper/Finjan [Int]
Subject: Depositions

Kris,

I write to memorialize our call today.

Juniper does not at this time intend to call Mr. Marcellin or Mr. Kuznetsov at the December 10 trial, and I understand that Finjan does not at this time intend to call Mr. Touboul at the December 10 trial. Accordingly, we would agree to postpone the depositions of Mr. Marcellin, Mr. Kuznetsov, and Mr. Touboul until after the December 10 trial; please confirm.

We can accept the proposed November 16 date for Mr. Kroll's deposition at Kramer Levin. Mr. Coonan's deposition that same day will take place at Juniper's headquarters in Sunnyvale rather than at your offices, per your request. Please confirm Mr. Bushong's deposition for November 15 at Juniper's headquarters by the end of tomorrow. As I mentioned, Mr. Bushong does not have any other availability in November due to pre-scheduled holiday and work commitments.

As we agreed on our call, the parties will exchange summaries of hours/fees billed by the experts on the following schedule:

- Bims: before his deposition
- Arst/Rubin: Nov 7 at noon
- Cole: Nov 12 at noon

Please provide a date certain for Dr. Orso's production, as Finjan has agreed. Relatedly, we do not believe that the expert engagement letters for this matter are properly considered work product; Finjan itself subpoenaed this information from Dr. Rubin and Dr. Ugone, and the case law is clear that this information is discoverable. We urge Finjan to reconsider its position. If you do not confirm that Finjan will produce its retention letters with its experts by end of day tomorrow, Juniper will raise this issue with the Court.

Lastly, you agreed to defer until after the December 10 trial the deposition on the first 30(b)(6) topic ("Any efforts by Juniper to incorporate or use any technologies provided by Joe Security LLC..."). We will be designating Ms. Gupta for the third topic ("Development and research costs associated with each of the Accused Products"). As I noted on our call with regard to the second topic, Juniper does not track "[t]he total number of threats, malware, files detected, classified, analyzed or received by each of the Accused Products." But if Finjan nevertheless wishes to pursue a deposition on this topic before the December trial, please let us know.

Thanks,
Josh

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