

# EXHIBIT 1

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**From:** Glucoft, Josh  
**Sent:** Wednesday, May 22, 2019 9:14 PM  
**To:** ~Kastens, Kristopher; Bender, Shauna; Kagan, Jonathan; ccurran@irell.com; ssong@irell.com; Carson, Rebecca; Wang, Kevin; Holland, Eileen; ~Andre, Paul; ~Caire, Yuridia; ~Hannah, James; ~Hedvat, Shannon; ~Kobialka, Lisa; ~Lee, Hannah; ~Lee, Michael; ~Manes, Austin; ~Martinez, Cristina; ~Nguyen, Stephanie; ~Xu, Linjun  
**Cc:** ~Andre, Paul; ~Kobialka, Lisa; ~Hannah, James; ~Manes, Austin; Carson, Rebecca; Heinrich, Alan; Holland, Eileen; Isaac, Shawana; Kagan, Jonathan; Manzano, Jim; Mittleman, Harry; Petersen, Ingrid; Quarnstrom, Brian; Theilacker, Leah; Wang, Kevin; #Juniper/Finjan [Int]  
**Subject:** RE: Finjan, Inc. v. Juniper Networks, Inc. - Case No.: 3:17-cv-05659-WHA

Kris,

Thank you for conferring with us today.

As Ingrid mentioned and we discussed today, you have already noticed and completed 10 depositions:

1. Yuly Tenorio on 5/9/18
2. Rakesh Manocha on 5/16/18
3. Raju Manthena on 5/30/19
4. Chandra Nagarajan on 5/31/18
5. Meredith McKenzie on 11/14/18
6. Michael Bushong on 11/15/18
7. Scott Coonan on 11/16/18
8. Shelly Gupta on 11/16/18
9. Rule 30(b)(6) Deposition of Juniper I (Alex Icasiano on 11/30/18 for approximately 3 1/2 hours + Shelly Gupta on 12/7/18 for approximately 3 hours)
10. Rule 30(b)(6) Deposition of Juniper II (Khurram Isla on 2/7/19 approximately 4 hours).

As such, Finjan cannot take Mr. Touboul's, or any other, deposition without seeking leave of Court. *See* FRCP 30(a)(2)(A)(i). You stated that Finjan has only taken 7 depositions, but you were unable to identify which depositions you believe we improperly counted. Please let us know which depositions you believe we incorrectly included in our total by noon tomorrow.

Finjan's continued refusal to comply with the Federal Rules and seek leave to exceed the default number of depositions is improper. Moreover, noticing Mr. Touboul's deposition in Israel on June 11 contravenes both the Court's Standing Order, which requires that depositions be scheduled at "mutually-convenient times and places," and also the parties' agreement to make deponents available in N.D. Cal.

Given that Finjan refuses to seek leave to notice additional depositions as required, Juniper will seek relief from the Court to quash Finjan's deposition notice to Mr. Touboul. We will further move the Court to require the deposition to go forward in the U.S., if it is allowed to proceed at all. In light of the fact that Finjan noticed this deposition in Israel on June 11, we will move the Court by next Wednesday, May 29. The parties will exchange sections on Tuesday, May 28 at 10 am Pacific, in following with the procedure the parties adopted for Ms. Bey's motion to compel.

Lastly, you indicated that you were looking into the issues we raised in our May 20 discovery letters and would get back to us soon with your response and times to confer. Please let us know your position on the issues we raised and times when the parties can confer.

Thanks,  
Josh

**From:** Kastens, Kris <KKastens@KRAMERLEVIN.com>

**Sent:** Tuesday, May 21, 2019 1:23 PM

**To:** Glucoft, Josh <JGlucoft@irell.com>; Bender, Shauna <SBender@KRAMERLEVIN.com>; Kagan, Jonathan <JKagan@irell.com>; ccurran@irell.com; ssong@irell.com; Carson, Rebecca <RCarson@irell.com>; Wang, Kevin <kwang@irell.com>; Holland, Eileen <EHolland@irell.com>; ~Andre, Paul <pandre@kramerlevin.com>; ~Caire, Yuridia <ycaire@kramerlevin.com>; ~Hannah, James <jhannah@kramerlevin.com>; ~Hedvat, Shannon <shedvat@kramerlevin.com>; ~Kobialka, Lisa <lkobialka@kramerlevin.com>; ~Lee, Hannah <hlee@kramerlevin.com>; ~Lee, Michael <mhlee@kramerlevin.com>; ~Manes, Austin <amanes@kramerlevin.com>; ~Martinez, Cristina <cmartinez@kramerlevin.com>; ~Nguyen, Stephanie <SNguyen@KRAMERLEVIN.com>; ~Xu, Linjun <lxu@kramerlevin.com>

**Cc:** ~Andre, Paul <pandre@kramerlevin.com>; ~Kobialka, Lisa <lkobialka@kramerlevin.com>; ~Hannah, James <jhannah@kramerlevin.com>; ~Manes, Austin <amanes@kramerlevin.com>; Carson, Rebecca <RCarson@irell.com>; Heinrich, Alan <AHeinrich@irell.com>; Holland, Eileen <EHolland@irell.com>; Isaac, Shawana <SIsaac@irell.com>; Kagan, Jonathan <JKagan@irell.com>; Manzano, Jim <JManzano@irell.com>; Mittleman, Harry <HMittleman@irell.com>; Petersen, Ingrid <ipetersen@irell.com>; Quarnstrom, Brian <BQuarnstrom@irell.com>; Theilacker, Leah <LTheilacker@irell.com>; Wang, Kevin <kwang@irell.com>

**Subject:** RE: Finjan, Inc. v. Juniper Networks, Inc. - Case No.: 3:17-cv-05659-WHA

Josh,

We can meet and confer at 4PM tomorrow on Touboul. Please provide a call-in number.

- Kris

Kris Kastens

Partner

Kramer Levin Naftalis & Frankel LLP  
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T 650.752.1715 F 650.752.1815

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**From:** Kastens, Kris <KKastens@KRAMERLEVIN.com>

**Sent:** Monday, May 20, 2019 11:43 AM

**To:** Glucoft, Josh <JGlucoft@irell.com>; Bender, Shauna <SBender@KRAMERLEVIN.com>; Kagan, Jonathan <JKagan@irell.com>; ccurran@irell.com; ssong@irell.com; Carson, Rebecca <RCarson@irell.com>; Wang, Kevin <kwang@irell.com>; Holland, Eileen <EHolland@irell.com>; Andre, Paul <PAndre@KRAMERLEVIN.com>; Caire, Yuridia <YCaire@KRAMERLEVIN.com>; Hannah, James <JHannah@KRAMERLEVIN.com>; Hedvat, Shannon H. <SHedvat@KRAMERLEVIN.com>; Kobialka, Lisa <LKobialka@KRAMERLEVIN.com>; Lee, Hannah <HLee@KRAMERLEVIN.com>; Lee, Michael H. <MHLee@KRAMERLEVIN.com>; Manes, Austin <AManes@KRAMERLEVIN.com>; Martinez, Cristina <CMartinez@KRAMERLEVIN.com>; Nguyen, Stephanie <SNguyen@KRAMERLEVIN.com>; Xu, Linda <LXu@KRAMERLEVIN.com>

**Cc:** Andre, Paul <PAndre@KRAMERLEVIN.com>; Kobialka, Lisa <LKobialka@KRAMERLEVIN.com>; Hannah, James <JHannah@KRAMERLEVIN.com>; Manes, Austin <AManes@KRAMERLEVIN.com>; Carson, Rebecca <RCarson@irell.com>; Heinrich, Alan <AHeinrich@irell.com>; Holland, Eileen <EHolland@irell.com>; Isaac, Shawana

<[Sisaac@irell.com](mailto:Sisaac@irell.com)>; Kagan, Jonathan <[JKagan@irell.com](mailto:JKagan@irell.com)>; Manzano, Jim <[JManzano@irell.com](mailto:JManzano@irell.com)>; Mittleman, Harry <[HMittleman@irell.com](mailto:HMittleman@irell.com)>; Petersen, Ingrid <[ipetersen@irell.com](mailto:ipetersen@irell.com)>; Quarnstrom, Brian <[BQuarnstrom@irell.com](mailto:BQuarnstrom@irell.com)>; Theilacker, Leah <[LTheilacker@irell.com](mailto:LTheilacker@irell.com)>; Wang, Kevin <[kwang@irell.com](mailto:kwang@irell.com)>

**Subject:** RE: Finjan, Inc. v. Juniper Networks, Inc. - Case No.: 3:17-cv-05659-WHA

Josh,  
We're looking into meet and confer times.  
- Kris

**Kris Kastens**

Partner

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**From:** Glucoft, Josh <[JGlucoft@irell.com](mailto:JGlucoft@irell.com)>

**Sent:** Friday, May 17, 2019 5:08 PM

**To:** Bender, Shauna <[SBender@KRAMERLEVIN.com](mailto:SBender@KRAMERLEVIN.com)>; Kagan, Jonathan <[JKagan@irell.com](mailto:JKagan@irell.com)>; [ccurran@irell.com](mailto:ccurran@irell.com); [ssong@irell.com](mailto:ssong@irell.com); Carson, Rebecca <[RCarson@irell.com](mailto:RCarson@irell.com)>; Wang, Kevin <[kwang@irell.com](mailto:kwang@irell.com)>; Holland, Eileen <[EHolland@irell.com](mailto:EHolland@irell.com)>; Andre, Paul <[PAndre@KRAMERLEVIN.com](mailto:PAndre@KRAMERLEVIN.com)>; Caire, Yuridia <[YCaire@KRAMERLEVIN.com](mailto:YCaire@KRAMERLEVIN.com)>; Hannah, James <[JHannah@KRAMERLEVIN.com](mailto:JHannah@KRAMERLEVIN.com)>; Hedvat, Shannon H. <[SHedvat@KRAMERLEVIN.com](mailto:SHedvat@KRAMERLEVIN.com)>; Kastens, Kris <[KKastens@KRAMERLEVIN.com](mailto:KKastens@KRAMERLEVIN.com)>; Kobialka, Lisa <[LKobialka@KRAMERLEVIN.com](mailto:LKobialka@KRAMERLEVIN.com)>; Lee, Hannah <[HLee@KRAMERLEVIN.com](mailto:HLee@KRAMERLEVIN.com)>; Lee, Michael H. <[MHLee@KRAMERLEVIN.com](mailto:MHLee@KRAMERLEVIN.com)>; Manes, Austin <[AManes@KRAMERLEVIN.com](mailto:AManes@KRAMERLEVIN.com)>; Martinez, Cristina <[CMartinez@KRAMERLEVIN.com](mailto:CMartinez@KRAMERLEVIN.com)>; Nguyen, Stephanie <[SNguyen@KRAMERLEVIN.com](mailto:SNguyen@KRAMERLEVIN.com)>; Xu, Linda <[LXu@KRAMERLEVIN.com](mailto:LXu@KRAMERLEVIN.com)>

**Cc:** Andre, Paul <[PAndre@KRAMERLEVIN.com](mailto:PAndre@KRAMERLEVIN.com)>; Kobialka, Lisa <[LKobialka@KRAMERLEVIN.com](mailto:LKobialka@KRAMERLEVIN.com)>; Hannah, James <[JHannah@KRAMERLEVIN.com](mailto:JHannah@KRAMERLEVIN.com)>; Kastens, Kris <[KKastens@KRAMERLEVIN.com](mailto:KKastens@KRAMERLEVIN.com)>; Manes, Austin <[AManes@KRAMERLEVIN.com](mailto:AManes@KRAMERLEVIN.com)>; Carson, Rebecca <[RCarson@irell.com](mailto:RCarson@irell.com)>; Glucoft, Josh <[JGlucoft@irell.com](mailto:JGlucoft@irell.com)>; Heinrich, Alan <[AHeinrich@irell.com](mailto:AHeinrich@irell.com)>; Holland, Eileen <[EHolland@irell.com](mailto:EHolland@irell.com)>; Isaac, Shawana <[Sisaac@irell.com](mailto:Sisaac@irell.com)>; Kagan, Jonathan <[JKagan@irell.com](mailto:JKagan@irell.com)>; Manzano, Jim <[JManzano@irell.com](mailto:JManzano@irell.com)>; Mittleman, Harry <[HMittleman@irell.com](mailto:HMittleman@irell.com)>; Petersen, Ingrid <[ipetersen@irell.com](mailto:ipetersen@irell.com)>; Quarnstrom, Brian <[BQuarnstrom@irell.com](mailto:BQuarnstrom@irell.com)>; Theilacker, Leah <[LTheilacker@irell.com](mailto:LTheilacker@irell.com)>; Wang, Kevin <[kwang@irell.com](mailto:kwang@irell.com)>; #Juniper/Finjan [Int] <[Juniper-Finjan@irell.com](mailto:Juniper-Finjan@irell.com)>

**Subject:** [EXTERNAL] RE: Finjan, Inc. v. Juniper Networks, Inc. - Case No.: 3:17-cv-05659-WHA

Dear Counsel,

As my colleague, Ms. Petersen, noted in her email earlier today, Finjan has already taken ten fact depositions. As such, Finjan cannot notice additional fact depositions without leave of Court, and thus this Notice of Deposition of Shlomo Touboul is improper. Separately, Juniper objects to Finjan's attempt to notice a deposition of one of its own paid consultants in Israel. It is also inappropriate for Finjan to unilaterally schedule this deposition without meeting and conferring with Juniper regarding the date (which does not work for us). Please immediately confirm that Finjan will withdraw this notice, or provide some times that lead counsel is available to meet and confer on this issue on Monday.

Regards,

Josh

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**From:** Bender, Shauna <[SBender@KRAMERLEVIN.com](mailto:SBender@KRAMERLEVIN.com)>

**Sent:** Tuesday, May 14, 2019 4:34 PM

**To:** Kagan, Jonathan <[JKagan@irell.com](mailto:JKagan@irell.com)>; Glucoft, Josh <[JGlucoft@irell.com](mailto:JGlucoft@irell.com)>; [curren@irell.com](mailto:curren@irell.com); [ssong@irell.com](mailto:ssong@irell.com); Carson, Rebecca <[RCarson@irell.com](mailto:RCarson@irell.com)>; Wang, Kevin <[kwang@irell.com](mailto:kwang@irell.com)>; Holland, Eileen <[EHolland@irell.com](mailto:EHolland@irell.com)>

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**Subject:** Finjan, Inc. v. Juniper Networks, Inc. - Case No.: 3:17-cv-05659-WHA

Dear Counsel,

In regards to the above-referenced matter, attached please find Plaintiff Finjan, Inc.'s Notice of Deposition of Shlomo Touboul.

Best Regards,

Shauna Bender

Legal Secretary

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