

EXHIBIT 1

Glucoft, Josh

From: Glucoft, Josh
Sent: Thursday, March 15, 2018 5:49 PM
To: ~Kastens, Kristopher
Cc: ~Andre, Paul; ~Kobialka, Lisa; ~Hannah, James; Kagan, Jonathan; Carson, Rebecca; Wang, Kevin; Holland, Eileen; ~Manes, Austin; Curran, Casey; ~Manes, Austin; ~Lee, Michael
Subject: RE: Finjan v. Juniper - Discovery

Kris,

Thank you for confirming that you will abide by the terms of the Interim Model Protective Order.

With respect to the source code, we will produce it organized by directory and sub-directory so that you can easily navigate between different products and files. We will not make any modifications to the code relative to how it has been kept in the ordinary course of business, although the code will of course be read-only to prevent modification. We also will not create any additional files, including any dummy files or additional index, that are not part of the existing codebase.

As for review tools, we will provide NotePad++, Vim, Emacs, and Grep, as you have requested. We will also provide UltraEdit, which includes substantial searching capabilities. These tools will allow you to reasonably review and search the entire codebase. We are not, however, going to provide tools that could compromise the integrity of the code by facilitating writing to the code, changing file permissions, or connecting the secured computer to a network. For that reason, we are not going to provide Cygwin or Coreutils or enable the Windows CLI.

We will provide Microsoft's read-only viewers for Word, Excel, and PowerPoint, and you may take notes on the review tools that we have provided, such as Notepad++. We are not, however, going to provide the versions of Microsoft Office that allow macros, as those versions present a security concern. Please remember that per the terms of the Interim Model Protective Order, you may not copy, remove, or otherwise transfer any portion of the source code, which precludes copying the source code into a note-taking application. If you would like us to print out any electronic notes that you take, we would be happy to do so provided that we determine the notes do not contain any embedded copies of the source code.

Best,
Josh

From: Kastens, Kris [mailto:KKastens@KRAMERLEVIN.com]
Sent: Wednesday, March 14, 2018 2:11 PM
To: Glucoft, Josh
Cc: ~Andre, Paul; ~Kobialka, Lisa; ~Hannah, James; Kagan, Jonathan; Carson, Rebecca; Wang, Kevin; Holland, Eileen; ~Manes, Austin; Curran, Casey; ~Manes, Austin; ~Lee, Michael
Subject: RE: Finjan v. Juniper - Discovery

Josh,
Finjan agrees that the Interim Model Protective Order is in place for this case until the parties finalize a protective order. Please let us know who to ask for at the front desk when we arrive.

We also request that the source code be indexed for searching, that the Windows command line be enabled, and MSOffice or OpenOffice installed. In addition, we request the appropriate tools be installed to review the source code. The links to download these tools can be found here:

- <https://notepad-plus-plus.org/download/>
- <http://www.cygwin.com/>
- <http://www.gnu.org/software/emacs/>
- <http://www.vim.org/>
- <http://www.gnu.org/software/grep/>
- <http://www.gnu.org/software/coreutils/>

Sincerely,
Kris

Kris Kastens
Associate

Kramer Levin Naftalis & Frankel LLP
990 Marsh Road, Menlo Park, California 94025
T 650.752.1715 F 650.752.1815

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From: Glucoft, Josh [mailto:JGlucoft@irell.com]
Sent: Tuesday, March 13, 2018 2:58 PM
To: Kastens, Kris
Cc: Andre, Paul; Kobialka, Lisa; Hannah, James; Kagan, Jonathan; Carson, Rebecca; Wang, Kevin; Holland, Eileen; Manes, Austin; Curran, Casey; Manes, Austin; Lee, Michael H.; #Juniper/Finjan [Int]
Subject: [EXTERNAL] RE: Finjan v. Juniper - Discovery

Kris,

Finjan chose to serve its infringement contentions on the last day possible, March 8. Until Finjan chose to serve its infringement contentions (and even still), Juniper was left largely guessing as to what functionality in the accused products is actually at issue. Nonetheless, we have offered to make the source code available for review just 11 days after Finjan served its infringement contentions, which demonstrates Juniper's diligence. Please confirm that for the review starting this Monday, March 19, Finjan agrees to abide by the terms of the Interim Model Protective Order pending finalization of the parties' stipulated protective order. Assuming Finjan agrees, the review may begin each day next week at 9:00 a.m. and continue until 5:00 p.m., with a break for lunch to accommodate our proctor.

We will respond to the remainder of the issues in your email in due course.

Thanks,
Josh

From: Kastens, Kris [mailto:KKastens@KRAMERLEVIN.com]
Sent: Monday, March 12, 2018 3:42 PM
To: Glucoft, Josh
Cc: ~Andre, Paul; ~Kobialka, Lisa; ~Hannah, James; Kagan, Jonathan; Carson, Rebecca; Wang, Kevin; Holland, Eileen;

~Manes, Austin; Curran, Casey; ~Manes, Austin; ~Lee, Michael

Subject: RE: Finjan v. Juniper - Discovery

Josh,

Thank you for confirming that the source code is available for inspection on March 19th. While this leaves little time for Finjan to review the code before claim selection, Finjan identifies Michael Lee and Kris Kastens as reviewing the code on March 19th-20th. Furthermore, we disagree that Juniper can make this production contingent on Finjan's production of certain unrelated material by March 19th. Finjan requested production of Juniper's source code, which is relevant, since the day after Judge Alsup ordered that the "shootout" procedure for this case. As such, Finjan will proceed with a review on March 19th as indicated.

In regards to the documents that Juniper is requesting, Finjan will serve its objections and responses to Juniper's Requests for Production in due course. However, as a showing of good faith, Finjan can agree to start producing the following on a rolling basis beginning on March 19th:

- Documents showing marking;
- Non-confidential invalidity contentions addressed to asserted patents;
- Non-confidential expert reports; and
- Deposition transcripts of Finjan employees that do not include third party confidential information.

We note that some of this was already produced, as some of it is part of the file history of the asserted patents. In regards to the other material requested, production by March 19th is impossible, as much the majority of these documents were marked confidential by a third party. Let us know when you are available to meet and confer on the scope of these requests.

To the extent that Juniper is alleging that Finjan's production has been deficient, Finjan has already produced tens of thousands of pages of its highly confidential documents (including documents showing marking with the patents), first with its initial disclosures and then more with its infringement contentions. Finjan has also already made its source code available for inspection under the interim protective order.

Sincerely,
Kris

Kris Kastens
Associate

Kramer Levin Naftalis & Frankel LLP
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From: Glucoft, Josh [<mailto:JGlucoft@irell.com>]

Sent: Monday, March 12, 2018 12:48 PM

To: Kastens, Kris

Cc: Andre, Paul; Kobialka, Lisa; Hannah, James; Kagan, Jonathan; Carson, Rebecca; Wang, Kevin; Holland, Eileen;

Manes, Austin; Curran, Casey; Manes, Austin; #Juniper/Finjan [Int]

Subject: [EXTERNAL] RE: Finjan v. Juniper - Discovery

Kris,

It appears our emails have crossed. Last week we offered to make the source code of the products identified in the Complaint available for review by Monday, March 19 provided that, while the parties negotiate a stipulated protective order, Finjan agree to abide by the terms of the Interim Model Protective Order and to produce the limited categories of documents listed in my email. Please confirm.

We will respond to the remainder of the issues in your email in due course.

Thanks,
Josh

From: Kastens, Kris [<mailto:KKastens@KRAMERLEVIN.com>]

Sent: Monday, March 12, 2018 11:43 AM

To: Glucoft, Josh <JGlucoft@irell.com>

Cc: ~Andre, Paul <pandre@kramerlevin.com>; ~Kobialka, Lisa <lkobialka@kramerlevin.com>; ~Hannah, James <jhannah@kramerlevin.com>; Kagan, Jonathan <JKagan@irell.com>; Carson, Rebecca <RCarson@irell.com>; Wang, Kevin <kwang@irell.com>; Holland, Eileen <EHolland@irell.com>; ~Manes, Austin <amanes@kramerlevin.com>; Curran, Casey <ccurran@irell.com>; ~Manes, Austin <amanes@kramerlevin.com>

Subject: Finjan v. Juniper - Discovery

Josh,

We write on a number of outstanding discovery issues.

First, Finjan intends to identify a claim for summary judgment briefing on March 22. However, we note that Juniper has still not identified when its source code is available for inspection, despite the Court's order for expedited discovery. Further, as we've stated on several occasions, that the parties are still negotiating a protective order for the case cannot be the basis for withholding the source code. Patent L.R. 2-2. If Juniper does not agree to make the code available by this Wednesday, March 14, let us know today so we can raise this with the Court. Juniper has had more than two weeks to collect this information and has no basis to continue stonewalling. We have also reviewed Juniper's recent document production, and it does not appear to include any internal design documents. Confirm that Juniper will produce its internal design documents by this Wednesday as well.

Second, Juniper's initial disclosures include four individuals having the same description: "May have technical information about accused Juniper products." Confirm that you will provide information on which Juniper products each individual has information on by this Wednesday.

Third, we've attached a draft of the ESI order with Finjan's revisions. When can we expect Juniper's edits to the draft protective order we sent on March 7th?

Sincerely,
Kris

Kris Kastens

Associate

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