

Glucoft, Josh**EXHIBIT 1**

From: Wang, Kevin
Sent: Thursday, April 12, 2018 3:45 PM
To: ~Manes, Austin
Cc: ~Andre, Paul; ~Kobialka, Lisa; ~Hannah, James; ~Kastens, Kristopher; Kagan, Jonathan; Carson, Rebecca; Glucoft, Josh; Holland, Eileen; Curran, Casey
Subject: RE: Finjan v. Juniper - 3:17-cv-05659-WHA

Austin,

Juniper does have a specific concern regarding Dr. Cole and the ethical rules, specifically regarding the prohibitions against contacting represented parties. Juniper does not have detailed knowledge of all of Dr. Cole's prior work with Finjan so it is imperative that Finjan confirms this. I would think this request is non-controversial and it is unclear why Finjan continues to evade the question. If you can represent that Dr. Cole has abided by all ethical rules in his prior work for Finjan, including prohibitions against contacting represented parties, please do so by 5:00pm today. If you cannot make that representation, then please let us know.

Thanks,
 Kevin

From: Manes, Austin [mailto:AManes@KRAMERLEVIN.com]
Sent: Thursday, April 12, 2018 2:59 PM
To: Wang, Kevin <kwang@irell.com>
Cc: ~Andre, Paul <pandre@kramerlevin.com>; ~Kobialka, Lisa <lkobialka@kramerlevin.com>; ~Hannah, James <jhannah@kramerlevin.com>; ~Kastens, Kristopher <kkastens@kramerlevin.com>; Kagan, Jonathan <JKagan@irell.com>; Carson, Rebecca <RCarson@irell.com>; Glucoft, Josh <JGlucoft@irell.com>; Holland, Eileen <EHolland@irell.com>; Curran, Casey <ccurran@irell.com>
Subject: RE: Finjan v. Juniper - 3:17-cv-05659-WHA

Kevin,

If you have a specific concern regarding Dr. Cole and the ethical rules, or some particular incident in mind, let me know and I'm happy to discuss it with you. Otherwise, I don't think asking a baseless, open-ended question is productive as we can ask the same for every member of your team.

Austin

Austin Manes
 Associate

Kramer Levin Naftalis & Frankel LLP
 990 Marsh Road, Menlo Park, California 94025
 T 650.752.1718

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this communication in error, please immediately notify the sender by return e-mail message and delete all copies of the original communication. Thank you for your cooperation.

From: Wang, Kevin <kwang@irell.com>
Sent: Wednesday, April 11, 2018 2:54 PM
To: Manes, Austin <AManes@KRAMERLEVIN.com>
Cc: Andre, Paul <PAAndre@KRAMERLEVIN.com>; Kobialka, Lisa <LKobialka@KRAMERLEVIN.com>; Hannah, James <JHannah@KRAMERLEVIN.com>; Kastens, Kris <KKastens@KRAMERLEVIN.com>; Kagan, Jonathan <JKagan@irell.com>; Carson, Rebecca <RCarson@irell.com>; Glucoft, Josh <JGlucoft@irell.com>; Holland, Eileen <EHolland@irell.com>; Curran, Casey <ccurran@irell.com>
Subject: [EXTERNAL] RE: Finjan v. Juniper - 3:17-cv-05659-WHA

Austin,

The reason for asking is to simply confirm whether Dr. Cole has abided by all applicable ethical rules in his prior work for Finjan.

As we've stated, Dr. Cole is not permitted to review Juniper's Protected Material under section 2.7 of the Model Protective Order. Finjan insists on deviating from the governing Protective Order, claiming that Dr. Cole has some level of trustworthiness that somehow exempts him from the established rules in this district. The issue of whether he has complied with all ethical rules in his past work is relevant to the issue of his trustworthiness. As such, please confirm whether Dr. Cole has abided by all applicable ethical rules in his prior work for Finjan, including prohibitions against contacting represented parties.

Thanks,
Kevin

From: Manes, Austin [<mailto:AManes@KRAMERLEVIN.com>]
Sent: Tuesday, April 10, 2018 5:35 PM
To: Wang, Kevin
Cc: ~Andre, Paul; ~Kobialka, Lisa; ~Hannah, James; ~Kastens, Kristopher; Kagan, Jonathan; Carson, Rebecca; Glucoft, Josh; Holland, Eileen; Curran, Casey
Subject: RE: Finjan v. Juniper - 3:17-cv-05659-WHA

Kevin,

What is your reason for asking this question? Is this the basis for Juniper's objection to Dr. Cole? Or is it his work for McAfee 8 years ago?

Austin

Austin Manes
Associate

Kramer Levin Naftalis & Frankel LLP
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From: Wang, Kevin <kwang@irell.com>
Sent: Tuesday, April 10, 2018 5:03 PM
To: Manes, Austin <AManes@KRAMERLEVIN.com>
Cc: Andre, Paul <PAudre@KRAMERLEVIN.com>; Kobialka, Lisa <LKobialka@KRAMERLEVIN.com>; Hannah, James <JHannah@KRAMERLEVIN.com>; Kastens, Kris <KKastens@KRAMERLEVIN.com>; Kagan, Jonathan <JKagan@irell.com>; Carson, Rebecca <RCarson@irell.com>; Glucoft, Josh <JGlucoft@irell.com>; Holland, Eileen <EHolland@irell.com>; Curran, Casey <ccurran@irell.com>
Subject: [EXTERNAL] Re: Finjan v. Juniper - 3:17-cv-05659-WHA

Austin,

Finjan has not responded regarding whether Dr. Cole has abided by all applicable ethical rules in his prior work for Finjan, including prohibitions against contacting represented parties. Please confirm whether Finjan contends that Dr. Cole has abided by all applicable ethical rules.

Thanks,

Kevin

On Apr 5, 2018, at 6:40 PM, Wang, Kevin <kwang@irell.com> wrote:

Austin,

Thank you for conferring today regarding Dr. Cole.

Please also confirm that Dr. Cole has abided by all applicable ethical rules in his prior work for Finjan, including prohibitions against contacting represented parties.

Thanks,
Kevin

From: Manes, Austin [<mailto:AManes@KRAMERLEVIN.com>]
Sent: Wednesday, April 4, 2018 3:29 PM
To: Wang, Kevin <kwang@irell.com>
Cc: ~Andre, Paul <pandre@kramerlevin.com>; ~Kobialka, Lisa <lkobialka@kramerlevin.com>; ~Hannah, James <jhannah@kramerlevin.com>; ~Kastens, Kristopher <kkastens@kramerlevin.com>; Kagan, Jonathan <JKagan@irell.com>; Carson, Rebecca <RCarson@irell.com>; Glucoft, Josh <JGlucoft@irell.com>; Holland, Eileen <EHolland@irell.com>; Curran, Casey <ccurran@irell.com>
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Kevin,

I'll call you at noon tomorrow.

Austin

Austin Manes

Associate

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From: Wang, Kevin <kwang@irell.com>
Sent: Wednesday, April 4, 2018 3:25 PM
To: Manes, Austin <AManes@KRAMERLEVIN.com>
Cc: Andre, Paul <PAAndre@KRAMERLEVIN.com>; Kobialka, Lisa <LKobialka@KRAMERLEVIN.com>; Hannah, James <JHannah@KRAMERLEVIN.com>; Kastens, Kris <KKastens@KRAMERLEVIN.com>; Kagan, Jonathan <JKagan@irell.com>; Carson, Rebecca <RCarson@irell.com>; Glucoft, Josh <JGlucoft@irell.com>; Holland, Eileen <EHolland@irell.com>; Curran, Casey <ccurran@irell.com>
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Austin,

There are several outstanding issues we have not met and conferred on. Finjan has not directly addressed several issues brought up by Juniper, including why Finjan continues to insist on disclosing Protected Material to a former employee of a competitor when Finjan has already designated three other experts to which Juniper has not objected. Many of these experts have also worked with Finjan in the past. Moreover, Finjan now claims that Juniper is objecting as a pretext to drive up costs for Finjan. While this is simply not true, you have also not given us any information relating to these alleged costs. If you provide that information we can discuss it.

Regardless, in an effort to compromise we propose that Dr. Cole agrees to not work for a Juniper competitor for the next 5 years, either directly or indirectly. This would alleviate some of Juniper's concern by firmly showing Dr. Cole "is not anticipated to become an employee of a Party or a Party's competitor" pursuant to section 2.7 of the governing Model Protective Order.

We cannot meet and confer today, but you would presumably need time to consider and discuss this with Dr. Cole. I can confer with you either tomorrow at noon or early next week. Please let me know, thank you.

Kevin

From: Manes, Austin [<mailto:AManes@KRAMERLEVIN.com>]
Sent: Wednesday, April 4, 2018 8:34 AM
To: Wang, Kevin <kwang@irell.com>

James <jhannah@kramerlevin.com>; ~Kastens, Kristopher <kkastens@kramerlevin.com>; Kagan, Jonathan <JKagan@irell.com>; Carson, Rebecca <RCarson@irell.com>; Glucoft, Josh <JGlucoft@irell.com>; Holland, Eileen <EHolland@irell.com>; Curran, Casey <ccurran@irell.com>
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Kevin,

We met and conferred on this issue two weeks ago, during which I fully explained Finjan's position. Juniper hasn't raised any new arguments in multiple emails since. Given the accelerated schedule, Finjan cannot wait until next week to further meet and confer.

If you have something new to add, I am available all day today to discuss this again, except from 11:00 – 11:30. Otherwise, we will seek relief from the Court.

Thanks,
Austin

Austin Manes

Associate

Kramer Levin Naftalis & Frankel LLP
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T 650.752.1718

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From: Wang, Kevin <kwang@irell.com>
Sent: Tuesday, April 3, 2018 6:59 PM
To: Manes, Austin <AManes@KRAMERLEVIN.com>
Cc: Andre, Paul <PAAndre@KRAMERLEVIN.com>; Kobialka, Lisa <LKobialka@KRAMERLEVIN.com>; Hannah, James <JHannah@KRAMERLEVIN.com>; Kastens, Kris <KKastens@KRAMERLEVIN.com>; Kagan, Jonathan <JKagan@irell.com>; Carson, Rebecca <RCarson@irell.com>; Glucoft, Josh <JGlucoft@irell.com>; Holland, Eileen <EHolland@irell.com>; Curran, Casey <ccurran@irell.com>
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Austin,

Juniper disagrees with many of Finjan's assertions, including that Juniper's objection is a pretext to increase the cost of litigation for Finjan. But rather than speaking through e-mail, we believe it would be more productive at this point to simply meet and confer. Are you available to take a call next week? Please let me know, thank you.

Kevin

From: Manes, Austin [<mailto:AManes@KRAMERLEVIN.com>]
Sent: Monday, April 2, 2018 7:13 PM
To: Wang, Kevin <kwang@irell.com>

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