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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FINJAN, INC., a Delaware Corporation,)	Case No. 17-cv-05659-WHA
)	
Plaintiff,)	San Francisco, California
)	Courtroom A, 15th Floor
v.)	Wednesday, July 3, 2019
)	
JUNIPER NETWORKS, INC., a Delaware Corporation,)	
)	
Defendant.)	

TRANSCRIPT OF TELEPHONIC DISCOVERY HEARING
BEFORE THE HONORABLE THOMAS S. HIXSON
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For Plaintiff:	YURIDIA CAIRE, ESQ. Kramer Levin Naftalis & Frankel, LLP 990 Marsh Road Menlo Park, California 94025 (650) 752-1700
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1 SAN FRANCISCO, CALIFORNIA WEDNESDAY, JULY 3, 2019 10:04 A.M.

2 --oOo--

3 (Call to order of the Court.)

4 THE CLERK: Okay, everyone. This is the Courtroom
5 Deputy. The Judge has taken the bench. I'm going to call the
6 case and then ask you to state your appearances. So we are here
7 on Civil Action 17-5659, Finjan, Inc. v. Juniper Networks, Inc.

8 Counsel, please state your appearances for the record. Let's
9 start with the Plaintiff.

10 MS. CAIRE: This is Yuridia Caire from Kramer Levin on
11 behalf of Finjan.

12 MR. KAGAN: Jon Kagan of Irell & Manella representing
13 Juniper Networks.

14 THE COURT: Good morning, Counsel. We are here on the
15 joint discovery letter brief at ECF No. 860 (sic). I just thought
16 I would tick through the various items, starting with Finjan's
17 Interrogatory Number 4. Juniper's response is a Rule 33(d)
18 reference.

19 Mr. Kagan, can you explain how Finjan can look at the charts
20 you provided and determine the number of users per year of the
21 accused instrumentalities, including the number of users for any
22 specific component of it?

23 MR. KAGAN: Sure. Well, so there are two spreadsheets
24 We only provided an excerpt from one. I can describe the other
25 one to you, Your Honor. But essentially when -- the spreadsheets

1 are divided up by what are called the free product and the premium
2 product. So in the free product -- and that's where the excerpt
3 is located -- there is -- for every free license that was granted,
4 there is -- the information that we provided of course included
5 the -- the SKU, the date. Then there's a serial number that
6 corresponds to another document that shows where the -- who the
7 end user is, the purchaser for each serial number.

8 On the other spreadsheet, which is for the pay licenses,
9 there's actually a category on that spreadsheet that identifies
10 the customer directly, so the -- the column heading there is
11 called "End Customer - Long CAT (ph)." And so I'm looking at the
12 spreadsheet now, and so the last column for the first entry says
13 "Acme Networks, Ltd." And the second entry says by date (ph)
14 Finland.

15 So on the bigger spreadsheet directly included on the smaller
16 spreadsheet, there's a unique serial number that it uses to
17 identify the end purchaser.

18 THE COURT: Oh, I see. So the spreadsheet that's not
19 excerpted provides the link from serial number to end user; is
20 that right?

21 MR. KAGAN: There is a separate -- yeah, that's a
22 separate docket. The docket that I was referencing, that I was
23 just reading from, is actually -- there's three documents total.
24 One is the premium licenses, one is the paid licenses, and then
25 there's another document that links serial numbers to end users.

1 THE COURT: And how does it show user per year? I see
2 the ship date but then, beyond that, are you just assuming it's
3 used continuously since the ship date?

4 MR. KAGAN: That's correct. We don't -- we don't
5 actually have documents where we track which user is using how
6 much. So the documents we did provide just show essentially the
7 date that they got the product and we're assuming they used it
8 starting on that date.

9 THE COURT: Okay. Finjan, can you respond? It seems
10 like -- from what they're saying, it seems like you could figure
11 this out from the two spreadsheets.

12 MS. CAIRE: Well, Your Honor, it's actually more than
13 just two or three spreadsheets. It's -- and if you listen to Mr.
14 Kagan's explanation, it's a little bit hard to follow, but
15 basically we're trying to match up one serial number to another
16 spreadsheet -- and then what Mr. Kagan didn't address was the SRX
17 pay -- the ones that are associated with pay Sky ATP version. And
18 the last spreadsheet, they've identified one spreadsheet -- which,
19 if you look at their responses, the one ending in 819 -- as being
20 the documents that identifies SRXs that were shipped with the pay
21 Sky ATP version, and then there's another spreadsheet that you're
22 supposed to match up serial numbers with to what's been activated.

23 And there's about 3,500 rows in the one that's activated and
24 then there's about 2500 rows in the one that was SRXs that were
25 just shipped but that were associated from the paid version.

1 And so there's a disconnect there. And having to go through
2 and sort through all of these rows and match up the serial
3 numbers, it's very confusing, Your Honor, and we think that since
4 it's their information, they obviously have the ability to talk to
5 their clients and decipher this information and provide an actual
6 response.

7 THE COURT: If there is --

8 MS. CAIRE: And I would just like to say one more thing
9 about this is there's also, at least from what I reviewed, there
10 is advertisements which would be in our footnote in our letter
11 where they provide a pretrial version -- or, you know, like a 30-
12 day or 60-day version of Sky ATP -- and we didn't seek those --
13 you know, the users that were associated with those versions
14 anywhere in any of these, you know, four -- four by spreadsheets.

15 THE COURT: Can you address that, Mr. Kagan?

16 MR. KAGAN: Yeah. So there's really just two
17 spreadsheets and I'm not sure where the numbers are coming from.
18 We are talking about end users.

19 So any of the -- any of the free licenses and the premium
20 licenses are going to be included in the spreadsheet we excerpted.
21 And there a total of 373 of those for the relevant time period.
22 That's all.

23 And the other spreadsheet, which shows -- so that's anything
24 from which it's a free license, including a trial license. For
25 the other spreadsheet, there are a total -- there are more

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