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11 *Attorneys for Defendant*
JUNIPER NETWORKS, INC.

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15 FINJAN, INC., a Delaware Corporation,) Case No. 3:17-cv-05659-WHA
16)
Plaintiff,)
17 vs.) **DECLARATION OF JONATHAN S.**
JUNIPER NETWORKS, INC., a Delaware) **KAGAN IN SUPPORT OF JUNIPER**
18 Corporation,) **NETWORKS, INC.’S MOTION FOR**
19) **ATTORNEYS’ FEES PURSUANT TO**
Defendant.) **35 U.S.C. § 285**
20)
Hearing Date: January 7, 2021
Hearing Time: 8:00 a.m.
Judge: Hon. William Alsup
Courtroom: 12
21)
22)
23)
24)
25)
26)
27)
28)

1 **DECLARATION OF JONATHAN S. KAGAN**

2 I, Jonathan S. Kagan, declare as follows:

3 1. I am a partner at the law firm of Irell & Manella LLP, counsel of record for Defendant
4 Juniper Networks, Inc. (“Juniper”) in the above-captioned action. I am a member in good standing
5 of the State Bar of California. I submit this Declaration in support of Juniper’s Motion for
6 Attorneys’ Fees Pursuant to 35 U.S.C. § 285. I have personal knowledge of the facts set forth in
7 this Declaration and, if called as a witness, could and would testify competently to such facts under
8 oath.

9 **Overview of Persons for Whose Services Fees Are Claimed**

10 2. Juniper retained Irell & Manella LLP (“Irell & Manella”) to represent it in the above
11 captioned matter. Irell has represented Juniper throughout the entirety of the case, including through
12 trial and appeal.

13 3. Irell & Manella is a California-based law firm serving clients worldwide that
14 specializes in intellectual property and other complex litigation, among other practice areas. Irell &
15 Manella has achieved significant recognition for its exceptional track record of successful outcomes
16 for its clients, including being named the 2018 Intellectual Property Litigation Department of the
17 Year by the *American Lawyer*, being recognized by Chambers USA’s 2020 guide as a leading firm
18 in intellectual property, and receiving recognition for its intellectual property practice in the 2020
19 editions of *Benchmark Litigation*, *IAM Patent 1000*, *MIP IP Stars* and *WTR1000: The World’s*
20 *Leading Trademark Professionals*, among other publications. Irell & Manella attorneys have also
21 recently received numerous awards and honors, including being named to the 2020 Top IP Lawyers
22 in California and Top 100 Lawyers in California (*Daily Journal*), 2019 Top Litigators by the *Los*
23 *Angeles Business Journal*, and 2018 Trials MVP by *Law360*, as well as additional honors from
24 LMG Life Sciences, the PTAB Bar Association, *The National Law Journal*, *The Recorder*, and BTI
25 Client Service All-Stars, among others. Irell & Manella has significant experience in trying complex
26 patent cases through trial and appeal and has an excellent track record of success in such cases,
27 including not only the verdict obtained for Juniper in this case, but also significant jury verdicts for
28 other clients (including, for example, over \$1 billion in jury verdicts in 2019-2020 alone).

1 4. Over the three-plus years of litigating this case, at least eight Irell & Manella
2 attorneys provided legal services to Juniper in connection with this matter. Irell & Manella billed
3 Juniper for the legal services of its attorneys on an hourly basis, with each attorney recording billable
4 time spent on the matter on a daily basis (down to the tenth of an hour), along with a specific
5 description of the work performed for each billing entry.

6 5. As detailed further below, Juniper voluntarily limits its request for fees to
7 approximately \$ 8.66 million. The actual fees paid by Juniper in connection with this matter were
8 well in excess of this number.

9 6. The names, qualifications, and total hours for which Juniper claims fees for each Irell
10 & Manella attorney rendering billable services to Juniper in connection with this matter are
11 summarized below, along with the hourly rate for which Juniper is seeking fees for services rendered
12 by that attorney. The hourly rates actually charged by Irell & Manella and paid by Juniper exceed
13 the below rates for which Juniper seeks reimbursement, however, Juniper has voluntarily reduced
14 the hourly rates upon which it seeks fees to conform to decisions in this district regarding reasonable
15 lodestar rates. Juniper has also excluded hours spent on tasks for which, in the exercise of reasonable
16 judgment, it is not seeking fees.

17 a. **Jonathan S. Kagan:** I am a partner at Irell & Manella and a member of the
18 firm's Executive Committee. I have nearly thirty years of experience as an intellectual property
19 litigator, including significant experience in cases involving cyber security technology, and have
20 been recognized as a leading intellectual property litigator by the *Daily Journal*, the *Legal 500*, *Best*
21 *Lawyers of America*, and the Southern California Super Lawyers List. I have also achieved
22 significant defense victories for defendants accused of patent infringement, including three that were
23 recognized by the *Daily Journal* on its annual list of top defense victories. I am a former president
24 of the Century City Bar Association and serve on the Editorial Advisory Board of the National
25 Institute for Trial Advocacy. I served as co-lead counsel for Juniper from the beginning of the case
26 through appeal. I spent over 1,639 hours on this matter (excluding tasks for which Juniper is not
27 seeking fees), and Juniper paid in excess of \$1,095 per hour for my legal services. A copy of my
28 firm bio is attached hereto as **Exhibit 1**.

1 b. **Alan J. Heinrich:** Mr. Heinrich is a partner at Irell & Manella and previously
2 served on the firm’s Executive Committee. Mr. Heinrich has thirty years of experience as an
3 intellectual property litigator, and has participated in trials that have obtained multi-hundred million-
4 dollar judgments on behalf of patent owners and has also successfully defended against multi-
5 hundred million-dollar damages claims on behalf of accused infringers. Mr. Heinrich has been
6 recognized as a top intellectual property litigator by Southern California Super Lawyers.
7 Mr. Heinrich is also an adjunct faculty member at the University of California, Los Angeles, where
8 he teaches Patent Intensive, an advanced patent law seminar, and has also taught Patent Law and
9 Federal Courts at Loyola Law School. Mr. Heinrich was a core member of the December 2018 trial
10 and post-trial teams. Mr. Heinrich spent over 265 hours on this matter (excluding tasks for which
11 Juniper is not seeking fees), and Juniper paid in excess of \$1,000 per hour for Mr. Heinrich’s legal
12 services. A copy of Mr. Heinrich’s firm bio is attached hereto as **Exhibit 2**.

13 c. **Rebecca Carson:** Ms. Carson is a partner at Irell & Manella and has over
14 thirteen years of experience as an intellectual property litigator, including extensive experience in
15 cases involving network security and computer software technology. Ms. Carson was recognized
16 by the *Daily Journal* as one of the Top 40 Lawyers Under 40 in 2018 and one of the 75 Top
17 Intellectual Property Lawyers in California in 2019. She was also recognized nationally in 2018 as
18 one of three “Rising Stars” in technology law by Law360. Ms. Carson has significant trial
19 experience, and has been a member of five trial teams for patent cases in various federal courts over
20 the past three years, each of which has resulted in a favorable jury verdict for her client. Ms. Carson
21 served as co-lead counsel from the beginning of this case through appeal. The December 2018 trial
22 in this matter was the first trial in which she served as co-lead trial counsel. Ms. Carson spent over
23 2,317 hours on this matter (excluding tasks for which Juniper is not seeking fees), and Juniper paid
24 in excess of \$950 per hour for Ms. Carson’s legal services. A copy of Ms. Carson’s firm bio is
25 attached hereto as **Exhibit 3**.

26 d. **Josh Glucoft:** Mr. Glucoft is currently a partner at Kirkland & Ellis LLP, and
27 was formerly an associate at Irell & Manella.. At the time of his work on this matter, Mr. Glucoft
28 had four or more years of experience as an intellectual property litigator, including experience with

1 patents covering a variety of technologies within the fields of electrical engineering and computer
2 science. Mr. Glucoft also has significant experience practicing before the Patent and Trademark
3 Office in post-grant proceedings. Mr. Glucoft obtained his M.S. in Electrical Engineering from
4 Stanford University, and his J.D. from Stanford Law School. Mr. Glucoft spent over 1,921 hours on
5 this matter (excluding tasks for which Juniper is not seeking fees), and Juniper paid in excess of
6 \$750 per hour for Mr. Glucoft's legal services.

7 e. **Casey Curran:** Ms. Curran is a former associate at Irell & Manella. At the
8 time of her work on this matter, Ms. Curran had at least four years of patent litigation and federal
9 courts experience, including multiple patent trials in federal courts. Ms. Curran was a core member
10 of the Irell team during the first round of the "patent showdown" and at the December 2018 trial,
11 where she handled oral argument on a number of evidentiary motions and did the direct examination
12 of Juniper's damages expert. Prior to joining Irell, Ms. Curran served as a law clerk for the Hon.
13 Garland E. Burrell of the Eastern District of California, and obtained her J.D. from UCLA Law
14 School where she was elected to the Order of the Coif. Ms. Curran left Irell in early 2019, and
15 currently works for the California Department of Justice. Ms. Curran spent over 1,167 hours on this
16 matter (excluding tasks for which Juniper is not seeking fees), and Juniper paid in excess of \$750
17 per hour for Ms. Curran's legal services.

18 f. **Sharon Song:** Ms. Song is a former associate at Irell & Manella. At the time
19 of her work on this matter, Ms. Song had at least two years of experience as an intellectual property
20 and commercial litigator, including experience successfully defending patents in *inter partes* review
21 proceedings. Ms. Song was a core member of the Irell team during the first round of the "patent
22 showdown" and at the December 2018 trial. She handled the oral argument for Finjan's motion to
23 dismiss various affirmative defense in this case, which was her first oral argument. Ms. Song
24 obtained her J.D. from Harvard Law School. Ms. Song spent over 834 hours on this matter
25 (excluding tasks for which Juniper is not seeking fees), and Juniper paid in excess of \$650 per hour
26 for Ms. Song's legal services.

27 g. **Ingrid Petersen:** Ms. Petersen is an associate at Irell & Manella. At the time
28 of her work on this matter, Ms. Petersen had at least three years of litigation and federal courts

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