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 JUNIPER NETWORKS, INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

FINJAN, INC., a Delaware Corporation,	)	Case No. 3:17-cv-05659-WHA
	)	
Plaintiff,	)	<b>DECLARATION OF JOSHUA GLUCOFT</b>
	)	<b>IN SUPPORT OF DEFENDANT JUNIPER</b>
vs.	)	<b>NETWORKS, INC.'S OPPOSITION TO</b>
	)	<b>MOTION FOR LEAVE TO AMEND</b>
JUNIPER NETWORKS, INC., a Delaware	)	<b>COMPLAINT</b>
Corporation,	)	
	)	
Defendant.	)	
	)	
	)	
	)	

**DECLARATION OF JOSHUA GLUCOFT**

I, Joshua Glucoft, declare as follows:

1. I am an attorney at the law firm of Irell & Manella LLP, counsel of record for Juniper Networks, Inc. in the above-captioned action. I am a member in good standing of the State Bar of California and have been admitted to practice before this Court. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. I submit this declaration in support of Juniper Networks, Inc.'s ("Juniper") opposition to Finjan, Inc.'s ("Finjan") Motion for Leave to Amend its Complaint ("motion for leave") (Dkt. No. 67).

3. Attached as Exhibit A to Juniper's Opposition to Finjan's motion for leave is a true and correct copy of email exchanges between Julie Mar-Spinola, Finjan's Chief Intellectual Property Officer, and Meredith McKenzie, Juniper's Deputy General Counsel, from October 2017.

4. Attached as Exhibit B to Juniper's Opposition to Finjan's motion for leave is a true and correct copy of a March 15, 2018 email that I sent to Kris Kastens of Kramer Levin Naftalis & Frankel LLP, counsel for Finjan.

5. Attached as Exhibit C to Juniper's Opposition to Finjan's motion for leave is a true and correct copy of excerpts from the transcript of proceedings on April 17, 2018 for this case, where this Court ruled on Finjan's motion to compel production that was filed on April 6, 2018.

6. Attached as Exhibit D to Juniper's Opposition to Finjan's motion for leave is a true and correct copy of an April 24, 2018 email that Sharon Song, counsel for Juniper, sent to counsel for Finjan.

7. Attached as Exhibit E to Juniper's Opposition to Finjan's motion for leave is a true and correct copy of a February 12, 2018 email from Kris Kastens of Kramer Levin Naftalis & Frankel LLP, counsel for Finjan, to me.

8. On March 19, 2018, Juniper produced its source code for the SRX, Sky ATP, and Space Security Director products. On March 7, 2018, Juniper produced more than 160,000 pages of technical documents related to these products. On April 13, 2018, Juniper produced

1 approximately 7,600 pages of highly confidential technical documents related to these products,  
2 including design and development documents for Sky ATP, and substantial portions of Juniper's  
3 production of design and development documents for SRX and Space Security Director. On April  
4 23, 2018, Juniper produced approximately 300,000 additional pages of highly confidential  
5 technical documents related to the three accused products in the original complaint. On April 30,  
6 2018, Juniper produced another roughly 100,000 additional pages of highly confidential technical  
7 documents related to those products. Juniper has completed its production of technical documents  
8 related to the SRX, Sky ATP, and Space Security Director products, except for those documents  
9 subject to privilege and other applicable objections.

10 9. Juniper's Sky ATP is a distinct product from the ATP Appliance. The source code  
11 that Juniper collected and produced for Sky ATP is different from the source code used in the ATP  
12 Appliance.

13 10. On April 3, 2018, I met and conferred with Finjan's counsel over discovery. I  
14 informed Finjan that it was improper for Finjan to seek discovery on the ATP Appliance until  
15 Finjan amended its Complaint. I also informed Finjan during this meet and confer that Juniper  
16 was willing to stipulate to allow Finjan to amend its Complaint if Finjan agreed to exclude the  
17 ATP Appliance from early summary judgment. Finjan did not accept Juniper's offer to stipulate  
18 to allow Finjan to amend its Complaint.

19 11. On April 24, 2018, Sharon Song, counsel for Juniper, emailed counsel for Finjan  
20 asking Finjan to withdraw its current motion for leave and file a new motion for leave with a  
21 proposed complaint that does not actually assert willfulness. *See* Ex. D, *supra* ¶ 6. Juniper did not  
22 receive any response from Finjan to this email.

23 12. At Finjan's request, four depositions of Juniper engineers are in the process of  
24 being scheduled through the month of May 2018.

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1 Executed this 1<sup>st</sup> day of May, 2018, at Los Angeles, California.

2 I declare under penalty of perjury under the laws of the United States of America that the  
3 foregoing is true and correct.

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5 /s/ Joshua Glucoft

6 Joshua Glucoft  
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