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11 FINJAN, INC.

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

15 FINJAN, INC., a Delaware Corporation,
16
17 Plaintiff,
18 v.
19 JUNIPER NETWORKS, INC., a Delaware
Corporation,
20 Defendant.
21

Case No.: 3:17-cv-05659-WHA

**DECLARATION OF KRISTOPHER
KASTENS IN SUPPORT OF PLAINTIFF
FINJAN, INC.'S NOTICE OF MOTION
AND MOTION FOR LEAVE TO FILE
SECOND AMENDED COMPLAINT**

Date: July 5, 2018
Time: 8:00 am
Judge: Honorable William Alsup
Dept.: Courtroom 12, 19th Floor

1 I, Kristopher Kastens, declare:

2 1. I have personal knowledge of the facts stated herein.

3 2. I am licensed to practice law in the State of California and am an attorney at Kramer
4 Levin Naftalis & Frankel LLP, counsel of record for Finjan, Inc. (“Finjan”). I make this declaration in
5 support of Plaintiff Finjan, Inc.’s Notice of Motion and Motion for Leave to File Second Amended
6 Complaint.

7 3. Attached hereto as Exhibit 1 is a true and correct copy of the Second Amended
8 Complaint that Finjan seeks leave to file in this case.

9 4. Attached hereto as Exhibit 2 is a true and correct copy of pages 226–228 from the
10 deposition transcript of Yuly Tenorio, dated May 9, 2018.

11 5. Attached hereto as Exhibit 3 is a true and correct copy of U.S. Patent No. 7,418,731 (the
12 “‘731 Patent”).

13 6. Attached hereto as Exhibit 4 is a true and correct copy of an email from Kristopher
14 Kastens, counsel for Finjan, to Josh Glucoft, counsel for Juniper, dated May 25, 2018.

15 7. Attached hereto as Exhibit 5 is a true and correct copy of a redline version of the
16 proposed Second Amended Complaint.

17 8. Finjan conducted a source code review of Juniper’s source code from May 15, 22–25,
18 2018.

19 9. On May 29, 2018, the parties met and conferred, during which Juniper indicated it
20 would consider Finjan’s amendment in exchange for additional time to depose Finjan’s witness to
21 discuss issues related to notice of the ‘731 Patent.

22 10. On May 30, 2018, Finjan informed Juniper that it would agree to allow Juniper two
23 additional hours with a Finjan witness if Juniper stipulated to the amendment.

24 11. Finjan proposed a modification to the claim construction schedule to accommodate
25 Juniper and the inclusion of the ‘731 Patent to this case. Finjan also requested Juniper provide a
26 proposed modified schedule.

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12. On the date Finjan brought this motion, Finjan provided Juniper with its proposed Second Amended Complaint and requested that Juniper indicate by 2:00 p.m. whether it would stipulate to the amendment. Juniper did not provide Finjan with an affirmative response by that time.

13. Finjan agrees to provide Juniper with supplemental infringement contentions within three days after the Court grants leave to file the Second Amended Complaint regarding the newly asserted patent so that it will not affect the Court's current schedule.

14. To date, Juniper has taken one deposition of a Finjan witness.

I declare under penalty of perjury under the laws of the United States of America that each of the above statements is true and correct. Executed on May 31, 2018, in Menlo Park, California.

/s/ Kristopher Kastens
Kristopher Kastens