

DUANE MORRIS LLP
Patrick S. Salceda (CA SBN 247978)
psalceda@duanemorris.com
One Market Plaza
Spear Tower, Suite 2200
San Francisco, CA 94105
Telephone: 415.957.3000
Facsimile: 650.618.2713

DUANE MORRIS LLP
Joseph A. Powers (PA SBN 84590)
Admitted *Pro Hac Vice*
japowers@duanemorris.com
Jarrad M. Gunther (PA SBN 207038)
jmgunther@duanemorris.com
Admitted *Pro Hac Vice*
30 South 17th Street
Philadelphia, PA 19103
Telephone: 215.979.1000
Facsimile: 215.979.1020

Attorneys for Defendant
SONICWALL INC.

DUANE MORRIS LLP
Matthew C. Gaudet
Admitted *Pro Hac Vice*
mcgaudet@duanemorris.com
Robin L. McGrath
Admitted *Pro Hac Vice*
rlmcgrath@duanemorris.com
David C. Dotson
Admitted *Pro Hac Vice*
dcdotson@duanemorris.com
Jennifer H. Forte
Admitted *Pro Hac Vice*
jhforte@duanemorris.com
1075 Peachtree Street, Ste. 2000
Atlanta, GA 30309
Telephone: 404.253.6900
Facsimile: 404.253.6901

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FINJAN, INC., a Delaware Corporation,

Plaintiff,

vs.

SONICWALL INC., a Delaware
Corporation

Defendant.

Case No. 5:17-cv-04467-BLF-VKD

**DECLARATION OF ROBIN L. MCGRATH
IN SUPPORT OF SONICWALL INC.'S
MOTION TO COMPEL FURTHER
SUPPLEMENTAL INFRINGEMENT
CONTENTIONS**

Date: March 12, 2019
Time: 10:00 a.m.
Dept.: Courtroom 2, 5th Floor
Judge: Mag. Virginia K. DeMarchi

1 I, Robin L. McGrath, declare as follows:

2 1. I am a partner at the law firm of Duane Morris LLP and am counsel for Defendant
3 SonicWall Inc. (“SonicWall”). I have personal knowledge of the matters set forth in this
4 Declaration, and if called as a witness, could and would testify competently to such facts under oath.
5 I submit this Declaration in support of SonicWall’s Motion to Compel Further Supplemental
6 Infringement Contentions. In making this declaration, it is not my intention, nor the intention of
7 SonicWall, to waive the attorney-client privilege, the attorney work-product immunity, or any other
8 applicable privilege.

9 2. Attached as **Exhibit 1** is a true and correct copy of a July 30, 2018 Letter from Kris
10 Kastens, counsel for Plaintiff Finjan, Inc. (“Finjan”) to my colleague David Dotson, concerning
11 Finjan’s Patent Local Rule 3-1 disclosures.

12 3. Attached as **Exhibit 2** is a true and correct copy of Finjan’s First Supplemental
13 Disclosure of Asserted Claims and Infringement Contentions and Documents Production Pursuant to
14 Patent Local Rules 3-1 and 3-2, served November 9, 2018 (“First Supplemental Infringement
15 Contentions”).

16 4. Attached as **Exhibit 3** is a true and correct copy of Appendix A-1 to Finjan’s First
17 Supplemental Infringement Contentions.

18 5. Attached as **Exhibit 4** is a true and correct copy of Appendix A-2 to Finjan’s First
19 Supplemental Infringement Contentions.

20 6. Attached as **Exhibit 5** is a true and correct copy of Appendix A-3 to Finjan’s First
21 Supplemental Infringement Contentions.

22 7. Attached as **Exhibit 6** is a true and correct copy of Appendix D-1 to Finjan’s First
23 Supplemental Infringement Contentions.

24 8. Attached as **Exhibit 7** is a true and correct copy of Appendix E-1 to Finjan’s First
25 Supplemental Infringement Contentions.

26 9. Attached as **Exhibit 8** is a true and correct copy of Appendix E-2 to Finjan’s First
27 Supplemental Infringement Contentions.

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1 10. Attached as **Exhibit 9** is a true and correct copy of Appendix F-1 to Finjan's First
2 Supplemental Infringement Contentions.

3 11. Attached as **Exhibit 10** is a true and correct copy of Appendix G-1 to Finjan's First
4 Supplemental Infringement Contentions.

5 12. Attached as **Exhibit 11** is a true and correct copy of Appendix G-2 to Finjan's First
6 Supplemental Infringement Contentions.

7 13. Attached as **Exhibit 12** is a true and correct copy of Appendix G-3 to Finjan's First
8 Supplemental Infringement Contentions.

9 14. Attached as **Exhibit 13** is a true and correct copy of Appendix H-2 to Finjan's First
10 Supplemental Infringement Contentions.

11 15. Attached as **Exhibit 14** is a true and correct copy of Appendix H-4 to Finjan's First
12 Supplemental Infringement Contentions.

13 16. Attached as **Exhibit 15** is a true and correct copy of Appendix I-1 to Finjan's First
14 Supplemental Infringement Contentions.

15 17. Attached as **Exhibit 16** is a true and correct copy of relevant excerpts from
16 Applicant's Arguments and Remarks Made in Response to June 15, 2010 Office Action, dated
17 September 15, 2010.

18 18. Attached as **Exhibit 17** is a true and correct copy of the December 20, 2018 email
19 Mr. Dotson sent to Finjan's counsel concerning Finjan's First Supplemental Infringement
20 Contentions.

21 19. Attached as **Exhibit 18** is a true and correct copy of a January 15, 2019 through
22 January 28, 2019 email chain between counsel for Finjan and SonicWall concerning Finjan's First
23 Supplemental Infringement Contentions.

24 20. For each asserted patent, Finjan's contentions include one chart per Accused
25 Instrumentality. These charts are mostly identical in substance, generally replacing one Accused
26 Instrumentality with another, and then including most of the same excerpts from SonicWall's
27 publicly available and internal literature.
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Executed on January 31, 2019, in Atlanta, Georgia.

/s/ Robin L. McGrath
Robin L. McGrath

ATTESTATION

I, Patrick S. Salceda, am the ECF user whose identification and password are being used to file this Declaration of Robin L. McGrath in Support of SonicWall’s Motion to Compel Further Supplemental Infringement Contentions (“Motion to Compel”). In compliance with Civil L.R. 5-1(i)(3), I hereby attest that the other signatory to this document has concurred in this filing.

Dated: January 31, 2019

/s/ Patrick S. Salceda
Patrick S. Salceda

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