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**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 MATTHEW GAUDET PURSUANT TO INTERIM ORDER RE APRIL 17, 2020 JOINT DISCOVERY LETTER BRIEF**

1 I, Matthew Gaudet, 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 pursuant to the Court’s Interim Order Re April 17, 2020 Joint Discovery  
6 Letter Brief [ECF 255]. 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 hereto as **Exhibit 1** is a true and correct copy of Cisco Systems, Inc. Mutual  
10 Non-Disclosure Agreement dated January 19, 2004 and terminating five years following receipt of  
11 the Confidential Information (Section 11.0).

12 3. Attached hereto as **Exhibit 2** is a true and correct copy of Finjan Software Inc.  
13 Amended and Restated Investors’ Rights Agreement dated June 2, 2004 with the Board Observer  
14 provision appearing on page 15 (Section 2.7).

15 4. Attached hereto as **Exhibit 3** is a true and correct copy of the Cisco – Finjan  
16 Holdings, Inc. Mutual Non-Disclosure Agreement dated March 21, 2014 that I referenced during  
17 Mr. Samet’s deposition at 194:4-13.

18 5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the February  
19 1, 2019 deposition of Yoav Samet.

20 6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the April 10,  
21 2019 deposition of Daniel Chinn.

22 7. Attached hereto as **Exhibit 6** is a true and correct copy of Exhibit 34 to the April 10,  
23 2019 deposition of Daniel Chinn.

24 8. Attached hereto as **Exhibit 7** is a true and copy of excerpts from the Trial Exhibit  
25 Lists filed by Finjan, Inc. and Cisco Systems, Inc. identifying the unredacted versions of the  
26 Disputed Documents as trial exhibits in the matter or *Finjan, Inc. v. Cisco Systems, Inc.*, No. 5:17-  
27 cv-00072-BLF (N.D. Cal.).  
28

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

3 Executed on May 4, 2020, in Atlanta, Georgia.

4  
5 /s/ Matthew C. Gaudet  
6 Matthew C. Gaudet  
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