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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 DAVID C.
DOTSON IN SUPPORT OF
SONICWALL'S MOTION TO STRIKE**

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1 I, David C. Dotson, declare:

2 1. I am a partner with the law firm Duane Morris LLP, counsel of record for SonicWall,
3 Inc., (“SonicWall”). I have personal knowledge of the facts stated herein and can testify
4 competently to those facts. I make this declaration in support of SonicWall’s Motion to Strike New
5 Theories in Finjan, LLC’s Expert Reports.

6 2. Attached as **Exhibit A** is a true and correct copy of the relevant portions of Appendix
7 G-2 of Finjan’s Third Supplemental Infringement Contentions.

8 3. Attached as **Exhibit B** is a true and correct copy of the relevant portions of Appendix
9 G-3 of Finjan’s Third Supplemental Infringement Contentions.

10 4. Attached as **Exhibit C** is a true and correct copy of the relevant portions of Appendix
11 G-4 of Finjan’s Third Supplemental Infringement Contentions.

12 5. Attached as **Exhibit D** is a true and correct copy of the October 2, 2020 Email from J.
13 Wolff to R. McGrath.

14 6. Attached as **Exhibit E** is a true and correct copy of the relevant portions of the Expert
15 Report of Dr. Nenad Medvidovic Regarding Infringement by SonicWall, Inc. of Patent Nos.
16 8,225,408; 7,975,305; and 8,141,154.

17 7. Attached as **Exhibit F** is a true and correct copy of the relevant portions of Appendix
18 E-2 of Finjan’s Third Supplemental Infringement Contentions.

19 8. Attached as **Exhibit G** is a true and correct copy of the relevant portions of Appendix
20 D-1 of Finjan’s Third Supplemental Infringement Contentions.

21 9. Attached as **Exhibit H** is a true and correct copy of the relevant portions of Appendix
22 D-2 of Finjan’s Third Supplemental Infringement Contentions.

23 10. Attached as **Exhibit I** is a true and correct copy of the relevant portions of Appendix
24 D-3 of Finjan’s Third Supplemental Infringement Contentions.

25 11. Attached as **Exhibit J** is a true and correct copy of the relevant portions of Appendix
26 D-4 of Finjan’s Third Supplemental Infringement Contentions.

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1 12. Attached as **Exhibit K** is a true and correct copy of the relevant portions of the Expert
2 Report of Michael Mitzenmacher, Ph.D. Regarding Infringement by SonicWall, Inc. of Patent Nos.
3 6,804,780; 6,965,968; and 7,613,926.

4 13. Attached as **Exhibit L** is a true and correct copy of the Appendix H-2 to Finjan's
5 Fourth Supplemental Infringement Contentions.

6 14. Attached as **Exhibit M** is a true and correct copy of the Appendix H-4 to Finjan's
7 Fourth Supplemental Infringement Contentions.

8 15. Attached as **Exhibit N** is a true and correct copy of the April 2, 2020 Email from R.
9 McGrath to J. Hannah.

10 16. Attached as **Exhibit T** is a true and correct copy of the July 24, 2020 Email from D.
11 Dotson to J. Hannah.

12 17. Attached as **Exhibit W** is a true and correct copy of the December 17, 2019 Email
13 from R. McGrath to J. Hannah.

14 18. Attached as **Exhibit X** is a true and correct copy of the relevant portions of Appendix
15 H-1 of Finjan's Third Supplemental Infringement Contentions.

16 19. Attached as **Exhibit Y** is a true and correct copy of the relevant portions of Appendix
17 H-5 of Finjan's Third Supplemental Infringement Contentions.

18 20. Attached as **Exhibit Z** is a true and correct copy of the relevant portions of the Expert
19 Report of Dr. Eric Cole Regarding Technology Tutorial and Infringement by SonicWall, Inc. of
20 Patent Nos. 6,154,844; 7,058,822; 7,647,633; and 8,677,494.

21 21. Attached as **Exhibit Q** is a true and correct copy of an email chain dated July 2, 2020
22 at 6:29 P.M. from James Hannah (Finjan, Inc.'s counsel) sending revised Appendices H-2, H-3, and
23 H-4 to SonicWall, in response to a meet and confer between the parties.

24 22. Attached as **Exhibit R** is a true and correct copy of an email chain dated July 13,
25 2020 at 10:08 A.M. from David Dotson to James Hannah articulating outstanding issues with
26 Appendices H-6 and H-7, and in view of Mr. Hannah's service of a revised Appendix H-3 on July 2,
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1 reiterating SonicWall's understanding that Appendix H-3 should be withdrawn, along with
2 Appendices H-1 and H-5.

3 23. Attached as **Exhibit V** is a true and correct copy of an email chain dated July 23,
4 2020 at 12:12 P.M. from David Dotson to James Hannah stating that due to Finjan's failure to
5 respond to the issues SonicWall raised in its July 13, 2020 email, including confirmation regarding
6 the withdrawn appendices, SonicWall would file a motion to strike.

7 24. Attached as **Exhibit O** is a true and correct copy of an email chain dated July 23,
8 2020 at 5:19 P.M. from James Hannah to David Dotson providing revised Appendices H-6 and H-7,
9 but failing to address the withdrawal of Appendix H-3 (or Appendices H-1 and H-5).

10 25. Attached as **Exhibit S** is a true and correct copy of an email chain dated July 23, 2020
11 at 5:21 P.M. from David Dotson to James Hannah again requesting confirmation that Appendix H-3
12 would be withdrawn, in addition to Appendices H-1 and H-5.

13 26. Attached as **Exhibit U** is a true and correct copy of an email chain dated July 24,
14 2020 at 3:48 P.M. from James Hannah to David Dotson, in which Mr. Hannah took the position that
15 that Appendix H-3 only needed to be revised to address the issues raised by SonicWall, and did not
16 need to be withdrawn. Again, Mr. Hannah did not contest that Appendices H-1 and H-5 had been
17 withdrawn.

18 27. Attached as **Exhibit P** is a true and correct copy of an email chain dated July 24,
19 2020 at 8:20 P.M. from James Hannah to David Dotson providing a revised Appendix H-3. Again,
20 Mr. Hannah did not dispute that Appendices H-1 and H-5 had been withdrawn.

21 28. Despite repeated communications between the parties regarding Finjan's
22 infringement contentions for the '154 Patent, including many referencing Finjan's withdrawal of
23 Appendices H-1 and H-5, at no point did Finjan correct or dispute SonicWall's understanding that
24 Appendices H-1 and H-5 had been withdrawn – as it did with Appendix H-3 – and at no point did
25 Finjan provide further revised Appendices H-1 and H-5 addressing the issues SonicWall raised with
26 respect to those contentions.

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1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct. Executed on October 14, 2020, in Atlanta, GA.

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4 /s/ David C. Dotson
5 David C. Dotson
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