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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FINJAN, LLC, a Delaware Limited Liability
Company,

Plaintiff,

vs.

SONICWALL INC., a Delaware
Corporation

Defendant.

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

**DECLARATION OF JARRAD M.
GUNTHER IN SUPPORT OF
DEFENDANT SONICWALL INC.'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT**

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1 I, Jarrad M. Gunther, declare as follows:

2 1. I am an attorney 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 for Summary Judgment. In making this
6 Declaration, it is not my intention, nor the intention of SonicWall, to waive the attorney-client
7 privilege, the attorney work-product immunity, or any other applicable privilege.

8 2. Attached as Exhibit 1 is a true and correct copy of the March 30, 2020 Order Granting
9 in Part and Denying in Part Cisco’s Motion for Partial Summary Judgment of Non-Infringement, in
10 the case styled, Finjan, Inc. v. Cisco Systems, Inc., Case No. 17-cv-00072-BLF (N.D. Cal.), Dkt.
11 No. 499.

12 3. Attached as Exhibit 2 is a true and correct copy of the July 23, 2018 Order Construing
13 Claims in U.S. Patent Nos. 6,154,844; 6,804,780; 7,647,633; 8,141,154; 8,677,494, in the case
14 styled, Finjan, Inc. v. Cisco Systems, Inc., Case No. 17-cv-00072-BLF (N.D. Cal.), Dkt. No. 134.

15 4. Attached as Exhibit 3 is a true and correct copy of excerpts from the September 3,
16 2020 Expert Report of Dr. Nenad Medvidovic Regarding Infringement by SonicWall, Inc. of Patent
17 Nos. 8,225,408; 7,975,305; and 8,141,154.

18 5. Attached as Exhibit 4 is a true and correct copy of excerpts from the September 4,
19 2020 Expert Report of DeForest McDuff, Ph.D.

20 6. Attached as Exhibit 5 is a true and correct copy of excerpts from the July 9, 2020
21 John Gmuender Deposition Transcript.

22 7. Attached as Exhibit 6 is a true and correct copy of excerpts from the July 16, 2020
23 Shunhui Zhu Deposition Transcript.

24 8. Attached as Exhibit 7 is a true and correct copy of excerpts from the July 29, 2020
25 Dmitriy Ayrapetov Deposition Transcript.
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1 9. Attached as Exhibit 8 is a true and correct copy of excerpts from the July 24, 2020
2 Matt Neiderman Deposition Transcript.

3 10. Attached as Exhibit 9 is a true and correct copy of the August 2016 SonicOS 6.2.6.0
4 Release Notes bearing bates numbers SonicWall-Finjan_00016706 - SonicWall-Finjan_00016722.
5

6 11. Attached as Exhibit 10 is a true and correct copy of the August 2016, updated
7 November 2016 SonicOS 6.2.6.0 Release Notes bearing bates numbers SonicWall-
8 Finjan_00012901 - SonicWall-Finjan_00012918.

9 12. Attached as Exhibit 11 is a true and correct copy of the August 2016, revised October
10 2016 SonicOS 6.2.6 Capture Advanced Threat Protection Feature Guide bearing bates numbers
11 SonicWall-Finjan_00012919 - SonicWall-Finjan_00012954.
12

13 13. Attached as Exhibit 12 is a true and correct copy of the February 2017 SonicWall
14 Email Security 9.0 Release Notes bearing bates numbers SonicWall-Finjan_00009598 - SonicWall-
15 Finjan_00009608.

16 14. Attached as Exhibit 13 is a true and correct copy of the April 2017 SonicWall Email
17 Security 9.0.1 Release Notes bearing bates numbers SonicWall-Finjan_00009996 - SonicWall-
18 Finjan_00010006.
19

20 15. Attached as Exhibit 14 is a true and correct copy of excerpts from the October 22,
21 2020 Eric B. Cole, Ph.D. Deposition Transcript.

22 16. Attached as Exhibit 15 is a true and correct copy of excerpts from the October 26,
23 2020 Michael Mitzenmacher, Ph.D. Deposition Transcript.
24

25 17. Attached as Exhibit 16 is a true and correct copy of excerpts from the October 29,
26 2020 Nenad Medvidovic, Ph.D. Deposition Transcript.

27 18. Attached as Exhibit 17 is a true and correct copy of excerpts from the September 3,
28

1 2020 Expert Report of Dr. Eric Cole Regarding Technology Tutorial and Infringement by
2 SonicWall, Inc. of Patent Nos. 6,154,844; 7,058,822; 7,647,633; and 8,677,494.

3
4 19. Attached as Exhibit 18 is a true and correct copy of excerpts from the September 3,
5 2020 Expert Report of Michael Mitzenmacher, Ph.D. Regarding Infringement by SonicWall, Inc. of
6 Patent Nos. 6,804,780; 6,965,968; and 7,613,926.

7
8 20. Attached as Exhibit 19 is a true and correct copy of the December 1, 2015 CloudAV
9 2.1: Sandbox. Specifications and Design, Version 0.2 (December 1, 2015), bearing bates numbers
10 SonicWall-Finjan_00876666 - SonicWall-Finjan_00876680.

11
12 21. Attached as Exhibit 20 is a true and correct copy of the March 12, 2018 CloudAV
13 2.1: Sandbox. Specifications and Design, Version 1.3 (March 12, 2018), bearing bates numbers
14 SonicWall-Finjan_00002468 - SonicWall-Finjan_00002495.

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16 22. Attached as Exhibit 21 is a true and correct copy of excerpts from the July 31, 2020
17 Alex Dubrovsky Deposition Transcript.

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19 23. Attached as Exhibit 22 is a true and correct copy the May 31, 2019 Finjan's Second
20 Supplemental Infringement Contentions, Appendix A-1.

21
22 24. Attached as Exhibit 23 is a true and correct copy of excerpts from the January 28,
23 2020 Hearing Transcript.

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25 25. Attached as Exhibit 24 is a true and correct copy of excerpts from the July 7, 2020
26 Senthil Cheetancheri Deposition Transcript.

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28 26. Attached as Exhibit 25 is a true and correct copy of excerpts from the October 29,
2019 Hearing Transcript.

27
28 27. Attached as Exhibit 26 is a true and correct copy of the December 29, 2017
SonicSandbox 2.2 Functional Specification, Version 1 (2017/12/29), bearing bates numbers

1 SonicWall-Finjan_00002551 - SonicWall-Finjan_00002561.

2 28. Attached as Exhibit 27 is a true and correct copy of excerpts from the November 2,
3 2020 DeForest McDuff, Ph.D. Deposition Transcript.

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5 29. Attached as Exhibit 28 is a true and correct copy the July 31, 2020 Plaintiff Finjan
6 Inc.'s Third Supplemental Objections and Responses to Defendant SonicWall, Inc.'s First Set of
7 Interrogatories (No 6).

8 30. Attached as Exhibit 29 is a true and correct copy of excerpts from the February 26,
9 2020 John Garland Deposition Transcript.

10
11 31. Attached as Exhibit 30 is a true and correct copy of the June 10-11, 2014 Email thread
12 between Finjan and Dell bearing bates numbers Finjan-SW 047868 - Finjan-SW 047869.

13 32. Attached as Exhibit 31 is a true and correct copy of November 25, 2014 Introductory
14 Licensing Meeting Presentation bearing bates numbers Finjan-SW 047884 - Finjan-SW 047924.

15
16 33. Attached as Exhibit 32 is a true and correct copy of the September 17, 2014 Email
17 between Finjan and Dell bearing bates numbers Finjan-SW 047936 - Finjan-SW 047946.

18 34. Attached as Exhibit 33 is a true and correct copy of the October 12, 2016 Patent
19 Licensing Discussions Presentation bearing bates numbers Finjan-SW 047979 - Finjan-SW 048008.

20
21 35. Attached as Exhibit 34 is a true and correct copy of an email from John Garland of
22 Finjan to Matthew Neiderman of SonicWall attaching a chart of Exemplary Finjan Patents of
23 Interest to SonicWall bearing bates numbers SonicWall-Finjan_01044809 - SonicWall-
24 Finjan_01044812.

25 36. Attached as Exhibit 35 is a true and correct copy of the June 20, 2019 Email from
26 Finjan counsel confirming that it is not accusing the Content Filtering Service.

27
28 37. Attached as Exhibit 36 is a true and correct copy of the July 8, 2014 Email between

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