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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
REPLY IN SUPPORT OF ITS MOTION
TO STRIKE**

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 Reply in support of its Motion to Strike New
6 Theories in Finjan, LLC’s Expert Reports. In making this Declaration, it is not my intention, nor
7 the intention of SonicWall, to waive the attorney-client privilege, the attorney work-product
8 immunity, or any other applicable privilege.

9 2. Attached as **Exhibit 1** is a true and correct copy of email correspondence between
10 counsel for SonicWall, Inc. and counsel for Finjan, Inc. concerning Finjan’s Third Supplemental
11 Infringement Contentions. Exhibit 1 was sent by my colleague Robin McGrath after a meet and
12 confer on April 2, 2020 between counsel for SonicWall (Robin McGrath, David Dotson, and Jarrad
13 Gunther) with James Hannah of the law firm of Kramer Levin Naftalis & Frankel LLP (Finjan’s
14 prior counsel in this matter). During the meet and confer, counsel for SonicWall express concern
15 that Finjan’s experts would later seek to use Finjan’s earlier infringement contentions to support
16 theories Finjan had dropped or amended and therefore asked counsel for Finjan to confirm that the
17 Third Supplemental Infringement Contentions were the operative contentions, which Mr. Hannah
18 confirmed.

19 3. Attached as **Exhibit 2** is a true and correct copy of Appendix D-1 (Gateway) from
20 Finjan’s second supplemental infringement contentions served May 31, 2019.

22 4. Attached as **Exhibit 3** is a true and correct copy of Appendix D-2 (Gateway + Capture
23 ATP) from Finjan’s second supplemental infringement contentions served May 31, 2019.

24 5. Attached as **Exhibit 4** is a true and correct copy of Appendix D-3 (Capture ATP)
25 from Finjan’s second supplemental infringement contentions served May 31, 2019.

27 6. Attached as **Exhibit 5** is a true and correct copy of Appendix D-4 (Email + Capture
28 ATP) from Finjan’s second supplemental infringement contentions served May 31, 2019.

ATTESTATION

In accordance with Civil Local Rules 5-1(i)(3), I attest that concurrence in the filing on this document has been obtained from any other signatory to this document.

Dated: December 22, 2020

Respectfully Submitted,

/s/ Nicole E. Grigg

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