EXHIBIT 1

Gunther, Jarrad M.

From: McGrath, Robin
Sent: Thursday, April 2, 2020 6:51 PM
To: Hannah, James
Cc: Dotson, David C.; Gunther, Jarrad M.
Subject: RE: DRAFT: Finjan's Third Supplemental Infringement Contentions

James,

Based on our calls this afternoon and on 3/31 regarding Finjan's Third Amended Infringement Contentions ("Third Contentions"), we understand that:

1. Finjan's Third Contentions are the operative contentions and Finjan will not be relying on any aspect of Finjan's Second Amended Infringement Contentions;
2. Finjan is not relying on any of the theories previously identified in Appendices C1, C5, J1, or J5 which were not included in the Third Contentions;
3. Finjan is withdrawing Appendices H1 and H5 as redundant with its charts for Capture alone;
4. For Appendices H2-H4, Finjan will be providing amended language to address the "transmitting . . . when" limitation. SonicWall will reserve judgment as to whether Finjan's contentions satisfy the Nov. 20 order until it has an opportunity to review the amended language;
5. Finjan will be amending Appendix A-1 (p. 17) to make clear it is not identifying the GRID data center;
6. Finjan will be amending Appendix A-5 to clarify that it is identifying GRID AV, a component Finjan contends is physically on the box, and not the GRID network data center;
7. Finjan will withdraw Appendix H-3 as redundant of the capture alone theory.

If you believe we have misunderstood any of the foregoing, please advise immediately.

Robin

On Mar 19, 2020, at 7:11 PM, Hannah, James <JHannah@kramerlevin.com> wrote:

Monday at 2pm PT works for us.

James Hannah
Partner

Kramer Levin Naftalis & Frankel LLP
990 Marsh Road, Menlo Park, California 94025
T 650.752.1712 **F** 650.752.1812

From: McGrath, Robin <RLMcGrath@duanemorris.com>
Sent: Thursday, March 19, 2020 1:40 PM
To: Hannah, James <JHannah@KRAMERLEVIN.com>
Cc: Nguyen, Stephanie <SNguyen@KRAMERLEVIN.com>; Lee, Hannah <HLee@KRAMERLEVIN.com>; Andre, Paul <PAndre@KRAMERLEVIN.com>; Kastens, Kris <KKastens@KRAMERLEVIN.com>; Kobialka, Lisa <LKobialka@KRAMERLEVIN.com>; Gaudet, Matthew C. <MCGaudet@duanemorris.com>; Dotson, David C. <DCDotson@duanemorris.com>; Powers, Joseph A. <JAPowers@duanemorris.com>; Gunther, Jarrad M. <JMGunther@duanemorris.com>; Forte, Jennifer H. <JHForte@duanemorris.com>; Snedeker, Alice <AESnedeker@duanemorris.com>
Subject: [EXTERNAL] RE: DRAFT: Finjan's Third Supplemental Infringement Contentions

Finjan team:

Please let us know when you are available to meet and confer on the issues raised below.

From: McGrath, Robin
Sent: Monday, March 16, 2020 11:16 AM
To: JHannah@KRAMERLEVIN.com
Cc: SNguyen@KRAMERLEVIN.com; HLee@KRAMERLEVIN.com; PAndre@KRAMERLEVIN.com; KKastens@KRAMERLEVIN.com; LKobialka@KRAMERLEVIN.com; Gaudet, Matthew C. <MCGaudet@duanemorris.com>; Dotson, David C. <DCDotson@duanemorris.com>; Powers, Joseph A. <JAPowers@duanemorris.com>; Gunther, Jarrad M. <JMGunther@duanemorris.com>; Forte, Jennifer H. <JHForte@duanemorris.com>; Snedeker, Alice <AESnedeker@duanemorris.com>
Subject: FW: DRAFT: Finjan's Third Supplemental Infringement Contentions

James, now that we have received an order denying Finjan's motion for leave to amend its contentions, we would like to schedule a meet and confer to discuss the numerous issues with Finjan's third amended infringement contentions. In addition to the issues identified in my Dec, 17 email below, we would also like to discuss:

- For the '154 Patent, the Court's Nov. 20 Order required Finjan to revise its infringement contentions to make explicit whether and how the accused instrumentalities meet the 'transmitting . . . when' portion of limitation 1c of claim 1." Appendices H-1 through H-5 do not satisfy this requirement. At most, some of the charts simply cite to source code. Others don't even do that.
- Page 17 of Appendix A-1 identifies the GRID data center. Per the Court's Nov. 20 order, however, Finjan should not be identifying anything other than what is on the "box."
- Appendix A-5 (ESA) also identifies a SonicWall hosted ESA and GRID network data center. Again, Finjan should not be identifying anything other than what is on the box.
- Finjan's third infringement contentions does not contain charts labeled C1, C5, J1, or J5. Can you confirm that you are dropping those theories and not continuing to rely on the previous operable version?

Please let us know a time **this week** when you are available to discuss.

Thank you,

Robin

From: Hannah, James <JHannah@KRAMERLEVIN.com>
Sent: Monday, January 6, 2020 12:03 PM

To: McGrath, Robin <RLMcGrath@duanemorris.com>
Cc: Nguyen, Stephanie <SNguyen@KRAMERLEVIN.com>; Lee, Hannah <HLee@KRAMERLEVIN.com>; Andre, Paul <PAndre@KRAMERLEVIN.com>; Kastens, Kris <KKastens@KRAMERLEVIN.com>; Kobialka, Lisa <LKobialka@KRAMERLEVIN.com>; Gaudet, Matthew C. <MCGaudet@duanemorris.com>; Dotson, David C. <DCDotson@duanemorris.com>; Powers, Joseph A. <JAPowers@duanemorris.com>; Gunther, Jarrad M. <JMGunther@duanemorris.com>; Forte, Jennifer H. <JHForte@duanemorris.com>
Subject: RE: Finjan's Third Supplemental Infringement Contentions

Hi Robin, Happy New Year. I think it makes more sense to address these after resolution of the currently pending motion because most, if not all of them, may be moot. If any issues remain after the Court hears our motion, I'd be happy to meet and confer. Thanks.

James Hannah
Partner

Kramer Levin Naftalis & Frankel LLP
990 Marsh Road, Menlo Park, California 94025
T 650.752.1712 **F** 650.752.1812
jhannah@kramerlevin.com

Bio

From: McGrath, Robin <RLMcGrath@duanemorris.com>
Sent: Monday, January 6, 2020 7:23 AM
To: Hannah, James <JHannah@KRAMERLEVIN.com>
Cc: Nguyen, Stephanie <SNguyen@KRAMERLEVIN.com>; Lee, Hannah <HLee@KRAMERLEVIN.com>; Andre, Paul <PAndre@KRAMERLEVIN.com>; Kastens, Kris <KKastens@KRAMERLEVIN.com>; Kobialka, Lisa <LKobialka@KRAMERLEVIN.com>; Gaudet, Matthew C. <MCGaudet@duanemorris.com>; Dotson, David C. <DCDotson@duanemorris.com>; Powers, Joseph A. <JAPowers@duanemorris.com>; Gunther, Jarrad M. <JMGunther@duanemorris.com>; Forte, Jennifer H. <JHForte@duanemorris.com>
Subject: [EXTERNAL] RE: Finjan's Third Supplemental Infringement Contentions

Happy New Year James. Can you please let us know when you are available for a meet and confer on the issues raised below?

Thank you,

Robin

From: McGrath, Robin
Sent: Tuesday, December 17, 2019 12:03 PM
To: Hannah, James <JHannah@KRAMERLEVIN.com>
Cc: 'Nguyen, Stephanie' <SNguyen@KRAMERLEVIN.com>; Lee, Hannah <HLee@KRAMERLEVIN.com>; Andre, Paul <PAndre@KRAMERLEVIN.com>; Kastens, Kris <KKastens@KRAMERLEVIN.com>; Kobialka, Lisa <LKobialka@KRAMERLEVIN.com>; Gaudet, Matthew C. <MCGaudet@duanemorris.com>; Dotson, David C. <DCDotson@duanemorris.com>; Powers, Joseph A. <JAPowers@duanemorris.com>; Gunther,

Jarrad M. <JMGunther@duanemorris.com>; Forte, Jennifer H. <JHForte@duanemorris.com>
Subject: Finjan's Third Supplemental Infringement Contentions

James – we have reviewed Finjan's Third Supplemental Infringement Contentions and believe that a number of charts do not comply with the Court's Order striking Finjan's Second Supplemental Infringement Contentions. Specifically:

- Appendices H-1 and H-5 chart Finjan's gateway and ESA "alone" theories, respectively, for the '154 Patent. In Finjan's Second Supplemental Infringement Contentions, Finjan's gateway and ESA alone charts each asserted that the claimed "security computer" is satisfied by the Cloud AV and GRID sandboxes, both of which have been stricken from Finjan's Contentions by the Court's November 20 Order. In light of the Court's Order, Finjan does not have any gateway or ESA alone theory that has been previously disclosed. Upon review of the current versions of H-1 and H-5, it appears that all Finjan did was remove the reference to the Cloud AV and GRID sandbox and instead, simply refer generically to a "security computer" without identifying which component constitutes the security computer. To the extent Finjan contends that the security computer is satisfied by the Cloud AV and GRIDS sandboxes, Appendices H-1 and -5 are in violation of the Court's Nov. 20 Order and must be withdrawn. To the extent Finjan contends the security computer is satisfied by a different component, please (i) identify which component(s) within the gateway and ESA devices Finjan contends is the security computer; and (ii) identify where in its First Supplemental Contentions Finjan identified that component as the security computer.
- Appendix A-5 is a ESA alone chart for the '844 patent. A-5 identifies "GRID Anti-Virus" for a number of limitations. Finjan's First Supplemental Contentions, however, only identify an "ESA with Capture ATP" theory and no ESA alone theory. Additionally, the Court's November 20 Order makes clear the any reliance "on claim limitations met by cloud-based components, such as the Cloud AV and GRID sandboxes, [] are outside the scope of the amendments permitted in the Court's May 2019 order. . . ." Thus the Court ordered FInjan to "re-serve its Gateway-only and ESA-only disclosures to eliminate contentions that certain limitations are met by cloud based resources of components." Finjan's reliance on GRID Ant-Virus to satisfy claim limitations in the '844 patent does not comply with the Court's Nov. 20 Order. Thus, Finjan should withdraw Appendix A-5.
- Appendix H-3 is a Capture ATP chart for the '154 Patent. In H-3, Finjan alleges that the stats server is the claimed security computer. Finjan's First Supplemental Contentions did not identify the stats server as the security computer. The Court's November 20 Order rejected Finjan's assertion that the "Stats server is a component of the Gateway instrumentality," finding that "the Stats server and URL Thumbprint Database are separate from the Gateway and ESA instrumentalities." Finjan did not have leave to amend its contentions to identify the stats server and thus Finjan should withdraw Appendix H-3.

Please confirm that Finjan will withdraw Appendices H-1, H-5, A-5, and H-3 or provide a date for the parties to meet and confer.

Robin

-

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.