

APPENDIX B

SonicWall's Witness List

DEFENDANT SONICWALL, INC.'S WITNESS LIST

United States District Court for the Northern District of California
(San Jose Division)

Finjan LLC v. SonicWall, Inc.

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

Trial Date – May 3, 2021

Pursuant to Rule 26(a)(3)(A)(i) of the Federal Rules of Civil Procedure, Judge Freeman's Standing Order Regarding Civil Jury Trials, and the parties' agreed schedule for pre-trial exchanges, Defendant SonicWall, Inc. ("SonicWall") hereby discloses the following witnesses for the trial of this matter. These disclosures are made, in part, based on the Order Approving the Stipulation Regarding Prior Depositions (Dkt. No. 236) and based on information that is reasonably available to SonicWall at this time and at this stage of the proceedings. Further investigation and analysis may yield additional information regarding witnesses for this matter. As additional information becomes available, SonicWall reserves the right to supplement, revise, correct, clarify, or otherwise amend these disclosures.

These disclosures are made without waiver of and without prejudice to any objections SonicWall may have regarding the subject matter of these disclosures or individuals identified herein. SonicWall reserves all such objections. Further, SonicWall disagrees with Finjan's objections to SonicWall's witness list and believes it has properly identified Messrs. Noonan, Daar, and Hawkes.

FINJAN'S OBJECTIONS TO SONICWALL'S MAY CALL WITNESS LIST

Finjan objects to SonicWall presenting deposition testimony from Michael Noonan, under Fed. R. Evid. 801–802 and Fed. R. Civ. P. 32. Mr. Noonan was not deposed in this matter. To the extent SonicWall seeks to present Mr. Noonan's testimony from the *Finjan v. Cisco* case, the

parties have expressly stipulated to permit certain deposition testimony from that case to be used in this matter (Dkt. 235), but that stipulation does not include Mr. Noonan's testimony.

Finjan objects to SonicWall presenting testimony from Evan Daar under Fed. R. Civ. P. 26(a) and 37(c). SonicWall failed to disclose Mr. Daar as a potential witness in its initial disclosures in this matter.

Finjan objects to SonicWall presenting testimony from Eric Hawkes under Fed. R. Civ. P. 26(a) and 37(c). SonicWall failed to disclose Mr. Hawkes as a potential witness in its initial disclosures in this matter.

Finjan further objects to SonicWall's presentation of deposition testimony from other witnesses to the extent it is unable to show that such deposition testimony is admissible under Fed. R. Civ. P. 32 and/or Fed. R. Evid. 804.

Finjan reserves all objections to the substance of the witnesses' testimony.

WITNESSES SONICWALL EXPECTS TO CALL

SonicWall presently expects to present the following witnesses at the trial of this matter, subject to SonicWall's rights to modify this list according to the developments in the case, rulings of the Court, and in response to Finjan's case in chief. The estimated length of each witness's testimony will depend on the circumstances of the case; therefore, SonicWall reserves the right to modify the estimated lengths as necessary.

No.	Witness	Substance of Trial Testimony	Estimated Length/Cross	Manner of Presentation
1.	Kevin Almeroth	Dr. Almeroth is an expert retained by Defendant. He will testify on the matters disclosed in his expert reports, including non-infringement, invalidity, and incremental value of the '844 and '154 patents. Dr. Almeroth will further rebut the opinions of the infringement experts retained by Finjan.	2-2.5 hours / Cross – 1.5 hours	Live
2.	Stephen Becker	Dr. Becker is an expert retained by Defendant. He will testify on the matters disclosed in his expert report, including a reasonable royalty for the patents-in-suit, assuming they are valid and infringed. Dr. Becker will further rebut the opinions of the damages experts retained by Finjan, Dr. DeForest McDuff and Dr. Aaron Striegel.	1-1.5 hrs. / Cross – 45 minutes	Live
3.	Sylvia Hall-Ellis	Dr. Hall-Ellis is an expert retained by Defendant. She will testify on the matters disclosed her expert reports, including public accessibility of certain prior art references. Dr. Hall-Ellis will further rebut the opinions of the validity experts retained by Finjan concerning public accessibility of certain prior art references.	10-15 minutes / Cross – 10 minutes	Live

No.	Witness	Substance of Trial Testimony	Estimated Length/Cross	Manner of Presentation
4.	Patrick McDaniel	Dr. McDaniel is an expert retained by Defendant. He will testify on the matters disclosed in his expert reports, including non-infringement, invalidity, and incremental value of the '494 and '780 patents. Dr. McDaniel will further rebut the opinions of the infringement experts retained by Finjan.	2-2.5 hours / Cross – 1.5 hours	Live
5.	Avi Rubin	Dr. Rubin is an expert retained by Defendant. He will testify on the matters disclosed in his expert reports, including non-infringement, invalidity, and incremental value of the '408, '305, '926 and '968 patents. Dr. Rubin will further rebut the opinions of the infringement experts retained by Finjan.	3-3.5 hours / Cross – 2 hours	Live

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