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12 Attorneys for Plaintiff Finjan, Inc.

13  
14 IN THE UNITED STATES DISTRICT COURT  
15 SOUTHERN DISTRICT OF CALIFORNIA

16 FINJAN, INC.,

17 Plaintiffs,

18 v.

19 ESET, LLC and ESET SPOL. S.R.O.,

20 Defendants.

Case No. 17-cv-0183 CAB (BGS)

**DECLARATION OF MICHAEL A.  
AMON IN SUPPORT OF FINJAN,  
INC.’S MOTION TO AMEND  
CAPTION**

District Judge: Hon. Cathy Ann  
Bencivengo

Magistrate Judge: Hon. Bernard G.  
Skomal

1 I, Michael A. Amon, declare as follows:

2 1. I am a principal of Fish & Richardson P.C., counsel of record in this  
3 action for Plaintiff Finjan, Inc. (“Finjan”). I am a member of the Bar of the State of  
4 California and of this Court. I have personal knowledge of the matters stated in this  
5 declaration, and would testify truthfully to them if called upon to do so.

6 2. I make this declaration in support of Finjan’s Notice of Motion and  
7 Motion to Amend Caption.

8 3. On November 11, 2020, I contacted counsel for Defendants ESET, LLC  
9 and ESET SPOL. S.R.O. (collectively, “ESET”) to ask if ESET would oppose a  
10 motion to amend the caption to reflect Finjan’s conversion from a Delaware  
11 Corporation to a Delaware Limited Liability Company.

12 4. On November 12, 2020, ESET’s counsel responded that “[o]nce ESET  
13 has been able to verify the corporate change through Finjan’s document production  
14 we anticipate ESET will not oppose amending the caption.”

15 5. On November 16, 2020, Finjan produced to ESET the documents (bates  
16 labeled FINJAN-ESET 690366-371) from the Delaware Secretary of State  
17 confirming Finjan’s change from a Corporation to a Limited Liability Company.

18 6. Attached hereto as **Exhibit A** is a true and correct copy of the State of  
19 Delaware Certificate of Conversion from a Corporation to a Limited Liability  
20 Company Pursuant to Section 18-214 of the Limited Liability Company Act produced  
21 as FINJAN-ESET 690366-371.

22 7. On November 16, 2020, ESET responded that it would not oppose  
23 Finjan’s motion to amend only if Finjan agreed to produce documents related to the  
24 acquisition of Finjan’s parent company, Finjan Holding LLC, by another non-party.

25 8. The parties met and conferred telephonically on November 18, 2020, and  
26 were not able to resolve the dispute regarding Finjan’s motion to amend the caption.

27 9. Attached hereto as **Exhibit B** is a true and correct copy of the email  
28 exchange between ESET’s counsel and me, dated between November 11, 2020 and

1 November 17, 2020.

2 I declare under penalty of perjury under the laws of the United States that the  
3 forgoing is true and correct.

4 Executed at San Diego, California on December 2, 2020.

5 /s/ Michael A. Amon

6 Michael A. Amon

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**EXHIBITS – TABLE OF CONTENTS**

<b><u>Exhibit No.</u></b>	<b><u>Description</u></b>	<b><u>Page Nos.</u></b>
A	State of Delaware Certificate of Conversion from a Corporation to a Limited Liability Company Pursuant to Section 18-214 of the Limited Liability Company Act produced as FINJAN-ESET 690366-690371	1-6
B	Email exchange between ESET’s counsel and me, dated between November 11, 2020 and November 17, 2020	7-10

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on December 2, 2020, to all counsel of record who are deemed to have consented to electronic service via the Court’s CM/ECF system per Civil Local Rule 5.4. Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery.

*/s/ Michael A. Amon*  
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Michael A. Amon  
amon@fr.com