

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PALO ALTO NETWORKS, INC.,

Petitioner

v.

FINJAN, INC.,

Patent Owner

Patent No. 8,141,154

Inter Partes Review No. IPR2016-00151

DECLARATION OF NATHAN HAMSTRA

I, Nathan Hamstra, declare as follows:

1. My name is Nathan Hamstra. I am an attorney at Quinn, Emanuel, Urquhart & Sullivan LLP. I am counsel of record for Symantec Corporation in *Finjan, Inc. v. Symantec Corp.*, Case No. 14-cv-02998-HSG (N.D. Cal.) (the “Symantec litigation”). I am also counsel of record for co-petitioner Symantec in this proceeding.

2. On December 4, 2014, Finjan served its OBJECTIONS AND RESPONSES TO DEFENDANT SYMANTEC CORP.’S FIRST SET OF INTERROGATORIES (NOS. 1-11) in the Symantec litigation. Ex. 1006 is a true and correct excerpt of that document showing Finjan’s response to Symantec’s Interrogatory No. 1. At page 8, it states “The date of conception for the asserted claims of U.S. Patent No. 8,141,154 (‘the ‘154 Patent’) is December 12, 2005.”

3. On April 13, 2015, Finjan served its SUPPLEMENTAL RESPONSES TO DEFENDANT SYMANTEC CORP.’S FIRST SET OF INTERROGATORIES (NOS. 1, 5-11) in the Symantec litigation. Ex. 1007 is a true and correct excerpt of that document showing Finjan’s supplemental response to Symantec’s Interrogatory No. 1. At page 4, it states “The date of conception for the asserted claims of U.S. Patent No. 8,141,154 (‘the ‘154 Patent’) is December 12, 2005.”

4. At the time both of the foregoing documents were served, Finjan's then-operative infringement contentions, served December 4, 2014, asserted infringement of claims 1-12 of the '154 patent.

5. Both of the foregoing documents were signed by Mr. James Hannah, who is also Finjan's counsel of record in this IPR2016-00151.

6. Although Finjan served another *supplemental* response to Symantec's Interrogatory No. 1 on December 2, 2016, Finjan never *corrected* its earlier-served responses to Symantec's Interrogatory No. 1. *See* Fed. R. Civ. P. 26(e)(1) ("A party who has made a disclosure under Rule 26(a)—or who has responded to an interrogatory, request for production, or request for admission—must *supplement or correct* its disclosure or response (emphasis added).")

7. I declare under penalty of perjury under the laws of the United States of America that the statements made herein are believed to be true based upon either my personal knowledge or to the best of my knowledge, information, and belief.

Date: December 6, 2016



Nathan Hamstra