

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FINJAN, INC.,

Plaintiff,

v.

JUNIPER NETWORKS, INC.,

Defendant.

No. C 17-05659 WHA

**REQUEST FOR RESPONSE
RE EARLY MOTION FOR
SUMMARY JUDGMENT RE
'94 PATENT**

By **TOMORROW AT NOON**, counsel for both sides shall please address the following:

1. Regarding Juniper’s “database” construction, did the PTAB actually rely upon Finjan’s distinction between “flat file” and “flat file database?” If not, on what authority can Juniper argue that Finjan’s distinction amounts to a true disclaimer?

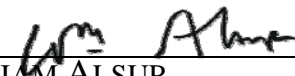
2. A WRITE command is a legitimate command, but it is disclosed as a suspicious computer operation in the ’194 patent at column 5 line 59. Where in the ’194 patent does it explain how to distinguish between a suspicious versus non-suspicious operation? Is the failure to give such an explanation fatal to Claim 10?

3. Why shouldn’t the Court hold that “suspicious computer operations” is inherently subjective and Claim 10 is therefore indefinite unless limited to the specific list set forth in the “Example List of Operations Deemed Potentially Hostile” (’194 patent at 5:58–6:4)?

1 Supplemental briefs shall not exceed **EIGHT PAGES**. Counsel shall cite to chapter and
2 verse. Complete candor is required. No ellipses, but italics may be used.

3
4 **IT IS SO ORDERED.**

5
6 Dated: August 20, 2018.

7 
8 _____
9 WILLIAM ALSUP
10 UNITED STATES DISTRICT JUDGE
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28