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10 *Attorneys for Plaintiff*
11 FINJAN, INC.

12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15 FINJAN, INC., a Delaware Corporation,

16 Plaintiff,

17 v.

18 JUNIPER NETWORKS, INC., a Delaware
19 Corporation,

20 Defendant.

Case No.: 3:17-cv-05659-WHA

**PLAINTIFF FINJAN, INC.’S ANSWER
TO DEFENDANT JUNIPER NETWORKS,
INC.’S COUNTERCLAIMS 1-6**

DEMAND FOR JURY TRIAL

1 Plaintiff and Counterclaim-Defendant Finjan, Inc. (“Plaintiff” or “Finjan”) hereby answers
2 Counterclaims 1-6 by Defendant and Counterclaim-Plaintiff Juniper Networks, Inc. (“Juniper” or
3 “Defendant”) set forth in Defendant’s Answer to Finjan’s Second Amended Complaint for Patent
4 Infringement and Counter-claims filed on August 10, 2018 (the “Counterclaims”) (Dkt. 179 at 23-29)
5 as set forth below.
6

7 **JUNIPER’S COUNTERCLAIMS**

8 Finjan admits that Juniper alleges the following Counterclaims:

9 **THE PARTIES**

10 163. Admitted.

11 164. Admitted.

12 165. Admitted.

13 **JURISDICTION AND VENUE**

14 166. Finjan admits that this action arises under the Patent Act, 35 U.S.C. § 1 *et seq.* and that
15 there exists an actual and justiciable controversy between the parties regarding infringement of the
16 patents-in-suit. To the extent not expressly admitted, Finjan denies the allegations in this paragraph of
17 the Counterclaims.
18

19 167. Finjan admits that this Court has subject matter jurisdiction over this action pursuant to
20 28 U.S.C. §§ 1331 and 1338. To the extent not expressly admitted, Finjan denies the allegations in
21 this paragraph of the Counterclaims.
22

23 168. Finjan admits that this Court has personal jurisdiction over Finjan. To the extent not
24 expressly admitted, Finjan denies the allegations in this paragraph of the Counterclaims.
25

26 169. Finjan admits that venue is proper in this District. To the extent not expressly
27 admitted, Finjan denies the allegations in this paragraph of the Counterclaims.
28

BACKGROUND

1
2 170. Finjan admits that Juniper purports to seek a declaratory judgment that the patents-in-
3 suit are invalid, not infringed, and unenforceable. To the extent not expressly admitted, Finjan denies
4 the allegations in this paragraph of the Counterclaims.

5 171. Admitted.

6 172. Finjan admits that Finjan filed a complaint alleging that Juniper infringed the Patents-
7 in-Suit. Finjan admits that Juniper has purported to deny that it infringes a valid and enforceable
8 patent. To the extent not expressly admitted, Finjan denies the allegations in this paragraph of the
9 Counterclaims.
10

11 173. Finjan admits that on May 18, 2018 Finjan filed a First Amended Complaint alleging
12 that Juniper infringed the original Patents-in-Suit. Finjan admits that Juniper purported to deny that it
13 infringes a valid and enforceable patent. To the extent not expressly admitted, Finjan denies the
14 allegations in this paragraph of the Counterclaims.
15

16 174. Finjan admits that on July 27, 2018 Finjan filed a Second Amended Complaint alleging
17 that Juniper infringes the Patents-in-Suit. Finjan admits that Juniper purports to deny that it infringes
18 a valid and enforceable patent. To the extent not expressly admitted, Finjan denies the allegations in
19 this paragraph of the Counterclaims.
20

FIRST COUNTERCLAIM
(Declaratory Judgment of Non-Infringement of the Patents-in-Suit)

21
22 175. Finjan realleges and incorporates by reference the allegations set forth in its Complaint
23 and the preceding paragraphs of this Answer as though fully set forth herein.

24 176. Finjan admits that its complaint identified that Juniper infringed each of the patents-in-
25 suit. To the extent not expressly admitted, Finjan denies the allegations in this paragraph of the
26 Counterclaims.
27
28

1 177. Finjan admits that it Juniper purports that it does not infringe the patents-in-suit. To
2 the extent not expressly admitted, Finjan denies the allegations in this paragraph of the Counterclaims.

3 178. Admitted.

4
5 179. Finjan admits that Juniper purports to seek a declaratory judgment that it is not
6 infringing any valid and enforceable claim of the patents-in-suit. To the extent not expressly
7 admitted, Finjan denies the allegations in this paragraph of the Counterclaims.

8 **SECOND COUNTERCLAIM**

9 **(Declaratory Judgment of Invalidity of the Patents-in-Suit)**

10 180. Finjan realleges and incorporates by reference the allegations set forth in its Complaint
11 and the preceding paragraphs of this Answer as though fully set forth herein.

12 181. Admitted.

13 182. Finjan admits that Juniper purports that the patents-in-suit are invalid. To the extent
14 not expressly admitted, Finjan denies the allegations in this paragraph of the Counterclaims.

15 183. Admitted.

16
17 184. Finjan admits that Juniper purports to seek a declaratory judgment that the patents-in-
18 suit are invalid. To the extent not expressly admitted, Finjan denies the remaining allegations in
19 paragraph 234 of the Counterclaims.

20 **THIRD COUNTERCLAIM**

21 **(Declaratory Judgment of Unenforceability for Prosecution Laches of the '926, '633, '154,
22 '494, and '731 Patents)**

23 185. Finjan realleges and incorporates by reference the allegations set forth in its Complaint
24 and the preceding paragraphs of this Answer as though fully set forth herein.

25 186. The Court entered an Order striking this counterclaim; on that basis, Finjan denies the
26 allegations in this paragraph as moot.
27
28

1 187. The Court entered an Order striking this counterclaim; on that basis, Finjan denies the
2 allegations in this paragraph as moot.

3 188. The Court entered an Order striking this counterclaim; on that basis, Finjan denies the
4 allegations in this paragraph as moot.

5 189. The Court entered an Order striking this counterclaim; on that basis, Finjan denies the
6 allegations in this paragraph as moot.

7 190. The Court entered an Order striking this counterclaim; on that basis, Finjan denies the
8 allegations in this paragraph as moot.

9 191. The Court entered an Order striking this counterclaim; on that basis, Finjan denies the
10 allegations in this paragraph as moot.

11 192. The Court entered an Order striking this counterclaim; on that basis, Finjan denies the
12 allegations in this paragraph as moot.

13 193. The Court entered an Order striking this counterclaim; on that basis, Finjan denies the
14 allegations in this paragraph as moot.

15 194. The Court entered an Order striking this counterclaim; on that basis, Finjan denies the
16 allegations in this paragraph as moot.

17 195. The Court entered an Order striking this counterclaim; on that basis, Finjan denies the
18 allegations in this paragraph as moot.

19 196. The Court entered an Order striking this counterclaim; on that basis, Finjan denies the
20 allegations in this paragraph as moot.

21
22 **FOURTH COUNTERCLAIM**

23 **(Declaratory Judgment of Unenforceability of the '494 Patent for Inequitable Conduct)**

24 197. Finjan realleges and incorporates by reference the allegations set forth in its Complaint
25
26
27
28

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