

Kramer Levin



Paul Andre
Partner
T 650.752.1710
pandre@kramerlevin.com

990 Marsh Road
Menlo Park, CA 94025-1949
T 650.752.1700
F 650.752.1800

September 7, 2018

Hon. William Alsup
U.S. District Court, N. District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Finjan, Inc. v. Juniper Networks, Inc., Case No. 3:17-cv-05659-WHA

Dear Judge Alsup:

Finjan, Inc. (“Finjan”) writes in response to the *ex parte* letter that Juniper Networks, Inc. (“Juniper”) filed with the Court today because Juniper mischaracterizes Finjan’s discussions with Juniper. Dkt. No. 194. On Wednesday, September 5th, Finjan called Juniper to discuss the Court’s Third Amended Scheduling Order (“Order”) because Juniper had indicated on an earlier call that it understood the Court’s Order to be limited to a trial on issues for infringement of the ‘494 Patent. During that September 5th call, Finjan noted that a literal reading of the Court’s Order indicated that the December 10th trial was not necessarily limited to issues for the ‘494 Patent as the Court’s Order stated that it “superseded all previous case management orders.” Thus, a literal reading of the Order would include the case management order that originally set trial in this case for July, 2019. Given the importance of the interpretation of the Court’s Order, Finjan suggested that the parties prepare an appropriate joint submission to the Court. Juniper indicated that it would need to consider the Order and that it would get back to Finjan promptly. Despite Finjan’s follow-up call, voicemail, and an email to Juniper’s counsel asking about making a joint submission on September 6th and 7th, Juniper, with no warning given to Finjan, filed an *ex parte* letter seeking clarification.

Finjan is willing and able to try any combination of patents or issues for the scheduled December 10th trial that the Court deems suitable, including a trial covering all patents and issues or a trial only on those issues related to infringement of the ‘494 Patent. Once the Court has provided clarification on the scope of its Order, Finjan will work with Juniper to set out a suitable schedule to prepare for trial.

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Respectfully submitted,

/s/ Paul Andre

Paul Andre
Kramer Levin Naftalis & Frankel LLP

Attorneys for Plaintiff
FINJAN, INC.