

1 PAUL J. ANDRE (State Bar No. 196585)
pandre@kramerlevin.com
2 LISA KOBIALKA (State Bar No. 191404)
lkobialka@kramerlevin.com
3 JAMES HANNAH (State Bar No. 237978)
jhannah@kramerlevin.com
4 KRISTOPHER KASTENS (State Bar No. 254797)
kkastens@kramerlevin.com
5 KRAMER LEVIN NAFTALIS & FRANKEL LLP
6 990 Marsh Road
7 Menlo Park, CA 94025
8 Telephone: (650) 752-1700
Facsimile: (650) 752-1800

9 *Attorneys for Plaintiff*
10 FINJAN, INC.

IRELL & MANELLA LLP
Jonathan S. Kagan (SBN 166039)
jkagan@irell.com
Joshua Glucoft (SBN 301249)
jglucoft@irell.com
Casey Curran (SBN 305210)
ccurran@irell.com
Sharon Song (SBN 313535)
ssong@irell.com
1800 Avenue of the Stars, Suite 900
Los Angeles, California 90067-4276
Telephone: (310) 277-1010
Facsimile: (310) 203-7199

Rebecca Carson (SBN 254105)
rcarson@irell.com
Kevin Wang (SBN 318024)
kwang@irell.com
840 Newport Center Drive, Suite 400
Newport Beach, California 92660-6324
Telephone: (949) 760-0991
Facsimile: (949) 760-5200

Attorneys for Defendant
JUNIPER NETWORKS, INC.

16 **IN THE UNITED STATES DISTRICT COURT**
17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
18 **SAN FRANCISCO DIVISION**

20 FINJAN, INC.,
21 Plaintiff,
22 v.
23 JUNIPER NETWORKS, INC.,
24 Defendant.

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

**JOINT STIPULATION AND
[PROPOSED] ORDER TO MODIFY
SCHEDULING ORDER**

1 Pursuant to Civil Local Rules 6-1(b), 6-2, and 7-12, Plaintiff Finjan, Inc. (“Finjan”) and
2 Defendant Juniper Networks, Inc. (“Juniper”) (collectively, the “Parties”), by and through their
3 respective counsel, hereby stipulate to the following request to modify the case schedule to require a
4 date certain by which Juniper will further reduce its asserted prior art:

5 WHEREAS, on February 23, 2018, the Court issued a Case Management Order (Dkt. No. 34);

6 WHEREAS, on February 23, 2018, the Court issued an Amended Case Management Order
7 (Dkt. No. 35), which only amended the date of the pretrial conference;

8 WHEREAS, on August 9, 2018, the Parties met and conferred regarding Finjan’s request for a
9 further election of asserted prior art and subsequently reached an agreement to modify the scheduling
10 order to provide a date certain by which Juniper will reduce its asserted prior art;

11 WHEREAS, on September 18, 2018, the Parties met and conferred regarding extending the
12 deadline for Juniper to serve rebuttal expert reports related to damages issues until November 7, 2018,
13 to provide additional time for scheduling depositions;

14 WHEREAS, the Parties respectfully request a modified scheduling order pursuant to which, no
15 later than 45 days after service of Juniper’s updated invalidity contentions pursuant to Patent Local
16 Rule 3-3 (*i.e.*, October 25, 2018), Juniper will serve an Election of Asserted Prior Art, which shall
17 identify no more than 6 grounds¹ per patent and no more than a total of 35 grounds;

18 WHEREAS, the Parties respectfully request a modified schedule order pursuant to which, no
19 later than November 7, 2018, Juniper shall serve its rebuttal expert reports related to damages;

20 WHEREAS, there are and have been no other modifications in the case related to the Court’s
21 scheduling order, other than as described above; and

22 WHEREAS, this requested time modification would not have an effect on the remaining
23 schedule for the case.

24 **IT IS SO STIPULATED.**

25 _____
26 ¹ The parties agree that a “ground” comprises one or more prior art references in combination. For
27 example, anticipation under reference A would be one ground, obviousness under the combination of
28 references A and B is another ground, and obviousness under the combination of A, B, and C is
29 another different ground.

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

Respectfully submitted,

Dated: October 5, 2018

By: /s/ Kristopher Kastens
Paul J. Andre (SBN 196585)
Lisa Kobialka (SBN 191404)
James Hannah (SBN 237978)
Kristopher Kastens (SBN 254797)
KRAMER LEVIN NAFTALIS
& FRANKEL LLP
990 Marsh Road
Menlo Park, CA 94025
Telephone: (650) 752-1700
Facsimile: (650) 752-1800
pandre@kramerlevin.com
lkobialka@kramerlevin.com
jhannah@kramerlevin.com
kkastens@kramerlevin.com

Attorneys for Plaintiff
FINJAN, INC.

Respectfully submitted,

Dated: October 5, 2018

By: /s/ Rebecca Carson
Rebecca L. Carson (SBN 254105)
rcarson@irell.com
IRELL & MANELLA LLP
840 Newport Center Drive, Suite 400
Newport Beach, California 92660-6324
Telephone: (949) 760-0991
Facsimile: (949) 760-5200

Attorneys for Defendant
JUNIPER NETWORKS, INC.

ATTESTATION PURSUANT TO L.R. 5-1(I)

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from any other signatory to this document.

/s/ Kristopher Kastens
Kristopher Kastens

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

There being a showing of good cause based on the parties' stipulation, the schedule in the Case Management Order is modified as set forth below:

- 1) Not later than 45 days after service of its supplemental invalidity contentions (*i.e.*, by October 25, 2018), Juniper shall serve an Election of Asserted Prior Art, which shall identify no more than 6 grounds per patent and no more than a total of 35 grounds, where a "ground" comprises one or more prior art references in combination. For example, anticipation under reference A would be one ground, obviousness under the combination of references A and B is another ground, and obviousness under the combination of A, B, and C is another different ground.
- 2) Juniper shall serve its rebuttal expert reports related to damages issues by November 7, 2018.

DATED: _____

The Honorable William Alsup