

Kramer Levin



Paul Andre

Partner

T 650-752-1700

F 650-752-1800

PAndre@KRAMERLEVIN.com

990 Marsh Road

Menlo Park, CA 94025-1949

T 650.752.1700

F 650.752.1800

November 9, 2018

Honorable William Alsup
U.S. District Court, Northern District of California
San Francisco Courthouse
Courtroom 12 – 19th Floor
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:

Plaintiff Finjan, Inc. ("Finjan") simply requests the same schedule with the same page limits that Juniper Networks, Inc. ("Juniper") asked for and received for *Daubert* briefing. See Dkts. 215; 221. This schedule was Juniper's proposal, not Finjan's, and allowing both parties to proceed under it is fair and equitable.

Finjan's request should not be controversial. Finjan seeks to file a *Daubert* motion on Dr. Rubin's "damages" rebuttal report because it uses an improper methodology based on invalidity arguments that are unsuitable for a damages opinion. Similarly, Finjan seeks to file a *Daubert* motion on Dr. Ugone's report because it uses an unreliable methodology based on unsuitable facts. If Juniper disputes the content of these motions, it will be free to oppose them according to the same schedule that the Court granted Finjan. See Dkt. 215. Thus, Finjan respectfully reiterates its request to file *Daubert* motions according to the same schedule and page limits granted to Juniper.

Respectfully submitted,

Paul Andre

Counsel for Plaintiff Finjan, Inc.