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11 JUNIPER NETWORKS, INC.

12
13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**

16 FINJAN, INC., a Delaware Corporation,) Case No. 3:17-cv-05659-WHA
17)
Plaintiff,)
18 vs.) **JUNIPER NETWORKS, INC.’S NOTICE**
19) **OF MOTION AND MOTION TO DISMISS**
JUNIPER NETWORKS, INC., a Delaware) **FOR FAILURE TO STATE A CLAIM**
20 Corporation,) **UNDER RULE 12(b)(6); MEMORANDUM**
21) **OF POINTS AND AUTHORITIES IN**
Defendant.) **SUPPORT THEREOF**
22)
Date: February 1, 2018
Time: 8:00 a.m.
Judge: William Alsup
Courtroom: 12 – 19th Floor

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NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on February 1, 2018, at 8:00 a.m., or as soon thereafter as the matter may be heard, in Courtroom 12, 19th Floor, of the San Francisco Courthouse, 450 Golden Gate Avenue, San Francisco, California 94102, before the Honorable William Alsup, Defendant Juniper Networks, Inc. (“Juniper”) will and hereby does move for an order dismissing with prejudice the claims of willful infringement and indirect infringement in the complaint filed by Plaintiff Finjan, Inc. (“Finjan”) on September 29, 2017 (the “Complaint”). This motion is based on this Notice of Motion, the Memorandum of Points and Authorities, the Declaration of Rebecca L. Carson, all documents in the Court’s file, and such other written or oral argument as may be presented at or before the time this motion is heard by the Court.

STATEMENT OF RELIEF REQUESTED

Juniper seeks an order dismissing Finjan’s willful infringement and indirect infringement claims pursuant to Rules 8 and 16(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim.

STATEMENT OF ISSUES TO BE DECIDED

Whether the Complaint fails to state claims for willful infringement with respect to U.S. Patent Nos. 6,154,844, 6,804,780, 7,647,633, 7,613,926, 8,141,154, 6,677,494, 7,975,305, and 8,225,408 because Finjan has not set forth adequate factual allegations to establish that Juniper (1) had pre-suit knowledge of the asserted patents, or (2) engaged in “egregious” conduct that would warrant enhanced damages.

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1 Whether the Complaint fails to state a claim for indirect infringement with respect to U.S.
2 Patent Nos. 6,154,844, 6,804,780, 7,647,633, 7,613,926, 6,677,494, 7,975,305, and 8,225,408
3 because Finjan has not set forth adequate factual allegations to establish that Juniper had
4 (1) knowledge of the asserted patents and alleged infringement, or (2) specific intent to induce a
5 third party to infringe the asserted patents.

6 Dated: December 22, 2017

Respectfully submitted,

IRELL & MANELLA LLP

By: /s/ Rebecca Carson

Rebecca Carson
Attorneys for Defendant
JUNIPER NETWORKS, INC.

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