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November 16, 2018

Hon. William Alsup
 U.S. District Court, Northern District of California

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

Dear Judge Alsup:

Finjan writes in response to Juniper's letter (Dkt # 232) filed this morning regarding Finjan's motions *in limine* ("MIL"). Juniper raised this issue with Finjan yesterday claiming that **all** four of Finjan's MILs violated the Court's Guidelines that "[e]ach motion should address a single topic." Finjan informed Juniper its MILs did follow the Court's Guideline and only addressed a single topic, but that Finjan was willing to meet and confer on the issue. Specifically, Finjan informed Juniper as follows:

Each of Finjan's MILs relates to a single topic:

- MIL #1 – Juniper's Late Disclosures
- MIL #2 – Rubin's Improper Arguing of Claim Construction
- MIL #3 – Rubin's Improper Opinions on Prejudicial Material
- MIL #4 – Juniper's Improper Introduction of Prejudicial Material

Juniper choose not to meet and confer with Finjan, but instead filed its letter. Apparently, Finjan's email response persuaded Juniper that Finjan's first two MILs followed the Court's Guideline, as Juniper only requests relief on MILs #3 and #4.

Finjan's MIL #3 seeks to preclude Juniper's expert Dr. Rubin from testifying regarding prejudicial materials in his **three** expert reports. The single topic of Dr. Rubin's inappropriate opinions spread out over three expert reports does not consist of five separate topics as Juniper complains, but instead identifies five different instances where Dr. Rubin provided such inappropriate opinions. Under Juniper's interpretation of the Court's Guideline, parties would be required to file a MIL on every instance where an expert sought to introduce a host of inappropriate opinions instead of tackling this single issue in a single MIL.

The same is true of MIL #4 relating to Juniper's introduction of prejudicial material at trial. The single issue to preclude irrelevant and prejudicial material identifies three different examples of such prejudicial material, but does not consist of three separate topics.

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Finjan request the Court deny Juniper's request to require multiple MILs where a single MIL addresses the one issue that Finjan seeks to be precluded.

Respectfully submitted,

/s/ Paul Andre

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