

EXHIBIT 2

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11 *Attorneys for Defendant*
12 JUNIPER NETWORKS, INC.

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

16 FINJAN, INC., a Delaware Corporation,
17 Plaintiff,
18 vs.
19 JUNIPER NETWORKS, INC., a Delaware
Corporation,
20 Defendant.
21

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

**DEFENDANT JUNIPER NETWORKS,
INC.'S RESPONSE TO PLAINTIFF
FINJAN, INC.'S THIRD SET OF
REQUESTS FOR PRODUCTION (NOS.
87-97)**

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1 action, the amount in controversy, the parties' relative access to relevant information, the parties'
2 resources, the importance of the discovery in resolving the issues, and whether the burden or
3 expense of the proposed discovery outweighs its likely benefit. In particular, the parties have
4 agreed in their stipulation regarding the discovery of ESI that the following sources of information
5 are not reasonably accessible: backup media including disaster recovery systems, digital
6 voicemail, instant messaging, systems no longer in use, and automatically saved versions of
7 documents. Additionally, Juniper will not search through non-network drives, regardless of
8 whether those drives are owned by Juniper or personally by its employees and regardless of
9 whether those drives are internal or external, as such searches are not reasonably accessible and
10 any information contained therein is likely to be cumulative to and/or duplicative of information
11 maintained on active network servers. Additionally, Juniper will not search through hard copy
12 files as such searches are not reasonably accessible and any information contained therein is likely
13 to be cumulative to and/or duplicative of information maintained on active network servers.

14 Juniper also specifically objects to this Request on the grounds that it is overbroad, undue
15 burdensome, oppressive, vague and ambiguous, and seeks irrelevant information and information
16 that is not proportional to the needs of the case, including with respect to Finjan's overly broad
17 definition of "related to." Juniper will not search for documents that do not directly pertain to the
18 claims and defenses at issue in this matter that are dated from within the statutory damages period.

19 Subject to these specific objections and the General Objections incorporated herein,
20 Juniper responds that it will produce licenses with Kaspersky.

21 **REQUEST FOR PRODUCTION NO.95 :**

22 All Documents identifying the number and location of servers, including but not limited to
23 cloud servers (e.g., Amazon Web Services), utilized by the Accused Instrumentalities.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 95:**

25 Juniper incorporates herein by reference all General Objections set forth above.

26 Juniper also specifically objects to the definition of "Accused Instrumentalities" as
27 including previous or currently-contemplated versions, revision, releases, or continuations of any
28 Juniper products or services other than those specifically identified (including by model number)

1 in Finjan’s Infringement Contentions and also in the operative complaint. Juniper will interpret
2 this Request as limited to only those instrumentalities specifically identified in both the operative
3 complaint and Finjan’s Infringement Contentions and also made, used, sold, offered for sale, or
4 imported into the U.S. within the statutory damages period.

5 Juniper also specifically objects to this Request to the extent that it seeks information or
6 documents that are subject to the attorney-client privilege, that evidence or constitute attorney
7 work product, or that otherwise are not discoverable or are the subject of any other applicable
8 privilege or immunity, whether based upon statute or recognized at common law.

9 Juniper also specifically objects to this Request as seeking discovery that is not
10 proportional to the needs of the case, considering the importance of the issues at stake in the
11 action, the amount in controversy, the parties’ relative access to relevant information, the parties’
12 resources, the importance of the discovery in resolving the issues, and whether the burden or
13 expense of the proposed discovery outweighs its likely benefit. In particular, the parties have
14 agreed in their stipulation regarding the discovery of ESI that the following sources of information
15 are not reasonably accessible: backup media including disaster recovery systems, digital
16 voicemail, instant messaging, systems no longer in use, and automatically saved versions of
17 documents. Additionally, Juniper will not search through non-network drives, regardless of
18 whether those drives are owned by Juniper or personally by its employees and regardless of
19 whether those drives are internal or external, as such searches are not reasonably accessible and
20 any information contained therein is likely to be cumulative to and/or duplicative of information
21 maintained on active network servers. Additionally, Juniper will not search through hard copy
22 files as such searches are not reasonably accessible and any information contained therein is likely
23 to be cumulative to and/or duplicative of information maintained on active network servers.

24 Juniper also specifically objects to this Request on the grounds that it is overbroad, undue
25 burdensome, oppressive, vague and ambiguous, and seeks irrelevant information and information
26 that is not proportional to the needs of the case, including with respect to Finjan’s overly broad
27 definition of “related to.” Juniper will not search for documents that do not directly pertain to the
28 claims and defenses at issue in this matter that are dated from within the statutory damages period.

1 Juniper also specifically objects to this Request on the grounds that it is overbroad, unduly
2 burdensome, oppressive, and seeks irrelevant information and information that is not proportional
3 to the needs of the case because Finjan has not accused all servers that may be utilized of
4 infringement nor indicated in its improperly vague and ambiguous damages contentions how such
5 information may be relevant to damages. Juniper will limit the scope of its search to
6 documentation related to servers that host or directly interface with specifically accused features
7 of the deployed or sold products at issue in this litigation (if any, and subject to, among other
8 things, the qualification above regarding the scope of the term “Accused Instrumentalities”).

9 Subject to these specific objections and the General Objections incorporated herein,
10 Juniper responds that it will produce invoices from Amazon reflecting data usage of Amazon Web
11 Services by Sky ATP.

12 **REQUEST FOR PRODUCTION NO. 96:**

13 All Documents identifying the amount of incoming and outgoing network traffic on
14 servers, including but not limited to cloud servers (e.g., Amazon Web Services), utilized by the
15 Accused Instrumentalities.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 96:**

17 Juniper incorporates herein by reference all General Objections set forth above.

18 Juniper also specifically objects to the definition of “Accused Instrumentalities” as
19 including previous or currently-contemplated versions, revision, releases, or continuations of any
20 Juniper products or services other than those specifically identified (including by model number)
21 in Finjan’s Infringement Contentions and also in the operative complaint. Juniper will interpret
22 this Request as limited to only those instrumentalities specifically identified in both the operative
23 complaint and Finjan’s Infringement Contentions and also made, used, sold, offered for sale, or
24 imported into the U.S. within the statutory damages period.

25 Juniper also specifically objects to this Request to the extent that it seeks information or
26 documents that are subject to the attorney-client privilege, that evidence or constitute attorney
27 work product, or that otherwise are not discoverable or are the subject of any other applicable
28 privilege or immunity, whether based upon statute or recognized at common law.

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