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11 FINJAN, INC.

11 **IN THE UNITED STATES DISTRICT COURT**  
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
13 **SAN FRANCISCO DIVISION**

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

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

**PLAINTIFF FINJAN, INC.'S OPPOSITION  
TO DEFENDANT JUNIPER NETWORKS,  
INC.'S MOTION TO DISMISS FINJAN,  
INC.'S COMPLAINT FOR FAILURE TO  
STATE A CLAIM UNDER RULE 12(b)(6)**

Date: February 1, 2018  
Time: 8:00 a.m.  
Dept.: Courtroom 12, 19<sup>th</sup> Floor  
Judge: Hon. William Alsup

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28 **STATUTES**

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1 Plaintiff Finjan, Inc. (“Finjan”) hereby submits its Opposition to Defendant Juniper Networks,  
2 Inc.’s (“Defendant” or “Juniper”) Motion to Dismiss Plaintiff’s Complaint for Failure to State A Claim  
3 Under Rule 12(b)(6). Dkt. No. 23 (the “Motion”).

4 **I. INTRODUCTION**

5 Finjan alleged in its Complaint (Dkt. No. 1, the “Complaint”) sufficient facts to demonstrate  
6 that Juniper knowingly infringed the asserted patents, which is all that is required to state a claim for  
7 willfulness at the pleading stage under the relaxed standard set forth in *Halo*. See *Straight Path IP*  
8 *Grp., Inc. v. Apple Inc.*, No. C 16-03582 WHA, 2017 WL 3967864, at \*4 (N.D. Cal. Sept. 9, 2017).  
9 Finjan alleged additional facts in support of its claim for willfulness beyond the threshold for  
10 pleadings, including that Juniper knew specifically of each asserted patent, was willfully blind to its  
11 own infringement for at least three years, and continued to manufacture and sell infringing products  
12 despite its knowledge of infringement while ignoring Finjan’s attempts at licensing discussions.

13 Finjan also alleged sufficient facts to support its claims for induced infringement, including that  
14 Juniper had knowledge of its own infringement, had knowledge of each asserted patent, and knowingly  
15 advertised, encouraged, promoted, and assisted its customers in infringing the patents by using the  
16 products that Juniper sold them. Juniper’s attempts to reduce Finjan’s evidence of inducement to two  
17 top level directories of its massive online repository for manuals, instructions, and operating guides is  
18 misleading. Finjan attached those top level directories of Juniper’s repository as examples because  
19 attaching the entire, extensive library is infeasible. Further, Finjan attached 28 exhibits to the  
20 Complaint and cited numerous screenshots, websites, and videos across multiple platforms that  
21 demonstrate Juniper’s widespread and intentional inducement of infringement using its products.

22 Thus, Finjan’s claims for willfulness and induced infringement are sufficiently pled and  
23 Juniper’s Motion should be denied. In the alternative, however, Finjan requests leave to amend its  
24 Complaint to cure any deficiencies regarding its claims of willful and induced infringement.

25 **II. STATEMENT OF ISSUES TO BE DECIDED**

26 Whether Juniper’s Motion should be denied because Finjan’s Complaint alleges plausible  
27 causes of action of willful and induced infringement.

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