

IRELL & MANELLA LLP

A REGISTERED LIMITED LIABILITY LAW PARTNERSHIP
INCLUDING PROFESSIONAL CORPORATIONS1800 AVENUE OF THE STARS, SUITE 900
LOS ANGELES, CA 90067-4276
TELEPHONE (310) 277-1010
FACSIMILE (310) 203-7199840 NEWPORT CENTER DRIVE, SUITE 400
NEWPORT BEACH, CALIFORNIA 92660-6324TELEPHONE (949) 760-0991
FACSIMILE (949) 760-5200
WEBSITE: www.irell.com**WRITER'S DIRECT**
TELEPHONE (949) 760-5222
RCarson@irell.com

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Hon. William Alsup
U.S. District Court, Northern District of CaliforniaRe: *Finjan, Inc. v. Juniper Networks, Inc.*, Case No. 3:17-cv-05659-WHA

Dear Judge Alsup:

Defendant Juniper Networks, Inc. ("Juniper") writes to request that the Court strike Paragraph 6 of the Declaration Of Kristopher Kastens In Support Of Plaintiff Finjan, Inc.'s Reply Brief To Its Motion To Exclude Opinions Of Damages Expert Dr. Keith Ugone (Dkt. 245-1).

In Paragraph 6 of Mr. Kastens's declaration Mr. Kastens avers: "Juniper never informed Finjan that its production of source code for the accused products was specific to only certain models of SRX products." This statement is incorrect and should be stricken. As a professional courtesy, Juniper provided Finjan with notice of this error, and allowed Finjan the opportunity to correct it. Finjan refused. *See* Ex. 1 (Email Chain and Attached Letter to Kramer Levin).

Juniper did, in fact, "inform[] Finjan that its production of source code for the accused products was specific to only certain models of SRX products." Specifically, on March 26, 2018, Juniper responded to Finjan's Interrogatory Request No. 3 as follows: "Juniper directs Finjan to the directory structure provided on the secured review computer *to identify the products corresponding to the source code by product name* and release and the directories and subdirectories of the source code corresponding to the active source code incorporated into each of the products. The table below shows the versions of Junos *corresponding to specific SRX Gateways.*" Ex. 2 (Juniper's Resp. to Finjan's Interrogatory No. 3). Additionally, Juniper provided the following table in its response, which demonstrates that the source code varies between the different SRX models.

	Junos 12.1	Junos 12.1X44	Junos 12.1X45	Junos 12.1X46	Junos 12.1X47	Junos 12.3X48	Junos 15.1X49	Junos 17.3	Junos 17.4
Release Date	3/28/12	1/18/13	7/17/13	12/30/13	8/18/14	3/6/15	6/30/15	8/25/17	12/21/17
SRX110	✓	✓	✓	✓	✓	✓	×	×	×
SRX220	✓	✓	✓	✓	✓	✓	×	×	×
SRX3XX	×	×	×	×	×	×	✓	✓	✓
SRX550	N/A	✓	✓	✓	✓	✓	✓	✓	✓
SRX1400	✓	✓	✓	✓	✓	✓	×	×	×
SRX1500	×	×	×	×	×	×	✓	✓	✓
SRX3400	✓	✓	✓	✓	✓	✓	×	×	×

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SRX3600	✓	✓	✓	✓	✓	✓	×	×	×
SRX4100	×	×	×	×	×	×	✓	✓	✓
SRX4200	×	×	×	×	×	×	✓	✓	✓
SRX5400	✓	✓	✓	✓	✓	✓	✓	✓	✓
SRX5600	✓	✓	✓	✓	✓	✓	✓	✓	✓
SRX5800	✓	✓	✓	✓	✓	✓	✓	✓	✓
vSRX	×	×	×	✓	✓	✓	✓	✓	✓
cSRX	×	×	×	×	×	×	×	×	×

See id.

Juniper believes Finjan submitted this false statement as part of its effort to expand the list of accused products from “(1) Juniper’s SRX Gateways used in combination with Sky ATP and (2) Sky ATP alone” (*See* Dkt. 98 (Finjan’s Mot. for Summ. J.) at 1; Dkt. 185 (Order re Finjan Mot. for Summ. J.) at 3) to include SRX Gateways that contain code that could allow them to interface with Sky ATP, whether or not they were ever used in combination with each other. This issue is addressed in detail in the *Daubert* motions and other pre-trial briefings the parties have submitted or are submitting to the Court.

Respectfully submitted,

/s/ Rebecca L. Carson

Rebecca L. Carson
IRELL & MANELLA LLP
Attorneys for Defendant
Juniper Networks, Inc.