

# Kramer Levin



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**November 27, 2018**

Honorable William Alsup  
U.S. District Court, Northern District of California  
San Francisco Courthouse  
Courtroom 12 – 19<sup>th</sup> Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102

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

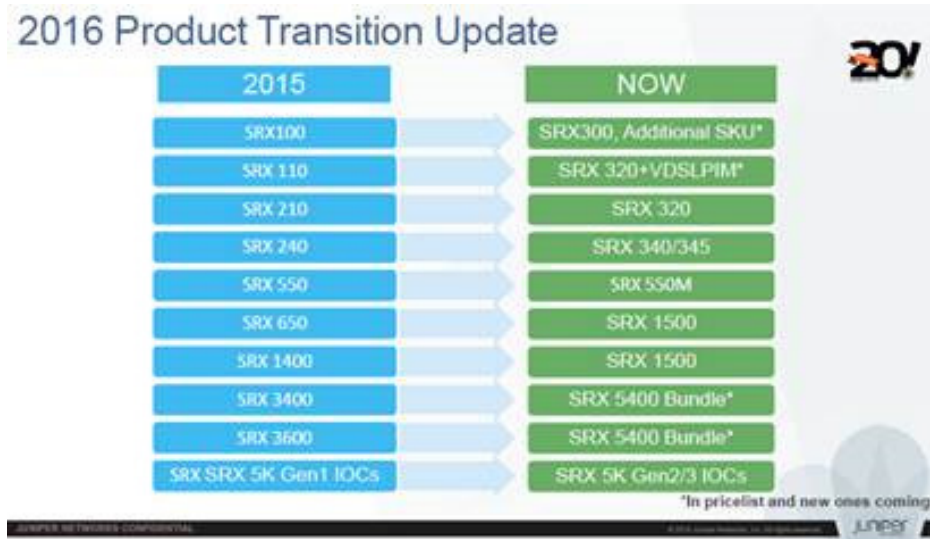
Dear Judge Alsup:

Juniper's letter to the Court yesterday (Dkt. 250) is incorrect -- Juniper did not inform Finjan which SRX products are able to interface with Sky ATP. Paragraph 6 of the Kastens's declaration states: "Juniper never informed Finjan that its production of source code for the **accused products** was specific to only certain models of SRX products." (Emphasis added.) This declaration is made in the context of Finjan's *Dabuert* motion for the '494 Patent, where the accused products for the '494 Patent include Sky ATP by itself and SRX with Sky ATP.

The mapping between SRX series and Junos versions (which is the operating system that runs on SRX) in Juniper's letter is a red herring because the mapping does not show which SRX or Junos version is able to interface with Sky ATP. See Juniper's Letter at pp. 1 – 2. In addition, the mapping itself shows that each SRX model supports many Junos versions, and it does not provide an identification of which Junos version the accused SRX models are running on.

More troublesome, however, is Juniper's misstatement regarding the accused products. The mapping in Juniper's letter was generated after the expiration date of the '494 Patent (i.e. January 2017), as evidenced by the inclusion of Junos versions 17.3, 17.4, which came out in late 2017. See Juniper's Letter at p. 1. Additionally, the mapping between SRX and Junos in Juniper's letter does not accurately reflect SRX models during the timeframe of the accused infringement because the SRX series was rebranded in 2016 as shown in the product transition chart below. Ex. 1 at p. 28.

Hon. William Alsup  
November 27, 2018



This product transition chart also shows that the SRX100 and 200 series were rebranded into the SRX300 series; SRX1400 was rebranded into SRX1500; and SRX3400 was rebranded into SRX5400. Contrary to Juniper's statement, the current SRX300, 1500, and 5400 series do include Sky ATP functionalities. See Ex. 2 (Sky ATP Datasheet) at p. 2 (which shows that SkyATP supports SRX340, 1500, and 5000 product lines, and Junos version 15.1X49 or later); see also Juniper's Letter at p. 1 (which shows that SRX3XX runs Junos version 15.1X49).

At least for the above-mentioned reasons, Juniper's request to strike Paragraph 6 of Mr. Kastens's declaration should be denied.

Respectfully submitted,

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