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December 10, 2018

Honorable William Alsup
U.S. District Court, Northern District of California
San Francisco Courthouse
Courtroom 12 – 19th 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 did not provide any disclosure under 35 U.S.C. § 282 regarding prior art or publications showing the state of the art, and therefore objects to any use of prior art or publications at trial. This statute requires that defenses relating to invalidity be disclosed in writing to the adverse party at least thirty days before trial. A failure to make such a disclosure results in exclusion of the references that Juniper intends to use for its Section 101 defense. *See Ferguson-Beauregard/Logic Controls v. Mega Sys. LLC*, 350 F.3d 1327, 1347 (Fed. Cir. 2003) (affirming district court's exclusion of certain prior art based on failure to give notice under 35 U.S.C. § 282). Notwithstanding Juniper's failure to make a Section 282 disclosure, it informed Finjan this afternoon that it intends to use several prior art and state of the art references with its expert. Accordingly, Finjan respectfully request the Court to sustain Finjan's objections to these exhibits.

Respectfully submitted,

Paul Andre

Counsel for Plaintiff Finjan, Inc.