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December 13, 2018

Hon. William Alsup
U.S. District Court, Northern District of California

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

Dear Judge Alsup:

Juniper writes to inform the court that it intends to request the following modifications to the Court's charge to the jury and special verdict form at the upcoming charging conference:

- Removal of all references to and instructions regarding the doctrine of equivalents, given that Finjan did not present a doctrine of equivalents theory at trial (Instruction Nos. 18-23; Question 2 of Special Verdict Form).
- Revisions to the references to and instructions regarding constructive notice to clarify that Finjan must show both (1) that it marked all or substantially all of its products that embody the '494 Patent, *and* (2) that it made reasonable efforts to ensure that its licensees who made, offered for sale, or sold products under the '494 patent marked the products (Instruction Nos. 26, 29; Question 3 of Special Verdict Form).
- Revisions to the actual notice instruction to make clear that the affirmative communication must related to a *specific* accused product or device (Instruction No. 27).

Respectfully submitted,

/s/ Rebecca L. Carson

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