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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 NOTICE OF
SUPPLEMENTAL AUTHORITY**

1 Plaintiff Finjan, Inc. writes to notify the Court of relevant supplemental authority regarding issues
2 presented in Finjan's post-trial motions from the first round of showdown and second round of summary
3 judgment briefing, which are currently pending. Dkt. No. 353 at 24; Dkt. No. 365 at 15; Dkt. No. 370-4
4 at 5.

5 On February 14, 2019, Judge Gilliam issued a Claim Construction Order, which construed the
6 claim terms of patents that are also at issue in this case. *Finjan, Inc. v. Bitdefender Inc., et al.*, Case No.
7 17-cv-04790-HSG, Dkt. No. 101 (N.D. Cal., Feb. 14, 2019) ("Bitdefender Litigation"). In particular,
8 Judge Gilliam construed the term "performing a hashing function on the Downloadable and the fetched
9 software components to generate a Downloadable ID" from U.S. Patent No. 6,804,780 (the "780
10 Patent") to be "performing a hashing function that operates across the combination of a Downloadable
11 together with its fetched software components to transmute the Downloadable and its fetched software
12 components into a unique and reproducible ID for that Downloadable." *See* Exhibit A, Bitdefender
13 Litigation, Dkt. No. 101 at 28. Judge Gilliam's construction did not require that the Downloadable ID be
14 a "single hash value," as was required by this Court's claim construction of the term, and relied on for
15 this Court's findings in its Order re Early Motion for Summary Judgment on '780 Patent. Dkt. 177 at 9-
16 10. Judge Gilliam's construction shows an additional intra-district conflict regarding the construction of
17 the term. A copy of Judge Gilliam's Claim Construction Order is attached hereto as Exhibit A for the
18 Court's convenience.

Respectfully submitted,

Dated: February 19, 2019

By: /s/ Kristopher Kastens
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