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13 JUNIPER NETWORKS, INC.

14  
15 **UNITED STATES DISTRICT COURT**  
16 **NORTHERN DISTRICT OF CALIFORNIA**  
17 **SAN FRANCISCO DIVISION**

18 FINJAN, INC., a Delaware Corporation, ) Case No. 3:17-cv-05659-WHA  
19 Plaintiff, )  
20 vs. ) **DEFENDANT JUNIPER NETWORKS,**  
21 JUNIPER NETWORKS, INC., a Delaware ) **INC.'S MOTION TO STRIKE NEW**  
Corporation, ) **THEORIES FROM PLAINTIFF FINJAN,**  
22 Defendant. ) **INC.'S MOTION FOR SUMMARY**  
23 ) **JUDGMENT**  
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1 **NOTICE OF MOTION**

2 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that on May 2, 2019, at 8:00 a.m., or as soon thereafter as the  
4 matter may be heard, in Courtroom 12, 19th Floor, of the San Francisco Courthouse, 450 Golden  
5 Gate Avenue, San Francisco, California 94102, before the Honorable William Alsup, Defendant  
6 Juniper Networks, Inc. (“Juniper”) will and hereby does move for an order striking the new  
7 infringement theories plaintiff Finjan, Inc. (“Finjan”) introduced for the first time in its Motion for  
8 Early Summary Judgment Regarding Infringement of Claim 1 of U.S. Patent No. 8,141,154 (Dkt.  
9 No. 369, the “Motion”). This motion is based on: this Notice of Motion; the Memorandum of Points  
10 and Authorities below; the Declaration of Joshua Glucoft and exhibits attached thereto; all  
11 documents in the Court’s file; and such other written or oral argument as may be presented at or  
12 before the time this motion is heard.

13 The parties met and conferred regarding this issue but Finjan was unwilling to withdraw its  
14 previously undisclosed infringement theories and unable to provide specific citations in its  
15 infringement contentions showing where all of Finjan’s new infringement theories were disclosed.

16 **STATEMENT OF RELIEF REQUESTED**

17 Juniper seeks an order striking from Finjan’s Motion and corresponding expert declaration  
18 all of the new infringement theories that Finjan presented for the first time in its Motion because  
19 Finjan failed to timely and properly disclose such theories as required under Patent L.R. 3.

20 **STATEMENT OF ISSUES TO BE DECIDED**

21 1. Whether Finjan disclosed its identification of “http://” as the claimed “first function”  
22 in its infringement contentions.

23 2. Whether Finjan disclosed its identification of ATP Appliance’s SmartCore  
24 component as the claimed “content processor” and chain heuristics engine as the claimed “security  
25 computer” in its infringement contentions.

26 3. Whether Finjan disclosed its identification of Sky ATP’s “verdict engine” as the  
27 claimed “security computer” in its infringement contentions.

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1           4.       Whether Finjan disclosed its identification of “whitelisting” and starting/stopping  
2 file analysis as the claimed “second function” in its infringement contentions.

3           5.       Whether Finjan disclosed its identification of marking an object as “clean” or moving  
4 an object to “END” state as the claimed “second function” in its infringement contentions.

5           6.       Whether Finjan disclosed its identification of transmitting a verdict that is  
6 independent of the client computer’s security policy as infringing under the doctrine of equivalents  
7 in its infringement contentions.

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