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13 JUNIPER NETWORKS, INC.

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

18 FINJAN, INC.,) Case No. 3:17-cv-05659-WHA
19)
20 Plaintiff,) **[PROPOSED] ORDER GRANTING**
21 vs.) **JUNIPER NETWORKS, INC.'S MOTION**
22) **TO STRIKE NEW THEORIES FROM**
23) **PLAINTIFF FINJAN, INC.'S MOTION**
24) **FOR SUMMARY JUDGMENT**
25)
26 JUNIPER NETWORKS, INC.,)
27)
28 Defendant.)

1 The Court, having carefully considered Defendant Juniper Networks, Inc.’s (“Juniper”)
2 Motion for To Strike New Theories From Plaintiff Finjan, Inc.’s Motion For Summary Judgment
3 (the “Motion”) regarding claim 1 of U.S. Patent No. 8,141,154, the related opposition and reply
4 briefing, and the arguments of counsel, with good cause appearing, hereby orders that Juniper’s
5 Motion is GRANTED. The following theories are struck from Finjan’s motion for summary
6 judgment (Dkt. No. 369) and corresponding expert declaration (Dkt. No. 369-1):

- 7 1. Theories in which “http://” is the claimed “first function”;
- 8 2. Theories in which the ATP Appliance’s SmartCore is the claimed “content
9 processor” or in which the ATP Appliance’s chain heuristics engine is the claimed “security
10 computer”;
- 11 3. Theories in which Sky ATP’s “verdict engine” is the claimed “security computer”;
- 12 4. Theories in which “whitelisting” or starting/stopping file analysis is the claimed
13 “second function” with respect to Sky ATP;
- 14 5. Theories in which marking an object as “clean” or moving an object to “END” state
15 is the claimed “second function” with respect to ATP Appliance; and
- 16 6. Finjan’s doctrine of equivalent theory.

17 IT IS SO ORDERED.

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19 Dated: _____

20 Hon. William Alsup
21 United States District Court Judge
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