

EXHIBIT 21

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

17 FINJAN, INC., a Delaware Corporation,) Case No. 3:17-cv-05659-WHA
18)
Plaintiff,)
19 vs.) **DEFENDANT JUNIPER NETWORKS,**
20 JUNIPER NETWORKS, INC., a Delaware) **INC.'S FIRST SUPPLEMENTAL**
Corporation,) **RESPONSE TO PLAINTIFF FINJAN,**
21) **INC.'S FIRST SET OF REQUESTS FOR**
Defendant.) **PRODUCTION**
22)

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1 Pursuant to Federal Rules of Civil Procedure 26 and 34, Defendant Juniper, Inc.
2 (“Juniper”) hereby submits the following first supplemented objections and responses
3 (collectively, the “First Supplemental Responses”) to the First Set of Requests for Production (the
4 “Requests”) by Defendant Finjan, Inc. (“Finjan”).

5 **PRELIMINARY STATEMENT**

6 Juniper has not completed discovery in this action and has not completed preparation for
7 trial. These First Supplemental Responses, while based on diligent inquiry and investigation by
8 Juniper, necessarily reflect only the current state of Juniper’s knowledge, understanding, and
9 belief based upon the information reasonably available to Juniper at this time. Juniper anticipates
10 that further facts and information may be discovered. Without in any way obligating itself to do
11 so, Juniper reserves the right to modify, supplement, revise, or amend these First Supplemental
12 Responses and to correct any errors or omissions which may be contained herein in light of the
13 information that Juniper may subsequently obtain or discover. Furthermore, these First
14 Supplemental Responses are provided without prejudice to Juniper’s use or reliance on, at trial,
15 hearing, or otherwise, subsequently discovered facts or information or facts or information omitted
16 from these responses. The following First Supplemental Responses are given without prejudice to
17 Juniper’s right to produce evidence of any subsequently discovered fact. Juniper accordingly
18 reserves the right to change any and all responses herein as additional facts are ascertained,
19 analyses are performed, legal research is completed, and contentions are investigated. This
20 introductory statement shall apply to each and every First Supplemental Response given herein
21 and shall be incorporated by reference as though set forth in each First Supplemental Response
22 appearing below.

23 Juniper’s production will be provided on a rolling basis phased to occur after disclosures
24 under Patent L.R. 3-4, pursuant to the parties’ agreement set forth in the stipulation regarding
25 discovery of ESI. Juniper’s technical production related to SRX, Sky ATP, and Space Security
26 Director is complete. Juniper has also made ATP Appliance’s source code available for review.
27 Juniper’s production related to ATP Appliance will be provided on a rolling basis starting in
28 June 2018.

1 product. Juniper also objects to the definition of “Accused Instrumentalities” as including “all
2 additional products accused of infringement by Finjan in this action in infringement contentions or
3 similar pleadings,” particularly Spotlight Secure Threat Intelligence Platform. That product was
4 not identified in the operative complaint and it is therefore not part of this case. *See id.*; *see also*
5 *Richtek Tech. Corp. v. uPi Semiconductor Corp.*, 2016 WL 1718135, at *2 (N.D. Cal. Apr. 29,
6 2016) (Alsup, J.) (“[T]he filing of a complaint sets the cut-off date for the scope of a case, subject
7 to the possibility of supplementation. Nevertheless, for some time, patent owners have made
8 open-ended allegations in their complaint that do not specifically identify the accused products
9 and used amendments to their infringement contentions to expand the scope of the case to
10 encompass products...without the need to file a supplemental complaint—essentially sneaking
11 new products into the case through the back door of infringement contentions.”). Juniper also
12 objects to the definition of “Accused Instrumentalities” to the extent that it purports to include
13 previous or currently contemplated versions, revision, releases, or continuations of any Juniper
14 products or services other than those specifically identified (including by model number) in
15 Finjan’s Infringement Contentions and also in the operative complaint. To the extent applicable,
16 Juniper will interpret each and every Interrogatory as limited to only those instrumentalities
17 specifically identified in both the operative complaint *and* Finjan’s Infringement Contentions and
18 also made, used, sold, offered for sale, or imported into the U.S. within the statutory damages
19 period.

20 3. Juniper objects to the Requests, including but not limited to the Instructions and
21 Definitions, to the extent they are inconsistent with, seek to impose obligations not required by, or
22 seek to expand the scope of permissible discovery under the Federal Rules of Civil Procedure, the
23 Federal Rules of Evidence, the Local Rules of the Northern District of California, any Order of the
24 Court, or any agreement between the parties, specifically including the parties’ agreement set forth
25 in the Joint Case Management Statement and the (anticipated) stipulation regarding discovery of
26 ESI with respect to paragraphs 15, 16, 18, and 20 of Judge Alsup’s Supplemental Order. *See* Dkt.
27 No. 31 at p. 15. Juniper will not identify the Request in response to which any document is being
28 produced for any Request. Juniper will furnish only information in the direct possession, custody,

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