1	PAUL ANDRE (State Bar No. 196585)						
2	pandre@kramerlevin.com LISA KOBIALKA (State Bar No. 191404)						
	lkobialka@kramerlevin.com						
3	JAMES HANNAH (State Bar No. 237978)						
4	jhannah@kramerlevin.com KRISTOPHER KASTENS (State Bar No. 254797)						
5	kkastens@kramerlevin.com						
6	KRAMER LEVIN NAFTALIS & FRANKEL LLP 990 Marsh Road						
7	Menlo Park, CA 94025						
	Telephone: (650) 752-1700 Facsimile: (650) 752-1800						
8	1 acsimile. (030) 732-1800						
9	Attorneys for Plaintiff						
10	FINJAN, INC.						
11	IN THE UNITED STATES DISTRICT COURT						
12	FOR THE NORTHERN DISTRICT OF CALIFORNIA						
13	SAN FRANCISCO DIVISION						
14							
15	FINJAN, INC., a Delaware Corporation,	Case No.: 3:1	7-cv-05659-WHA				
16	Plaintiff,	PLAINTIFF	FINJAN, INC.'S REPLY IN				
17			OF ITS SECOND MOTION FOR				
18	V.		MARY JUDGMENT, G INFRINGEMENT OF CLAIM 1				
	JUNIPER NETWORKS, INC., a Delaware	OF U.S. PAT	ENT NO. 8,141,154				
19	Corporation,	Date:	May 2, 2019				
20	Defendant.	Time:	8:00 a.m.				
21		Courtroom: Before:	Courtroom 12, 19 th Floor Hon. William Alsup				
22		Before.	Tion. William / Hsup				
23							
24	REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED						
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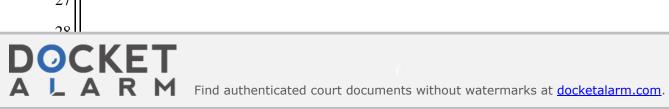


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I. INTRODUCTION

Juniper, Inc.'s ("Juniper") arguments are universally without merit and an attempt to distract from the true issue of whether Juniper infringes under a plain reading of Claim 1 of U.S. Patent No. 8,141,154 (Dkt. 369-3, "the '154 Patent").

II. CLAIM CONSTRUCTION

A. "Safe" Should be given its Plain and Ordinary Meaning

Finjan has always maintained that "safe" is a well-understood term that needs no construction. *See* Dkt. 176 at 20-21; Dkt. 187 at 15. Juniper's proposed construction is wrong because there are numerous examples in the specification where safe does not take Juniper's narrow interpretation, making Juniper's reliance on *Rembrandt Wireless Techs., LP v. Samsung Elecs. Co.*, 853 F.3d 1370 (Fed. Cir. 2017) incorrect. '154 Patent at 13:29-36 (sending a variable "name_of_function" "so that input inspector 275 can determine whether it is safe to invoke the specific original function with the input."); *id.* at 13:10-13 (an "input inspector 275 determines that an input is riot safe ..."); *id.* at 11:59-63 (functions that are "normally considered to be safe" regardless of any client computer policy); *id.* at 9:29-35 (calls that are already "known to be safe," which is necessarily determined before accessing any client computer policy).

Juniper also mischaracterized the specification for its argument for its construction of "safe." Opp. at 6. Juniper discusses a single embodiment near the end of the specification that does not describe the inventions as whole, but shows that "safe" simply means a security computer returning an indicator that says "true." '154 Patent at 14:64–15:3 ("If the indicator is true, indicating that it is safe for the client computer to invoke ..."). Therefore, even in the example identified by Juniper, the embodiment discloses that "safe" is just "true," and therefore does not need to be limited in the manner Juniper suggests. *Id.* at 10:4-6 (safety indicator "may be a Boolean variable, or a variable with more than two settings that can carry additional safety inspection information"). Juniper also ignores that its proposed construction reads out embodiments from the specification that do not limit the determination of whether content is safe to any "security policy" or "client computer," which is another exception to the rule stated in *Rembrandt*. *See*, *e.g.*, '154 Patent Abstract; *id.* at 5:18-25; 5:39-50; 6:4-26; *see also*



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both exceptions to the rule of interpreting "i.e." as "definitional" apply here and Juniper's construction should be rejected. *Rembrandt*, 853 F.3d at 1377.¹

B. "Content processor" should be given its plain and ordinary meaning

Finjan has also always maintained that "content processor" has its plain and ordinary meaning. Dkt. 176 at 17. Juniper, in its Opposition, however, changed both the term it seeks to construe and its proposed construction. First, Juniper truncates the term it seeks construe to just "content processor" from its previous identification of the entire 45 word element. Juniper then adds limitations to its proposed construction, including for the first time the limitations of a "client/user computer" and "modified content." Juniper should not be permitted to change the terms it is construing and its construction of this term, in the middle of summary judgment, as it prejudices Finjan who relied on Juniper's disclosed claim construction. Further, Juniper's argument that its newly revised construction "reflects the plain and ordinary meaning" is nonsensical, because Juniper modifies two plain English words to limit both the location of processing ("client/user") and the type of content processed ("modified"). Opposition ("Opp.") at 6-7. Juniper's construction also makes no sense in the context of the claims because it would have the content processor processing both modified and unmodified content simultaneously: "a [processor on a client/user computer that processes modified content] (i) for processing content received over a network, the content including a call to a first function, and the call including an input, and (ii) for invoking a second function with the input, only if a security computer indicates that such invocation is safe." (underlining added).

Juniper's new limitation of "modified content" cannot apply because the '154 Patent provides an example where unmodified content is processed using a content processor, describing a "content processor" "for processing content received over a network." '154 Patent at 7:22-23; *see also id.* at 6:4-14 (describing that "content" received for processing has the "original" function"). Any construction cannot read out this disclosed preferred embodiment. The specification also explains that

² Juniper's argument that Finjan's construction would make the term "superfluous" is equally



¹ Juniper's reliance on *Edwards Lifesciences LLC v. Cook Inc.*, 582 F.3d 1322, 1333-34 (Fed. Cir. 2009) is also misplaced because there was an express disclaimer. By contrast, the '154 Patent gives more than one description of the word "safe" and makes no such disclaimer.

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