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

18 FINJAN, INC., a Delaware Corporation,
19 Plaintiff,
20 vs.
21 JUNIPER NETWORKS, INC., a Delaware
Corporation,
22 Defendant.
23

Case No. 3:17-cv-05659-WHA

**DEFENDANT JUNIPER NETWORKS,
INC.'S REPLY ISO MOTION FOR
SUMMARY JUDGMENT REGARDING
CLAIM 1 OF U.S. PATENT NO. 6,804,780**

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TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- I. FINJAN’S CLAIM CONSTRUCTIONS IGNORE THE INTRINSIC RECORD..... 1
- II. THE UNDISPUTED FACTS SHOW THAT JUNIPER DOES NOT INFRINGE4
 - A. Finjan Does Not Even Oppose Juniper’s Motion On SRX.....4
 - B. The SRX & Sky ATP Combination Does Not Infringe Claim 1. 5
 - 1. Dropped Files Are Not “Software Components Required To Be Executed By The Downloadable”..... 5
 - 2. Sky ATP Does Not “Fetch” Any Referenced Components 6
 - 3. Sky ATP Does Not Hash Files “Together With” Any Fetched Components To Generate A Downloadable ID..... 7
- III. CLAIM 1 IS UNPATENTABLE UNDER 35 U.S.C. § 1019
 - A. Claim 1 is Abstract.....9
 - B. Finjan’s Own Admissions Regarding Claim Scope Demonstrate That There Are No Disputed Facts Regarding The Inventive Concept Prong. 11
- IV. FINJAN’S FAILURE TO COMPLY WITH § 287 BARS PRESUIT DAMAGES 12
 - A. Juniper’s Motion Under 35 U.S.C. § 287 Is Ripe For Adjudication..... 12
 - B. There Is No Dispute That Finjan Failed To Provide Actual Notice Regarding Sky ATP and The ’780 Patent. 13
 - C. The Undisputed Facts Show Finjan Failed To Provide Constructive Notice. 14

UNREDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED**TABLE OF AUTHORITIES**

	Page(s)
Cases	
<i>Am. Med. Sys., Inc. v. Med. Eng'g Corp.</i> , 6 F.3d 1523 (Fed. Cir. 1993).....	12, 14
<i>Amsted Indus., Inc. v. Buckeye Steel Castings Co.</i> , 24 F.3d 178 (Fed. Cir. 1994).....	13
<i>Arctic Cat Inc. v. Bombardier Recreational Prods. Inc.</i> , 876 F.3d 1350 (Fed. Cir. 2017).....	15
<i>Arthrex, Inc. v. Smith & Nephew, Inc.</i> , No. 2:15-cv-01047-RSP, Dkt. 275 (E.D. Tex. Nov. 29, 2016).....	14
<i>Berkheimer v. HP Inc.</i> , 890 F.3d 1369 (Fed. Cir. 2018).....	11
<i>Beyene v. Coleman Sec. Servs., Inc.</i> , 854 F.2d 1179 (9 th Cir. 1988).....	6
<i>Blitzsafe Tex., LLC v. Honda Motor Co., Ltd.</i> , 2017 U.S. Dist. LEXIS 58358 (E.D. Tex. Jan. 26, 2017)	15
<i>Corning Optical Commc'ns Wireless Ltd. v. SOLiD, Inc.</i> , 2015 WL 5723403 (N.D. Cal. Sept. 16, 2015).....	14
<i>Devices for Medicine, Inc. v. Boehl</i> , 822 F.2d 1062 (Fed. Cir. 1987).....	13
<i>Finjan Software, Ltd. v. Secure Comput. Corp.</i> , 1:06-cv-00369-GMS, Dkt. 226 (D. Del. Mar. 14, 2008)	15
<i>Finjan v. Blue Coat Sys., Inc.</i> , 879 F.3d 1299 (Fed. Cir. 2018).....	10
<i>Finjan, Inc. v. Blue Coat Systems, Inc.</i> , 2015 WL 3630000 (N.D. Cal. June 2, 2015)	3, 4, 8
<i>Finjan, Inc. v. Sophos, Inc.</i> , 3:14-cv-01197-WHO, Dkt. 398 (N.D. Cal. Sept. 21, 2016)	15
<i>Gart v. Logitech, Inc.</i> , 254 F.3d 1334 (Fed. Cir. 2001).....	14
<i>Hoover Universal, Inc. v. Graham Packaging Corp.</i> , 1997 WL 413600 (C.D. Cal. 1997).....	14

UNREDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

1 *Intellectual Ventures I LLC v. Capital One Fin. Corp.*,
850 F.3d 1332 (Fed. Cir. 2017).....11

2

3 *Johnstech Int’l Corp. v. JF Microtech. SDN BHD*,
2016 WL 4242220 (N.D. Cal. 2016).....13

4

5 *Mformation Techs., Inc. v. Research in Motion Ltd.*,
830 F. Supp. 2d 815 (N.D. Cal. 2011)12

6 *Nike, Inc. v. Wal-Mart Stores, Inc.*,
138 F.3d 1437 (Fed. Cir. 1998).....13

7

8 *Nissan Fire & Marine Ins. Co. Ltd. v. Fritz Cos., Inc.*,
210 F.3d 1099 (9th Cir. 2000).....5

9

10 *Palo Alto Networks, Inc. v. Finjan, Inc.*,
IPR2016-00165, Paper No. 7 (April 21, 2016)3

11 *Radware, Ltd. v. F5 Networks, Inc.*,
2016 WL 687979 (N.D. Cal. Feb. 19, 2016).....7

12

13 *Realtime Data, LLC, v. Actian Corp.*,
2017 U.S. Dist. LEXIS 56950 (E.D. Tex. Apr. 4, 2017)15

14 *Semcon IP Inc. v. Huawei Device USA Inc.*,
2017 WL 6343771 (E.D. Tex. Dec. 12, 2017).....15

15

16 *Soverain Software LLC v. Amazon.com, Inc.*,
383 F. Supp. 2d 904 (E.D. Tex. 2005)13

17

18 *SRI Int’l, Inc. v. Adv. Tech. Labs., Inc.*,
127 F.3d 1462 (Fed. Cir. 1997).....13

19 *Von Holdt v. A-1 Tool Corp.*,
714 F. Supp. 2d 863 (N.D. Ill. 2010)12

20

21 **Statutes**

22 35 U.S.C. § 1011, 9, 10, 12

23 35 U.S.C. § 2871, 12, 13, 14

24

25

26

27

28

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