

REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

1 IRELL & MANELLA LLP  
 Jonathan S. Kagan (SBN 166039)  
 2 jkagan@irell.com  
 Alan Heinrich (SBN 212782)  
 3 aheinrich@irell.com  
 Joshua Glucoft (SBN 301249)  
 4 jglucoft@irell.com  
 1800 Avenue of the Stars, Suite 900  
 5 Los Angeles, California 90067-4276  
 Telephone: (310) 277-1010  
 6 Facsimile: (310) 203-7199

7 Rebecca Carson (SBN 254105)  
 rcarson@irell.com  
 8 Kevin Wang (SBN 318024)  
 kwang@irell.com  
 9 Ingrid M. H. Petersen (SBN 313927)  
 ipetersen@irell.com  
 10 840 Newport Center Drive, Suite 400  
 Newport Beach, California 92660-6324  
 11 Telephone: (949) 760-0991  
 Facsimile: (949) 760-5200

12 *Attorneys for Defendant*  
 13 JUNIPER NETWORKS, INC.

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,	)	<b>DEFENDANT JUNIPER NETWORKS, INC.'S OPPOSITION TO PLAINTIFF FINJAN, INC.'S MOTION FOR RELIEF FROM JUDGMENT PURSUANT TO FED. R. CIV. P. 60(B)</b>
19	vs.	)	
20	JUNIPER NETWORKS, INC., a Delaware Corporation,	)	
21	Defendant.	)	Date: May 9, 2019
22		)	Time: 8:00 a.m.
23		)	Courtroom: Courtroom 12, 19 <sup>th</sup> Floor
24		)	Before: Hon. William Alsup

24  
25  
26  
27  
28

REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

**TABLE OF CONTENTS**

1			
2			<b><u>Page</u></b>
3	I.	INTRODUCTION.....	1
4	II.	FACTUAL BACKGROUND .....	2
5	III.	ARGUMENT .....	3
6	A.	Finjan Is Not Entitled To Relief Under Rule 60(b)(2). .....	3
7		1. Finjan Knew About The “Joe Sandbox Database” And	
8		Chose Not To Conduct Discovery On It Because It Was Not	
9		Relevant.....	4
10		2. The Joe Security Documents Are Not Relevant To Finjan’s	
11		’494 Patent Infringement Theory. ....	11
12	B.	Finjan Is Not Entitled To Relief Under Rule 60(b)(3). .....	16
13		1. Juniper Did Not Engage In Misconduct. ....	16
14		2. Finjan Was Not Prevented From Fully And Fairly Presenting	
15		Its Case. ....	18
16	C.	Finjan’s Prejudice Allegations Are Unfounded. ....	19
17	IV.	CONCLUSION .....	20
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			

REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

**TABLE OF AUTHORITIES**

	<b>Page(s)</b>
<b>Cases</b>	
<i>Anderson v. Cryovac, Inc.</i> , 862 F.2d 910 (1st Cir. 1988) .....	19
<i>Belinda K. v. Baldovinos</i> , No. 10-CV-02507-LHK, 2012 WL 3249481 (N.D. Cal. Aug. 7, 2012) .....	15
<i>Berger v. Rossignol Ski Co., Inc.</i> , No. C 05-2523 CR B, 2006 WL 2038324 (N.D. Cal. July 17, 2006) .....	15
<i>Casey v. Albertson's Inc.</i> , 362 F.3d 1254 (9th Cir. 2004) .....	18
<i>Cusano v. Klein</i> , 485 Fed. Appx. 175 (9th Cir. 2012) .....	8
<i>De Saracho v. Custom Food Machinery, Inc.</i> , 182 F.R.D. 601 (N.D. Cal. 1998) .....	17
<i>DeVera v. Japan Airlines</i> , No. 92 Civ. 6698 (JES), 1994 WL 698330 (S.D.N.Y. Dec. 13, 1994) .....	8
<i>Fed. Deposit Ins. Corp. v. Meyer</i> , 781 F.2d 1260 (7th Cir. 1986) .....	15
<i>Immersion Corp. v. Sony Computer Entertainment Am., Inc.</i> , 2006 WL 618599 (N.D. Cal. March 8, 2006) .....	16
<i>Jones v. Aero/Chem Corp.</i> , 921 F.2d 875 (9th Cir. 1990) .....	3, 15, 16, 19
<i>Prism Techs., LLC v. Spring Spectrum L.P.</i> , No. 8:12CV123, 2015 WL 12803695 (D. Neb. Dec. 9, 2015) .....	15
<i>Srinivasan v. DeVry Institute of Tech.</i> , No. 93-56413, 1995 WL 242307 (9th Cir. 1995) .....	15
<i>Venture Industries Corp. v. Autoliv ASP, Inc.</i> , 457 F.3d 1322 (Fed. Cir. 2006) .....	18
<i>Willis v. Mullins</i> , 809 F. Supp. 2d 1227 (E.D. Cal. 2011) .....	15
<b>Rules</b>	
Fed. R. Civ. P. 34 .....	10

REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

1 Fed. R. Civ. P. 60 ..... *passim*  
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

REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

1 **I. INTRODUCTION**

2 The lone jury issue in the December 2018 trial in this matter was whether Juniper's accused  
3 products store what Finjan had identified as the "security profile" in a "database," as those terms  
4 are used in Finjan's '494 Patent. At trial, Juniper did not dispute that its products contained a  
5 "database," as that term is used in the '494 Patent; rather, Juniper argued (successfully) that the  
6 location where it stored the "security profile"—within part of the "Results Database"—is not a  
7 "database" under the agreed construction. Discovery and litigation of other issues in the case  
8 remained ongoing.

9 Before trial, Juniper had provided Finjan with discovery on Joe Sandbox that Juniper  
10 obtained from its technical document repositories and from the specific custodians that Finjan  
11 identified under the ESI Order (including documents demonstrating that Joe Sandbox contained a  
12 database), but Juniper explained that it did not have source code for Joe Sandbox and from Juniper's  
13 perspective it is a "black box" that takes a sample and returns results. Finjan elected not to seek  
14 technical discovery from Joe Security before trial, or request further discovery from Juniper. After  
15 trial, however, Finjan requested additional information from Juniper on Joe Sandbox, and Juniper  
16 was able to obtain twelve additional Joe Sandbox documents from a third-party server. These  
17 documents, like the documents Juniper had previously produced, indicated that Joe Sandbox used  
18 some type of database.

19 Based on the Joe Sandbox documents Juniper produced in response to Finjan's post-trial  
20 requests, Finjan now argues that it is entitled to a new trial. Had it known about these documents  
21 pre-trial, Finjan argues, it could have argued that the Joe Sandbox database satisfied the "database"  
22 requirement of the '494 Patent, and it could not have discovered this information through its own  
23 diligence.

24 As discussed below, there are two main flaws in Finjan's argument: (1) Juniper *did* produce  
25 numerous documents pre-trial demonstrating that Joe Sandbox contained a database, and explained  
26 that it did not have the Joe Security source code required to analyze that database, but Finjan elected  
27 not to seek further information from Joe Security; and (2) even if the database in Joe Sandbox does  
28 satisfies the requirements for a "database" in the '494 Patent (and Juniper does not know whether it

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.