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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,	)	<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

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<i>Immersion Corp. v. Sony Computer Entertainment Am., Inc.</i> , 2006 WL 618599 (N.D. Cal. March 8, 2006) .....	16
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## 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

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