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 15 FINJAN, INC.

16 **IN THE UNITED STATES DISTRICT COURT**
 17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 18 **SAN FRANCISCO DIVISION**

19 FINJAN, INC., a Delaware Corporation,

20 Plaintiff,

21 v.

22 JUNIPER NETWORKS, INC., a Delaware
 23 Corporation,

24 Defendant.

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

**PLAINTIFF FINJAN, INC.’S REPLY IN
 SUPPORT OF ITS MOTION FOR RELIEF
 FROM JUDGMENT PURSUANT TO FED. R.
 CIV. P. 60(B)**

Date: May 9, 2019
 Time: 8:00 a.m.
 Courtroom: 12, 19th Floor
 Before: Hon. William H. Alsup

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1 **I. INTRODUCTION**

2 Finjan is entitled to relief from the jury verdict entered on December 14, 2018 (Dkt. No. 333,
3 “Verdict”) and this Court’s subsequent order denying Finjan’s Motion for Judgment as a Matter of Law
4 on March 11, 2019 (Dkt. No. 387, “Order”) because but for Juniper’s fraudulent concealment of key
5 evidence that proved that Sky ATP had a “database” as recited in Claim 10 of U.S. Patent No.
6 8,677,494 (“the ‘494 Patent”), which was the pivotal issue at the December 2018 trial, the jury would
7 have found infringement. Finjan repeatedly requested such information in discovery for months before
8 trial, but Juniper misrepresented that it had completed its production and stymied Finjan’s diligent
9 efforts to obtain this evidence. Juniper thus prevented the jury from carrying out its civic duty to
10 consider all the evidence before it, interfered with the Court’s ability to dispense justice, and deprived
11 Finjan of a fair trial on the merits of its infringement claim. Incredibly, Juniper filed a Motion for
12 Sanctions (Dkt. No. 409), but its unsupported complaints are swallowed by Juniper’s *months* of
13 discovery misconduct. In fact, Juniper does not reasonably dispute that Finjan requested specific
14 documents from Juniper about Joe Security and Joe Sandbox, that Juniper had them and did not provide
15 them because it said its production was complete, and that the database evidenced in these documents
16 stores dynamic analysis results in the *exact* manner Juniper’s expert testified was required.

17 Juniper offers a handful of citations that are devoid of the technical information found in the
18 documents Finjan had long requested, in order to allege that Finjan could have intuited what Juniper
19 was withholding and thus sought it through subpoena or court intervention. These citations, however,
20 do not eliminate Juniper’s discovery obligations to truthfully, completely, and accurately respond to
21 Finjan’s discovery requests. Further, none of the documents Juniper cited show *how* Joe Sandbox (i)
22 stores the results of the dynamic analysis or (ii) uses a database with a clear schema. In fact, all but one
23 of the documents were produced on November 6, 2018, buried among over 460,000 pages of
24 documents produced that day. Finjan timely followed up in December 2018. The single document
25 Juniper cites that was produced before November 2018 appears only to reference a publicly available
26 database within a schedule of third-party licenses. Not only does this appear to be a different database,
27 but there is no technical information whatsoever in the licensing information. Thus, Juniper cannot

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