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FINJAN, INC.

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

FINJAN, INC., a Delaware Corporation, Plaintiff, v. JUNIPER NETWORKS, INC., a Delaware Corporation, Defendant.	Case No.: 3:17-cv-05659-WHA **PLAINTIFF FINJAN, INC.'S ANSWER TO DEFENDANT JUNIPER NETWORKS, INC.'S COUNTERCLAIMS 1-6** **DEMAND FOR JURY TRIAL**

Plaintiff and Counterclaim-Defendant Finjan, Inc. ("Plaintiff" or "Finjan") hereby answers Counterclaims 1-6 by Defendant and Counterclaim-Plaintiff Juniper Networks, Inc. ("Juniper" or "Defendant") set forth in Defendant's Answer to Finjan's Complaint for Patent Infringement and Counter-claims filed on February 28, 2018 (the "Counterclaims") (Doc. No. 42 at 23-37) as set forth below.

JUNIPER'S COUNTERCLAIMS

Finjan admits that Juniper alleges the following Counterclaims:

THE PARTIES

215. Admitted.

216. Admitted.

217. Finjan admits that it is a plaintiff in the underlying action and contends that Juniper infringes the '844 Patent, the '780 Patent, the '633 Patent, the '926 Patent, the '154 Patent, the '494 Patent, as described in paragraphs 9-32 of the Complaint (the "patents-in-suit"), and that the patents-in-suit are enforceable. Finjan denies that it included the '944 Patent in the Complaint. To the extent not expressly admitted, Finjan denies the allegations in paragraph 217 of the Counterclaims.

JURISDICTION AND VENUE

218. Finjan admits that this action arises under the Patent Act, 35 U.S.C. § 1 *et seq*. and that there exists an actual and justiciable controversy between the parties regarding infringement of the patents-in-suit. To the extent not expressly admitted, Finjan denies the allegations in paragraph 218 of the Counterclaims.

219. Finjan admits that this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338. To the extent not expressly admitted, Finjan denies the allegations in paragraph 219 of the Counterclaims.

220. Finjan admits that this Court has personal jurisdiction over Finjan. To the extent not expressly admitted, Finjan denies the allegations in paragraph 220 of the Counterclaims.

221. Finjan admits that venue is proper in this District. To the extent not expressly admitted, Finjan denies the allegations in paragraph 221 of the Counterclaims.

BACKGROUND

222. Finjan admits that Juniper purports to seek a declaratory judgment that the patents-in-suit are invalid, not infringed, and unenforceable. To the extent not expressly admitted, Finjan denies the allegations in paragraph 222 of the Counterclaims.

223. Admitted.

224. Finjan admits that Finjan filed a complaint alleging that Juniper infringed the Patents-in-Suit. Finjan admits that Juniper has purported to deny that it infringes a valid and enforceable patent. To the extent not expressly admitted, Finjan denies the allegations in paragraph 224 of the Counterclaims.

FIRST COUNTERCLAIM
(Declaratory Judgment of Non-Infringement of the Patents-in-Suit)

225. Finjan realleges and incorporates by reference the allegations set forth in its Complaint and the preceding paragraphs of this Answer as though fully set forth herein.

226. Finjan admits that its complaint identified that Juniper infringed each of the patents-in-suit. To the extent not expressly admitted, Finjan denies the allegations in paragraph 226 of the Counterclaims.

227. Finjan admits that it Juniper purports that it does not infringe the patents-in-suit. To the extent not expressly admitted, Finjan denies the allegations in paragraph 227 of the Counterclaims.

228. Admitted.

229. Finjan admits that Juniper purports to seek a declaratory judgment that it is not infringing any valid and enforceable claim of the patents-in-suit. To the extent not expressly admitted, Finjan denies the allegations in paragraph 229 of the Counterclaims.

SECOND COUNTERCLAIM
(Declaratory Judgment of Invalidity of the Patents-in-Suit)

230. Finjan realleges and incorporates by reference the allegations set forth in its Complaint and the preceding paragraphs of this Answer as though fully set forth herein.

231. Admitted.

232. Finjan admits that it Juniper purports that the patents-in-suit are invalid. To the extent not expressly admitted, Finjan denies the allegations in paragraph 232 of the Counterclaims.

233. Admitted.

234. Finjan admits that Juniper purports to seek a declaratory judgment that the patents-in-suit are invalid. To the extent not expressly admitted, Finjan denies the remaining allegations in paragraph 234 of the Counterclaims.

THIRD COUNTERCLAIM
(Declaratory Judgment of Unenforceability for Prosecution Laches of the '926, '633, '154, '494, '305, and '408 Patents)

235. Finjan realleges and incorporates by reference the allegations set forth in its Complaint and the preceding paragraphs of this Answer as though fully set forth herein.

236. Admitted.

237. Finjan admits that it Juniper purports that the patents-in-suit are unenforceable. To the extent not expressly admitted, Finjan denies the allegations in paragraph 237 of the Counterclaims.

238. Finjan admits that the '926 Patent was filed on March 7, 2006, and claims priority to U.S. Patent No. 6,092,194, which was filed on November 6, 1997. To the extent not expressly admitted, Finjan denies the allegations in paragraph 238 of the Counterclaims.

239. Finjan admits that the '633 Patent was filed on June 22, 2005 and claims priority to U.S. Patent No. 6,804,780, which was filed on March 30, 2000. To the extent not expressly admitted, Finjan denies the allegations in paragraph 239 of the Counterclaims.

240. Finjan admits that the '154 Patent was filed on June 14, 2010 and claims priority to U.S. Patent No. 7,757,289, which was filed on December 12, 2005. To the extent not expressly admitted, Finjan denies the allegations in paragraph 240 of the Counterclaims.

241. Finjan admits that he '494 Patent was filed on November 7, 2011 and claims priority to U.S. Patent No. 6,167,520, which was filed on January 29, 1997. To the extent not expressly admitted, Finjan denies the allegations in paragraph 241 of the Counterclaims.

242. Finjan admits that the '305 patent was filed December 9, 2004 and claims priority to U.S. Patent Application No. 08/964,388, which was filed on November 6, 1997. To the extent not expressly admitted, Finjan denies the allegations in paragraph 242 of the Counterclaims.

243. Finjan admits that the '408 Patent was filed on August 30, 2004 and claims priority to U.S. Patent No. 6,092,194, which was filed on November 6, 1997. To the extent not expressly admitted, Finjan denies the allegations in paragraph 243 of the Counterclaims.

244. Denied.

245. Denied.

246. Finjan admits that an actual and justiciable controversy exists between Finjan and Juniper regarding infringement of the patents-in-suit. To the extent not expressly admitted, Finjan denies the remaining allegations in paragraph 264 of the Counterclaims.

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