

# **EXHIBIT 10**

## **UNREDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED**

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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,</b>
		)	<b>INC.'S RESPONSE TO PLAINTIFF</b>
19	vs.	)	<b>FINJAN, INC.'S FOURTH SET OF</b>
		)	<b>INTERROGATORIES</b>
20	JUNIPER NETWORKS, INC., a Delaware	)	
	Corporation,	)	<b>HIGHLY CONFIDENTIAL—</b>
21		)	<b>ATTORNEYS' EYES ONLY</b>
	Defendant.	)	
22		)	

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1 Pursuant to Federal Rules of Civil Procedure 26 and 33, Defendant Juniper, Inc.  
2 (“Juniper”) hereby submits the following objections and responses (collectively, the “Responses”)  
3 to the Fourth Set of Interrogatories (the “Interrogatories”) by Defendant Finjan, Inc. (“Finjan”).

#### 4 **PRELIMINARY STATEMENT**

5 Juniper has not completed discovery in this action and has not completed preparation for  
6 trial. These Responses, while based on diligent inquiry and investigation by Juniper, necessarily  
7 reflect only the current state of Juniper’s knowledge, understanding, and belief based upon the  
8 information reasonably available to Juniper at this time. Juniper anticipates that further facts and  
9 information may be discovered. Without in any way obligating itself to do so, Juniper reserves the  
10 right to modify, supplement, revise, or amend these Responses and to correct any errors or  
11 omissions which may be contained herein in light of the information that Juniper may  
12 subsequently obtain or discover. Furthermore, these Responses are provided without prejudice to  
13 Juniper’s use or reliance on, at trial, hearing, or otherwise, subsequently discovered facts or  
14 information or facts or information omitted from these responses. The following Responses are  
15 given without prejudice to Juniper’s right to produce evidence of any subsequently discovered  
16 fact. Juniper accordingly reserves the right to change any and all responses herein as additional  
17 facts are ascertained, analyses are performed, legal research is completed, and contentions are  
18 investigated. This introductory statement shall apply to each and every Response given herein and  
19 shall be incorporated by reference as though set forth in each Response appearing below.

#### 20 **GENERAL OBJECTIONS**

21 These objections are hereby incorporated, as though set forth in full, into the response to  
22 each and every Interrogatory. Juniper reserves the right to make additional objections as may be  
23 appropriate and nothing contained herein shall be in any way construed as a waiver of any such  
24 objection. Juniper has not yet completed its investigation of the facts pertaining to this action, its  
25 discovery, or its preparation for trial. Juniper’s objections and responses as set forth below are  
26 made without prejudice to Juniper’s right to assert any additional or supplemental objections or  
27 responses if Juniper discovers additional grounds for such objections or responses.

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1 By making this response, Juniper does not concede that any of the requested information is  
2 proportional to the needs of the case, relevant, properly discoverable, or admissible, and Juniper  
3 reserves its right to object to discovery into the subject matter addressed in any information  
4 produced and to the introduction of such information into evidence.

5 Juniper makes the following general objections (collectively, the “General Objections”) to  
6 each Interrogatory contained within Finjan’s Interrogatories. The assertion of the same, similar, or  
7 additional objections or the provision of responses to the requests does not constitute a waiver any  
8 of Juniper’s objections as set forth below:

9 1. Juniper objects to the definition of “Accused Instrumentalities” as including all  
10 “products and services identified in Finjan’s Infringement Contentions,” particularly Spotlight  
11 Secure Threat Intelligence Platform. That product was not identified in the operative First  
12 Amended Complaint and it is therefore not part of this case. *See id.*; *see also Richtek Tech. Corp.*  
13 *v. uPi Semiconductor Corp.*, 2016 WL 1718135, at \*2 (N.D. Cal. Apr. 29, 2016) (Alsup, J.)  
14 (“[T]he filing of a complaint sets the cut-off date for the scope of a case, subject to the possibility  
15 of supplementation. Nevertheless, for some time, patent owners have made open-ended  
16 allegations in their complaint that do not specifically identify the accused products and used  
17 amendments to their infringement contentions to expand the scope of the case to encompass  
18 products...without the need to file a supplemental complaint—essentially sneaking new products  
19 into the case through the back door of infringement contentions.”). Juniper also objects to the  
20 definition of “Accused Instrumentalities” to the extent that it includes the ATP Appliance. Juniper  
21 will respond regarding the ATP Appliance in due course, as per the Court’s Order at Dkt. No. 85,  
22 discovery regarding ATP Appliance was deemed served as of the filing date of the First Amended  
23 Complaint, which was filed May 18, 2018. Juniper also objects to the definition of “Accused  
24 Instrumentalities” to the extent that it purports to include previous or contemplated versions,  
25 revision, releases, or continuations of any Juniper products or services other than those specifically  
26 identified (including by model number) in Finjan’s Infringement Contentions and also in the  
27 operative complaint. To the extent applicable, Juniper will interpret each and every Interrogatory  
28 as limited to only those instrumentalities specifically identified in both the operative complaint

1 *and* Finjan’s Infringement Contentions and also made, used, sold, offered for sale, or imported  
2 into the U.S. within the statutory damages period.

3         2.         Juniper objects to the Interrogatories, including but not limited to the Instructions  
4 and Definitions, to the extent they are inconsistent with, seek to impose obligations not required  
5 by, or seek to expand the scope of permissible discovery under the Federal Rules of Civil  
6 Procedure, the Federal Rules of Evidence, the Local Rules of the Northern District of California,  
7 any Order of the Court, or any agreement between the parties, specifically including the parties’  
8 agreement set forth in the Joint Case Management Statement and the (anticipated) stipulation  
9 regarding discovery of ESI. Juniper will not identify the Interrogatory in response to which any  
10 document is being produced for any Interrogatory. Juniper will furnish only information in the  
11 direct possession, custody, or control of Juniper Networks, Inc. Juniper will not state if Juniper  
12 cannot fully respond to the following Interrogatories after exercising due diligence to secure the  
13 information requested; specify the portion of each Interrogatory that cannot be responded to fully  
14 and completely; state what efforts were made to obtain the requested information or the facts  
15 relied upon that support the contention that the Interrogatory cannot be answered fully and  
16 completely; or state what knowledge, information, or belief Juniper has concerning the  
17 unanswered portion of any such Interrogatory.

18         3.         Juniper objects to the Interrogatories to the extent they seek information or  
19 documents that are subject to the attorney-client privilege, that evidence or constitute attorney  
20 work product, that are the subject of confidentiality agreements with third parties, that are the  
21 subject of a protective order in any separate proceeding, or that otherwise are not discoverable or  
22 are the subject of any other privilege, whether based upon statute or recognized at common law,  
23 specifically including documents protected by the common interest privilege and/or joint defense  
24 agreements.<sup>1</sup> Juniper further specifically objects to the Instructions in the Interrogatories as  
25 imposing an undue burden that is not proportional to the needs of the case with respect to the  
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27         <sup>1</sup> Any production of privileged information (whether “inadvertent” or otherwise) is  
28 governed by the parties’ agreement set forth in the Joint Case Management Statement (*see* Dkt.  
No. 31 at p. 5-6) and as set forth in the parties’ stipulation regarding discovery of ESI (*see* Dkt.  
No. 75 at ¶ 14).

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