

# **EXHIBIT 1**

**REDACTED VERSION OF  
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14 JUNIPER NETWORKS, INC.

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION

18 FINJAN, INC., a Delaware Corporation, ) Case No. 3:17-cv-05659-WHA  
19 Plaintiff, )  
20 vs. ) **DEFENDANT JUNIPER NETWORKS,**  
21 JUNIPER NETWORKS, INC., a Delaware ) **INC.'S CORRECTED FOURTH**  
Corporation, ) **SUPPLEMENTAL RESPONSE TO**  
22 Defendant. ) **PLAINTIFF FINJAN, INC.'S SECOND**  
23 ) **SET OF INTERROGATORIES (NOS. 4, 5)**  
 ) **HIGHLY CONFIDENTIAL—**  
 ) **ATTORNEYS' EYES ONLY**

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

#### 5 **PRELIMINARY STATEMENT**

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

#### 22 **GENERAL OBJECTIONS**

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

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

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

11 1. Juniper objects to the definition of “Accused Instrumentalities” as including all  
12 “products and services identified in Finjan’s Infringement Contentions,” particularly Spotlight  
13 Secure Threat Intelligence Platform. That product was not identified in the operative complaint and  
14 it is therefore not part of this case. *See id.*; *see also Richtek Tech. Corp. v. uPi Semiconductor Corp.*,  
15 2016 WL 1718135, at \*2 (N.D. Cal. Apr. 29, 2016) (Alsup, J.) (“[T]he filing of a complaint sets the  
16 cut-off date for the scope of a case, subject to the possibility of supplementation. Nevertheless, for  
17 some time, patent owners have made open-ended allegations in their complaint that do not  
18 specifically identify the accused products and used amendments to their infringement contentions  
19 to expand the scope of the case to encompass products . . . without the need to file a supplemental  
20 complaint—essentially sneaking new products into the case through the back door of infringement  
21 contentions.”). Juniper also objects to the definition of “Accused Instrumentalities” to the extent  
22 that it purports to include previous or contemplated versions, revision, releases, or continuations of  
23 any Juniper products or services other than those specifically identified (including by model  
24 number) in Finjan’s Infringement Contentions and also in the operative complaint. To the extent  
25 applicable, Juniper will interpret each and every Interrogatory as limited to only those  
26 instrumentalities specifically identified in both the operative complaint *and* Finjan’s Infringement  
27 Contentions and also made, used, sold, offered for sale, or imported into the U.S. within the statutory  
28 damages period.

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

15           3.       Juniper objects to the Interrogatories to the extent they seek information or  
16 documents that are subject to the attorney-client privilege, that evidence or constitute attorney work  
17 product, that are the subject of confidentiality agreements with third parties, that are the subject of  
18 a protective order in any separate proceeding, or that otherwise are not discoverable or are the  
19 subject of any other privilege, whether based upon statute or recognized at common law, specifically  
20 including documents protected by the common interest privilege and/or joint defense agreements.<sup>1</sup>  
21 Juniper further specifically objects to the Instructions in the Interrogatories as imposing an undue  
22 burden that is not proportional to the needs of the case with respect to the stated demands for the  
23 contents of a privilege log, including because the Instructions demand information not reasonably  
24 necessary for the purposes of assessing privilege, such as "the number of pages in such document."  
25 Documents withheld under such an objection will be listed on a "privilege log" pursuant to  
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28 <sup>1</sup> Any production of privileged information (whether "inadvertent" or otherwise) is 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. 87 at ¶ 14).

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