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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

FINJAN, INC., a Delaware Corporation,	)	Case No. 17-cv-05659-WHA
	)	
Plaintiff,	)	San Francisco, California
	)	Courtroom A, 15th Floor
v.	)	Thursday, June 20, 2019
	)	
JUNIPER NETWORKS, INC., a Delaware Corporation,	)	
	)	
Defendant.	)	

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TRANSCRIPT OF TELEPHONIC DISCOVERY HEARING  
BEFORE THE HONORABLE THOMAS S. HIXSON  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For Plaintiff:	YURIDIA CAIRE, ESQ. DANIEL D. WILLIAMS, ESQ. Kramer Levin Naftalis & Frankel, LLP 990 Marsh Road Menlo Park, California 94025 (650) 752-1700
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1 SAN FRANCISCO, CALIFORNIA THURSDAY, JUNE 20, 2019 10:52 A.M.

2 --oOo--

3 (Call to order of the Court.)

4 THE CLERK: Hello, everyone. This is the Courtroom  
5 Deputy. We're moving on to the next case. Calling Civil Action  
6 17-5659, Finjan, Inc. v. Juniper Networks, Inc. Counsel, please  
7 state your appearances for the record. Let's start with  
8 Plaintiff.

9 MS. CAIRE: This is Yuridia Caire from Kramer Levin on  
10 behalf of Finjan.

11 MR. WILLIAMS: This is Daniel Williams from Kramer Levin  
12 on behalf of Plaintiff Finjan.

13 MS. CARSON: And this is Rebecca Carson of Irell &  
14 Manella on behalf of Juniper Networks, Inc.

15 THE COURT: Good morning, Counsel. We are here on two  
16 letter briefs, ECF Numbers 530 and 532. Let's start with ECF  
17 Number 530, and the first issue there is the sales and revenue  
18 information for the SRX devices. One question I have -- and I  
19 guess this is directed at Finjan -- is that Juniper makes the  
20 argument based on ECF Number 516 that only the stand-alone SRX  
21 remains an accused product. And so SRX devices that are used as  
22 Sky ATP are no longer relevant.

23 I didn't see a response to that from Finjan. Can you please  
24 address that point?

25 MS. CAIRE: Yes, Your Honor. Thank you. So, one, we

1 think that that's incorrect for several reasons. One, we think  
2 the Court -- the Court has not ruled on the '154 patent yet. So  
3 that's the first issue.

4 The second issue, even should the Court rule that, based on  
5 the order to show cause, that the '154 is no longer in the case of  
6 the SRX client or device, the SRX alone would still be at issue  
7 because they would fall under a convoyed sale. And all of the  
8 datasheets for the SRX and the Sky ATP product say that they're  
9 integrated together. And so we don't believe it's correct that  
10 this would not be an issue in the case anymore.

11 THE COURT: I think you're answering a somewhat  
12 different question. Let's assume that the '154 patent remains in  
13 the case, so it survives the order to show cause.

14 Juniper has made the argument that your infringement  
15 contentions for the upcoming trial only include the stand-alone  
16 SRX. Leave aside the convoyed product for the moment -- only  
17 include the stand-alone SRX and not the SRX used for the Sky ATP.  
18 Is that correct?

19 MS. CAIRE: No, Your Honor. That's not true.

20 THE COURT: Well, --

21 MS. CAIRE: I have both in the infringement brief.

22 THE COURT: Why is that not -- I looked at ECF Number  
23 516 and that seemed like it was your claim.

24 MS. CAIRE: You know, Your Honor, I don't have 516 in  
25 front of me. Could you direct me to what --

1 THE COURT: You had to --

2 MS. CAIRE: The way I --

3 THE COURT: -- give notice to Judge Alsup about what  
4 claims you're asserting at the upcoming trial. And it looked like  
5 it was just the SRX stand-alone. Maybe I'm misreading that  
6 document.

7 MS. CAIRE: Well, that might be just for the '154, but  
8 we have an issue with the SRX with Sky ATP. We also have the ATP  
9 Appliance at issue in this case.

10 THE COURT: Okay. So your --

11 MS. CAIRE: And I --

12 THE COURT: So your assertion is that SRX devices used  
13 for Sky ATP are still part of your infringement contentions?

14 MS. CAIRE: Correct. Yes.

15 THE COURT: Okay. Juniper, can you speak to that issue?

16 MS. CARSON: Sure, Your Honor. Rebecca Carson. Just  
17 as a point of clarification, because I think there might be some  
18 confusion, Juniper's contention is that if the '154 patent is no  
19 longer a part of the case, then the SRX alone is no longer part of  
20 the case. So, in other words, the only patent where Finjan is  
21 still maintained in the allegations related to the SRX alone is  
22 the '154 patent.

23 Now, we recognize that the other patents where Finjan is  
24 still asserting their contentions against the Sky ATP -- just by  
25 way of background, Sky ATP is a service -- a cloud-based service

1 that is an add-on to SRX devices. So in those cases, we  
2 acknowledge that the SRX used in combination with Sky ATP would  
3 still be relevant. And, in fact, we have already updated our  
4 revenue data. So in terms of the revenue data that we updated,  
5 that includes the revenue data for ATP Appliance, which is one of  
6 the case products, the revenue for Sky ATP, which is the service-  
7 based license. And then we've also recently updated the revenue  
8 data for SRX devices that were used in combination with Sky ATP  
9 during the (indiscernible) period.

10 Now, one thing is that there are lots of SRX models and not  
11 all SRXs are used in combination with Sky ATP. In order to do  
12 that, a customer has to activate a free license or sign up for a  
13 paid license. And so because of that, our contention is that  
14 assuming the '154 patent drops out of the case, SRX alone is no  
15 longer relevant, and that is what Finjan is requesting as to  
16 updates. We acknowledge that if the Court does not disburse of  
17 the '154 patent, that we will need to produce that data. But  
18 we're simply saying that it doesn't make sense for Juniper to  
19 undergo that burden until we have a decision on that.

20 THE COURT: Okay. Thank you for the clarification.  
21 Just to make sure I understand, if the '154 patent remains in the  
22 case, then you would agree that both the stand-alone SRX and the  
23 SRX used with Sky ATP, those are both still at issue; is that  
24 right?

25 MS. CAIRE: We certainly would acknowledge that that

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