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9 Attorneys for Plaintiff, FINJAN, INC.

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 FINJAN, INC.,

13 Plaintiff,

14 v.

15 JUNIPER NETWORKS, INC.,

16 Defendant.

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

FINJAN, INC.'S STATEMENT  
CONFIRMING NO OPPOSITION TO THE  
APPOINTMENT OF MATTHEW BORDEN  
AS SPECIAL MASTER

U.S. District Judge William H. Alsup  
Courtroom 12

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1 As per the Court's order of January 9, 2021 (D.I. 649), Finjan states that it has no objection to  
2 the appointment of Mr. Borden as special master for the parties' dispute over attorney fees.

3 Finjan respectfully asks that the Court's appointment of the special master include an instruction  
4 that the special master's report include recommended findings concerning the responsibility of Finjan's  
5 previous counsel Kramer Levin Naftalis & Frankel LLP ("Kramer Levin") for any fees that the special  
6 master may recommend awarding. As the Court knows, Kramer Levin was Finjan's counsel for the  
7 period in which the Court found § 285 exceptionality. Finjan's current counsel Fish & Richardson P.C.  
8 did not represent Finjan at that time. The Court's Order of October 22, 2020 retained jurisdiction over  
9 Kramer Levin "to entertain any motions for sanctions or further relief at the end of this action," (D.I.  
10 631). Finjan respectfully proposes that Kramer Levin's involvement is necessary to the fair assessment  
11 of the fee issues, particularly in view of the Attorney Eyes Only information implicated by those issues,  
12 which Finjan was unable to review under the case's Protective Order.

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14 Dated: January 28, 2021

Respectfully Submitted,

15 By: /s/ Robert Courtney

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