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10 *Attorneys for Plaintiff*
11 FINJAN, INC.

12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

17 FINJAN, INC., a Delaware Corporation,

18 Plaintiff,

19 v.

20 JUNIPER NETWORKS, INC., a Delaware
21 Corporation,

22 Defendant.

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

~~PROPOSED~~ ORDER ON ISSUES
BEFORE THE COURT DURING APRIL 17,
2018 HEARING

1 Plaintiff Finjan, Inc.’s (“Finjan”) Letter Brief Regarding Motion to Compel Defendant Juniper
2 Networks, Inc. (“Juniper”) (Dkt. No. 48), Finjan’s Letter Brief Regarding Dr. Eric Cole (Dkt. No. 49),
3 and Juniper’s Administrative Motion to Defer Patent Local Rule 4 (Dkt. No. 52) were heard on April
4 17, 2018.

5 Because the parties reached an agreement that the production of technical documents related to
6 Sky ATP will be completed substantially by April 30, 2018, the Court dismisses this request as
7 **MOOT** (Dkt. No. 48).

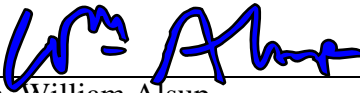
8 Having considered Finjan’s Letters, Juniper’s Administration Motion, the papers filed in
9 support of and in opposition of the foregoing, and arguments by counsel, the Court:

- 10 1. **DENIES** Finjan’s Motion regarding the production of documents related to the ATP
11 Appliance (Dkt. No. 48) until Finjan files an amended complaint naming this product,
12 or if Juniper moves to dismiss such amended complaint, the Court has ruled on
13 Juniper’s motion to dismiss such amended complaint.
- 14 2. **GRANTS and MODIFIES** Finjan’s Motion Regarding Dr. Eric Cole (Dkt. No. 49),
15 permitting Dr. Cole to serve as an expert so long as Dr. Cole submits a declaration
16 agreeing that he will not work for McAfee as an employee, consultant, or expert until at
17 least five years after his last access of Juniper’s material marked as either “HIGHLY
18 CONFIDENTIAL – ATTORNEYS’ EYES ONLY” or “HIGHLY CONFIDENTIAL –
19 SOURCE CODE.”
- 20 3. **DENIES-IN-PART** Juniper’s Administrative Motion to defer claim construction under
21 Patent Local Rule 4 (Dkt. No. 52) as to the ‘926, ‘844, ‘633, and ‘154 Patents, and any
22 terms from the ‘494 and ‘780 Patent that are not at issue in the claims included in the
23 parties’ earlier summary judgment, and **GRANTS-IN-PART and MODIFIES**
24 Juniper’s Administrative Motion with respect only to terms that appear in claim 10 of
25 the ‘494 Patent or claim 1 of the ‘780 Patent, which are at issue in the parties’ early
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1 summary judgment proceedings. To the extent necessary, the construction of these
2 terms in these claims will be addressed during earlier summary judgment.
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5 **IT IS SO ORDERED.**
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8 Dated: April 23, 2018.

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Hon. William Alsup
United States District Court Judge