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14
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 MOTION FOR SUMMARY**
Corporation,) **JUDGMENT REGARDING CLAIM 1 OF**
22 Defendant.) **U.S. PATENT NO. 6,804,780**
23 _____)

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1 **NOTICE OF MOTION**

2 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that on July 26, 2018, at 8:00 a.m., or as soon thereafter as the
4 matter may be heard, in Courtroom 12, 19th Floor, of the San Francisco Courthouse, 450 Golden
5 Gate Avenue, San Francisco, California 94102, before the Honorable William Alsup, Defendant
6 Juniper Networks, Inc. (“Juniper”) will and hereby does move for an order finding that claim 1 of
7 U.S. Patent No. 6,804,780 (“the ‘780 Patent”) is unpatentable under 35 U.S.C. § 101, that Juniper
8 does not infringe claim 1 of the ‘780 Patent, and that any damages available to plaintiff Finjan,
9 Inc. (“Finjan”) are limited to those accrued based on acts of infringement occurring after
10 September 29, 2017. This motion is based on: this Notice of Motion; the memorandum of points
11 and authorities below; the Declaration of Rebecca Carson and Exhibits 1 through 16 attached
12 hereto; the Declaration of Dr. Aviel D. Rubin attached hereto; the Declaration of Yuly Nerida
13 Becerra Tenorio attached hereto; all documents in the Court’s file; and such other written or oral
14 argument as may be presented at or before the time this motion is heard by the Court.

15 **STATEMENT OF RELIEF REQUESTED**

16 Juniper seeks an order holding that claim 1 of the ‘780 Patent is invalid as directed to
17 unpatentable subject matter under 35 U.S.C. § 101, that Juniper does not infringe claim 1 of the
18 ‘780 Patent based on any alleged use of SRX Series Services Gateway (“SRX”) products or the
19 Sky Advanced Threat Prevention (“Sky ATP”) service (individually or in combination), and that
20 damages for any potential infringement by Juniper of claim 1 of the ‘780 Patent are limited under
21 35 U.S.C. § 287 to those accrued based on acts of infringement occurring after September 29,
22 2017 (the filing of the complaint in this matter) and before November 6, 2017 (the expiration date
23 of the ‘780 Patent).
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STATEMENT OF ISSUES TO BE DECIDED¹

1. Whether Juniper is entitled to summary judgment that claim 1 of the '780 Patent is directed to unpatentable subject matter under 35 U.S.C. § 101.
2. Whether Juniper is entitled to summary judgment that Juniper does not infringe claim 1 of the '780 Patent with respect to the SRX products.
3. Whether Juniper is entitled to summary judgment that Juniper does not infringe claim 1 of the '780 Patent with respect to the cloud-based Sky ATP service.
4. Whether Juniper is entitled to summary judgment that Juniper does not infringe claim 1 of the '780 Patent with respect to the combination of the SRX products with the cloud-based Sky ATP service.
5. Whether the damages for any potential infringement by Juniper of claim 1 of the '780 Patent are limited under 35 U.S.C. § 287 to those accrued based on acts of infringement occurring after September 29, 2017 (the filing of the complaint in this matter) and before November 6, 2017 (the expiration date of the '780 Patent).

¹ Claim 1 of the '780 Patent is also invalid under 35 U.S.C. §§ 102, 103. Moreover, the fundamental differences between Juniper's SRX and Sky ATP products and the '780 Patent provide several non-infringement arguments in addition to those specifically addressed in this Motion. If there is a trial on claim 1, Juniper may make other invalidity and non-infringement arguments, not specifically addressed in this Motion. It may also raise one or more affirmative defenses not addressed specifically in this Motion.

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