

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

FINJAN LLC., a Delaware Limited Liability
Company,

Plaintiff,

v.

RAPID7, INC., a Delaware Corporation
and RAPID7 LLC, a Delaware Limited
Liability Company,

Defendants.

C.A. No. 1:18-cv-01519-MN

Jury Trial Demanded

MOTION TO STRIKE PORTIONS OF EXPERT REPORT OF DR. MITZENMACHER

Pursuant to Special Master Order #3 (D.I. 178 at ¶ 3) and the Order Appointing Special Master (D.I. 167 at ¶ 3a), Defendants Rapid7, Inc. and Rapid7 LLC (collectively, “Rapid7”) hereby move the Court to Strike Portions of Plaintiff Finjan LLC’s (“Finjan”) Expert Report of Michael Mitzenmacher, PH.D. Regarding Infringement by Rapid7 of U.S. Patent Nos. 8,141,154; 7,757,289; and 8,225,408 (“the Mitzenmacher Report”). The portions of the Mitzenmacher Report Rapid7 moves to strike include a direct infringement theory and multiple Doctrine of Equivalent infringement theories that were not disclosed in Finjan’s Final Infringement Contentions. A Proposed Order is attached hereto.

Pursuant to Special Master Order #3, Rapid7 will serve its opening letter brief on this issue and email it to the Special Master. D.I. 178 at ¶2(a).

[SIGNATURE PAGE FOLLOWS.]

Dated: September 3, 2020

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