

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

FINJAN LLC, a Delaware Limited Liability  
Company,

Plaintiff,

v.

C.A. No. 18-1519-MN

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

Defendants.

**FINJAN LLC’S PARTIAL DAUBERT MOTION TO PRECLUDE TRIAL TESTIMONY  
BY RAPID7’S EXPERTS KEVIN ALMEROOTH, PH.D.,  
PATRICK MCDANIEL, PH.D., AND SOMESH JHA, PH.D., CONCERNING  
SUFFICIENCY OF WRITTEN DESCRIPTION FOR THE PATENTS-IN-SUIT**

Plaintiff Finjan LLC (“Plaintiff”) respectfully moves, pursuant to Federal Rules of Evidence 702 and 403 and *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), that the Court preclude Rapid7, Inc. and Rapid7 LLC from presenting at trial opinions from Kevin Almeroth, Ph.D.; Patrick McDaniel, Ph.D.; and/or Somesh Jha, Ph.D. concerning the sufficiency of written description support for the asserted patent claims. The grounds for this Motion are set forth in the Opening Brief in support thereof, filed contemporaneously herewith.

Dated: October 23, 2020

FISH & RICHARDSON P.C.

By: /s/ Susan E. Morrison  
Susan E. Morrison (#4690)  
222 Delaware Avenue, 17th Floor  
Wilmington, DE 19801  
(302) 652-5070  
morrison@fr.com

Proshanto Mukherji  
Fish & Richardson P.C.  
One Marina Park Drive  
Boston, MA 02210  
(617) 542-5070  
mukherji@fr.com

Lawrence Jarvis  
Fish & Richardson P.C.  
1180 Peachtree Street NE, 21st Floor  
Atlanta, GA 30309  
(404) 892-5005  
jarvis@fr.com

Juanita R. Brooks  
Roger Denning  
Jason W. Wolff  
Fish & Richardson P.C.  
12860 El Camino Real, Suite 400  
San Diego, CA 92130  
(858) 678-5070  
brooks@fr.com  
denning@fr.com  
wolff@fr.com

**ATTORNEYS FOR  
PLAINTIFF FINJAN LLC**

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1.1**

I hereby certify, pursuant to D. Del. LR 7.1.1, that reasonable efforts have been made to reach agreement with opposing counsel on the matters set forth in the foregoing Motion, and that no agreement could be reached.

/s/ Susan E. Morrison

Susan E. Morrison (#4690)