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United States of America

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

HEWLETT PACKARD ENTERPRISE CO.
and JUNIPER NETWORKS, INC.

Defendants.

CASE NO. 5:25-CV-00951-PCP

JUDGE: Hon. P. Casey Pitts

MAGISTRATE JUDGE: Hon. Susan van Keulen

**DECLARATION OF JEREMY M. GOLDSTEIN
IN SUPPORT OF RESPONSE OF UNITED
STATES TO PUBLIC COMMENTS ON THE
PROPOSED FINAL JUDGMENT**

1 I, Jeremy M. Goldstein, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

2 1. I am over 18 years of age, of sound mind, and otherwise competent to make this
3 Declaration. The evidence set forth in this Declaration is based on my personal knowledge.

4 2. I am an attorney with the United States Department of Justice, Antitrust Division. I
5 represent Plaintiff United States of America in the above-captioned Action.

6 3. I submit this Declaration in support of the Response of the United States to Public
7 Comments on the Proposed Final Judgment.

8 4. On June 27, 2025, the United States, Hewlett Packard Enterprise Co. (“HPE”), and
9 Juniper Networks, Inc. (“Juniper”) (collectively, the “Parties”) filed a proposed Final Judgment
10 containing the terms of a settlement between the Parties ending the United States’ suit to enjoin HPE’s
11 proposed acquisition of Juniper. As required by the Antitrust Procedures and Penalties Act (“Tunney
12 Act”), 15 U.S.C. § 16, the United States subsequently (1) published the Complaint, the proposed Final
13 Judgment, and the Competitive Impact Statement, together with directions for the submission of written
14 comments, in the *Federal Register* on July 10, 2025, *see* 90 Fed. Reg. 30685 (July 10, 2025); and (2)
15 caused to be published a summary of the terms of the proposed Final Judgment and Competitive Impact
16 Statement and instructions for submitting comments about the proposed Final Judgment in the
17 *Washington Post* and *Mercury News* beginning July 9, 2025.

18 5. The Tunney Act permits any person who wishes to submit to the United States written
19 comments regarding the proposed Final Judgment to do so within 60 calendar days of publication of the
20 proposed Final Judgment and Competitive Impact Statement in the *Federal Register* or the summary of
21 the terms of the proposed Final Judgment and Competitive Impact Statement in a newspaper of record,
22 whichever is later. The United States received twelve public comments from individuals and public
23 advocacy organizations regarding the proposed Final Judgment (“Public Comments”).

24 6. The Parties conferred and agreed that modifications to the proposed Final Judgment were
25 appropriate to respond to issues raised by the Public Comments.

26 7. Attached hereto as **Exhibit A-1** is a true and correct copy of an amended proposed Final
27 Judgment containing changes agreed upon by the parties.

1 8. Attached hereto as **Exhibit A-2** is a true and correct copy of a redline comparing the
2 amended proposed Final Judgment to the original proposed Final Judgment filed June 27, 2025.

3 9. Attached hereto as **Exhibit A-3** is a true and correct copy of a table identifying changes
4 to the proposed Final Judgment that correspond to issues raised by Public Comments and the Public
5 Comments that raised them.

6 10. Attached hereto as **Exhibit A-4** is a true and correct copy of a Public Comment submitted
7 by Connor Lundrigan.

8 11. Attached hereto as **Exhibit A-5** is a true and correct copy of a Public Comment submitted
9 by U.S. Senators Elizabeth Warren, Cory Booker, Amy Klobuchar, and Richard Blumenthal.

10 12. Attached hereto as **Exhibit A-6** are true and correct copies of two Public Comments
11 submitted to the Court's chambers and posted on the docket. *See* ECF No. 231.

12 13. Attached hereto as **Exhibit A-7** is a true and correct copy of a Public Comment submitted
13 by the Dekleptocracy Project.

14 14. Attached hereto as **Exhibit A-8** is a true and correct copy of a Public Comment submitted
15 by several State Attorneys General.

16 15. Attached hereto as **Exhibit A-9** is a true and correct copy of a Public Comment submitted
17 by the American Antitrust Institute.

18 16. Attached hereto as **Exhibit A-10** is a true and correct copy of a Public Comment
19 submitted by the American Economic Liberties Project.

20 17. Attached hereto as **Exhibit A-11** is a true and correct copy of a Public Comment
21 submitted by former Department of Justice, Antitrust Division professionals.

22 18. Attached hereto as **Exhibit A-12** is a true and correct copy of a Public Comment
23 submitted by the Protect Democracy Project.

1 19. Attached hereto as **Exhibit A-13** is a true and correct copy of a Public Comment
2 submitted by U.S. Representatives Jamie Raskin and Jerrold Nadler.

3 20. Attached hereto as **Exhibit A-14** is a true and correct copy of a Public Comment
4 submitted by Alden Abbott and Satya Marar.

5 21. In accordance with the proposed Final Judgment, counsel for HPE has sent the
6 Department of Justice four monthly affidavits that, among other things, identifies firms and individuals
7 that in the prior 30 days had communicated with HPE about acquiring HPE's divestiture assets (i.e.,
8 HPE's Instant On solution) and/or licensing the source code for Juniper's Mist AI Ops. The affidavits
9 indicate that interest in HPE's divestiture assets and a license for the Mist AI Ops source code is strong.
10 For instance, an October 15, 2025 affidavit identified 11 firms that had communicated with HPE about
11 acquiring the divestiture assets in the prior 30 days; 11 firms that had communicated with HPE about
12 licensing the Mist AI Ops source code in the past 30 days; and an additional four firms that had not
13 communicated with HPE in the past 30 days, but, to HPE's knowledge, remained interested in acquiring
14 the divestiture assets and/or licensing the Mist AI Ops source code. Several of the firms identified in the
15 affidavit currently offer enterprise-grade WLAN solutions in the United States.

16 22. Separately, one firm contacted the Department of Justice to express interest in acquiring
17 the divested assets and/or licensing the Mist AI Ops source code. That firm currently offers enterprise-
18 grade WLAN solutions in the United States.

19 23. I declare under penalty of perjury that the foregoing is true and correct to the best of my
20 knowledge.

21
22 Executed on: November 14, 2025

/s/ Jeremy M. Goldstein
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