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15 FINJAN, INC.

16 **IN THE UNITED STATES DISTRICT COURT**
17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
18 **SAN FRANCISCO DIVISION**

19 FINJAN, INC., a Delaware Corporation,

20 Plaintiff,

21 v.

22 JUNIPER NETWORKS, INC., a Delaware
23 Corporation,

24 Defendants.

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

**PLAINTIFF FINJAN, INC.'S
REQUEST FOR JUDICIAL NOTICE**

REQUEST FOR JUDICIAL NOTICE

1
2 Plaintiff Finjan, Inc. (“Plaintiff” or “Finjan”) respectfully requests that the Court take judicial
3 notice of the Claim Construction Order, attached hereto as Exhibit A, issued in the case *Finjan, Inc. v.*
4 *Cisco Systems, Inc.*, No. 17-cv-00072-BLF (N.D. Cal. 2018) on July 23, 2018, which addresses
5 construction of terms for U.S. Patent Nos. 6,804,780 and 8,677,494 that are also asserted in this case.

MEMORANDUM OF POINTS AND AUTHORITIES

6
7 Courts may take judicial notice of facts that can be “accurately and readily determined from
8 sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(2). Judicial notice is
9 appropriate even after the record is closed. *See* Fed. R. Evid. 201(f); *Grup One, Ltd. v. Hallmark*
10 *Cards, Inc.* 407 F.3d 1297, 1306 (Fed. Cir. 2005) (finding it proper to take judicial notice of patent’s
11 reinstatement after jury reached verdict, but before entry of judgment).

12 Here, the attached Claim Construction Order addresses construction of terms for two patents
13 asserted in this case, namely U.S. Patent Nos. 6,804,780 and 8,677,494. *See* Exhibit A at 20, 23, and
14 35; *see also Finjan, Inc. v. Symantec Corp.*, No. 14-cv-02998-HSG, Dkt. No. 170 at *4 (N.D. Cal. Feb.
15 10, 2017) (noting greater deference given to claim constructions by Courts in the same District and
16 “the particular importance of intrajurisdictional uniformity in claim construction”). Further, this Court
17 may take judicial notice of orders filed in other cases. *United Tactical Sys., LLC v. Real Action*
18 *Paintball, Inc.*, No. 14-CV-04050-MEJ, 2014 WL 6788310, at *5 (N.D. Cal. Dec. 2, 2014) (taking
19 judicial notice of orders and motions filed in different cases); *Lee v. City of Los Angeles*, 250 F.3d 668,
20 689 (9th Cir. 2001) (“when a court takes judicial notice of another court’s opinion, it may do so not for
21 the truth of the facts recited therein, but for the existence of the opinion, which is not subject to
22 reasonable dispute over its authenticity.” (citation and internal quotation marks omitted)). Thus,
23 Finjan’s Request for Judicial Notice is appropriate.

CONCLUSION

24
25 For these reasons, Finjan respectfully requests that the Court grant this Request for Judicial
26 Notice.

Respectfully submitted,

Dated: July 26, 2018

By: /s/ Austin Manes

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