

1 PAUL ANDRE (SBN 196585)

pandre@kramerlevin.com

2 LISA KOBIALKA (SBN 191404)

lkobialka@kramerlevin.com

3 JAMES HANNAH (SBN 237978)

jhannah@kramerlevin.com

4 KRISTOPHER B. KASTENS (SBN 254797)

kkastens@kramerlevin.com

5 AUSTIN MANES (SBN 284065)

amanes@kramerlevin.com

6 KRAMER LEVIN NAFTALIS & FRANKEL LLP

7 990 Marsh Road

8 Menlo Park, CA 94025

9 Telephone: (650) 752-1700

Facsimile: (650) 752-1800

10 Attorneys for Plaintiff

11 FINJAN, INC.

CLEMENT ROBERTS (SBN 209203)

croberts@orrick.com

ORRICK, HERRINGTON & SUTCLIFFE LLP

405 Howard Street

San Francisco, CA 94105

Telephone: (415) 773-5700

Facsimile: (415) 773-5759

VICKIE FEEMAN (SBN 177487)

vfeeman@orrick.com

FRANCES CHEEVER (SBN 287585)

fcheever@orrick.com

EVAN D. BREWER (SBN 304411)

ebrewer@orrick.com

ORRICK, HERRINGTON & SUTCLIFFE LLP

1000 Marsh Road

Menlo Park, CA 94025

Telephone: (650) 614-7400

Facsimile: (650) 614-7401

Attorneys for Defendant

CHECK POINT SOFTWARE

TECHNOLOGIES, INC.

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

18 FINJAN, INC.,

19 Plaintiff,

20 v.

21 CHECK POINT SOFTWARE
22 TECHNOLOGIES, INC., a Delaware
23 Corporation, CHECK POINT SOFTWARE
24 TECHNOLOGIES Ltd., an Israeli Limited
Company,

Defendants.

Case No.: 3:18-cv-02621-WHO

**STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME FOR
PLAINTIFF FINJAN, INC. TO RESPOND
TO DEFENDANT CHECK POINT
SOFTWARE TECHNOLOGIES LTD.'S
AFFIRMATIVE DEFENSES**

1 Pursuant to Civil Local Rules 6-1(a) and (b), 6-2, and 7-12, Plaintiff Finjan, Inc. (“Finjan”) and
2 Defendants Check Point Software Technologies, Inc. (“Inc.”) and Check Point Software Technologies
3 Ltd. (“Ltd.”) (together, “Check Point”) (collectively, “the Parties”), by and through their respective
4 counsel, hereby stipulate to extend the time for Finjan to respond to Ltd.’s Answer to the Complaint, in
5 light of the Court’s recent ruling on Finjan’s Motion to Strike Inc.’s Affirmative Defenses.

6 WHEREAS, none of the following proposed extensions will have any effect on the remainder
7 of this case;

8 WHEREAS, Inc. filed an Answer in this case on July 16, 2018 (Dkt. 19) and filed an Amended
9 Answer with affirmative defenses on November 21, 2018 (Dkt. 46);

10 WHEREAS, Ltd. filed an Answer to the Complaint with affirmative defenses on January 8,
11 2019 (Dkt. 56);

12 WHEREAS, there is substantial overlap between the affirmative defenses alleged in Inc.’s
13 Amended Answer (Dkt. 46) and Ltd.’s Answer (Dkt. 56);

14 WHEREAS, Finjan moved to strike the affirmative defenses in Inc.’s Amended Answer (Dkt.
15 46) on December 5, 2018 (Dkt. 49);

16 WHEREAS, on January 25, 2019, the Court granted Finjan’s motion to strike (Dkt. 49) in part
17 and gave Inc. leave to amend certain affirmative defenses (Dkt. 65);

18 WHEREAS, Finjan’s response to Ltd.’s Answer (Dkt. 56) is currently due on January 29, 2019;

19 WHEREAS, Finjan consents to Ltd. amending its Answer in a manner consistent with the
20 Court’s order on Inc.’s affirmative defenses (Dkt. 65) to avoid duplicative motion practice;

21 WHEREAS, Ltd. has agreed to amend its Answer in light of the Court’s order on Inc.’s
22 affirmative defenses (Dkt. 65) and Check Point states it will file a joint Amended Answer for both Inc.
23 and Ltd.;

24 WHEREAS, the parties agree that in the interests of efficiency and economy, Finjan shall not
25 be required to respond to Ltd.’s current Answer and Finjan’s time to respond to Check Point’s
26 forthcoming joint Amended Answer shall be due fourteen days after Check Point files its joint
27 Amended Answer;

1 WHEREAS, the Court previously modified the schedule in this case four times: to adjust the
2 briefing schedule for Finjan's Motion to Impute Service, Dkt. No. 35; to extend the hearing date on
3 Finjan's Motion to Impute Service by seven days, Dkt. No. 42; to adjust the briefing schedule and
4 hearing on Finjan's Motion to Strike and extend Check Point Software Technologies, Ltd.'s time to
5 respond to the compliant, Dkt. No. 52; and recently to extend Check Point's time to file a Reply in
6 support of its Motion to Enforce Order and Strike Infringement Contentions (Dkt. 64).

7 NOW THEREFORE, the Parties hereby stipulate and agree that the deadline for Finjan to
8 respond to Ltd.'s Answer is vacated and Finjan's time to respond to Check Point's joint Amended
9 Answer shall be fourteen days after Check Point files its joint Amended Answer.

10 **IT IS SO STIPULATED.**

11
12 Dated: January 29, 2019

Respectfully submitted,

13 By: /s/ Austin Manes
14 Paul J. Andre (SBN 196585)
15 Lisa Kobialka (SBN 191404)
16 James Hannah (SBN 237978)
17 Kristopher Kastens (SBN 254797)
18 Austin Manes (SBN 284065)
19 KRAMER LEVIN NAFTALIS
20 & FRANKEL LLP
21 990 Marsh Road
22 Menlo Park, CA 94025
23 Telephone: (650) 752-1700
24 Facsimile: (650) 752-1800
25 pandre@kramerlevin.com
26 lkobialka@kramerlevin.com
27 jhannah@kramerlevin.com
28 kkastens@kramerlevin.com
29 amanes@kramerlevin.com

Attorneys for Plaintiff
FINJAN, INC.

30 Dated: January 29, 2019

Respectfully submitted,
31
32 By: /s/ Vickie Feeman
33 Vickie Feeman (SBN 177487)
34 Frances Cheever (SBN 287585)
35 Evan Brewer (SBN 304411)
36 ORRICK, HERRINGTON
37 & SUTCLIFFE LLP

1 1000 Marsh Road
2 Menlo Park, CA 94025
3 vfeeman@orrick.com
4 fcheever@orrick.com
5 ebrewer@orrick.com

6 Clement Roberts
7 ORRICK, HERRINGTON
8 & SUTCLIFFE LLP
9 405 Howard Street
10 San Francisco, CA 94105
11 croberts@orrick.com

12 *Attorneys for Defendants*
13 CHECK POINT

14 **ATTESTATION**

15 In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this
16 document has been obtained from any other signatory to this document.

17 By: /s/ Austin Manes
18 Austin Manes

[PROPOSED] ORDER

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

The current deadline for Finjan to respond to Ltd.'s Answer is vacated. Finjan shall respond to Check Point's joint Amended Answer fourteen days after Check Point files it.

Dated: _____, 2019

The Honorable William H. Orrick
United States District Judge