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15 *Attorneys for Defendant*  
16 QUALYS INC.

17 **IN THE UNITED STATES DISTRICT COURT**  
18 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

19 **OAKLAND DIVISION**

21 FINJAN LLC, a Delaware Limited Liability )  
22 Company, )  
23 Plaintiff, )  
24 v. )  
25 QUALYS INC., a Delaware Corporation, )  
26 Defendant )

CASE NO.: 4:18-cv-07229-YGR (TSH)

**QUALYS INC.'S REQUEST FOR  
JUDICIAL NOTICE IN SUPPORT  
OF ITS MOTION FOR JUDGMENT  
ON THE PLEADINGS**

1 Pursuant to Federal Rule of Evidence 201, Defendant Qualys Inc. (“Qualys”) respectfully  
2 asks that the Court take judicial notice of the following public and/or litigation documents listed  
3 below. Each document identified below is appropriate for judicial notice.<sup>1</sup>

4 The specific documents subject to this Request are:

- 5 • **Exhibit A**: a true and correct copy of excerpts of the file history of U.S. Patent No.  
6 7,975,305. This document is publicly available from the United States Patent and  
7 Trademark Office (“USPTO”) and contains the public record of the application  
8 process for the ’305 Patent.
- 9 • **Exhibit B**: a true and correct copy of excerpts of the proceedings for *Ex Parte*  
10 Reexamination No. 90/013,660 proceedings for U.S. Patent No. 7,975,305. This  
11 document is publicly available from the USPTO and contains the public record of  
12 those proceedings.
- 13 • **Exhibit C**: a true and correct copy of the Federal Circuit Court of Appeal’s Judgment  
14 in Case No. 2018-2354 pertaining to *Ex Parte* Reexamination No. 90/013,660.
- 15 • **Exhibit D**: a true and correct copy of U.S. Patent No. 5,987,611 (issued Nov. 16,  
16 1999) (“Freund”). This document is publicly available from the USPTO and is  
17 discussed in the file history for the ’305 Patent that is Exhibit A.
- 18 • **Exhibit E**: is a true and correct copy of U.S. Patent No. 8,140,660 (issued March 20,  
19 2012) (“Wells”). This document is publicly available from the USPTO and is  
20 discussed in the proceedings for *Ex Parte* Reexamination No. 90/013,660 that is  
21 Exhibit B.

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23 <sup>1</sup> See *Uniloc USA, Inc. v. ADP, LLC*, 772 Fed. Appx. 890, 898 n.3 (Fed. Cir. 2019) (taking judicial  
24 notice of the patentee’s prosecution history); *Coinstar, Inc. v. Coinbank Automated Sys., Inc.*, 998  
25 F.Supp. 1109, 1114 (N.D. Cal. 1998); *Marine Polymer Tech., Inc. v. HemCon, Inc.*, 659 F.3d 1084,  
26 1090 (Fed. Cir. 2011) (taking judicial notice of a reexamination proceeding); *St. Clair Intellectual*  
27 *Prop. Consultants, Inc. v. Canon Inc.*, 2011 WL 66166, \*5 (Fed. Cir. 2011) (nonprecedential)  
28 (noting that the court could take judicial notice of the prosecution history of a reexamination);  
*Hoganas AB v. Dresser Indus., Inc.*, 9 F.3d 948, 954 n.27, 28 (Fed. Cir. 1993) (taking judicial notice  
of another patent); *Coinstar, Inc. v. Coinbank Automated Sys., Inc.*, 998 F.Supp. 1109, 1114 (N.D.  
Cal. 1998) (taking judicial notice of two patents); *Los Angeles Biomedical Research Institute at*  
*Harbor-UCLA Medical Center v. Eli Lilly and Co.*, 849 F.3d 1049, 1061 n.6 (Fed. Cir. 2017) (taking

- D.I. 100-11, previously filed in this matter, is a true and correct copy of Finjan's Initial Disclosure of Asserted Claims and Infringement Contentions, served April 19, 2019.

Respectfully submitted,

DATED: October 22, 2020

By: /s/ Christopher D. Mays

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