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17	UNITED STATES DISTRICT COURT				
18	NORTHERN DISTRICT OF CALIFORNIA				
19	(OAKLAND DIVISION)				
20	FINJAN LLC, a Delaware Limited Liability	Case No. 4:18	8-cv-07229-YGR (TSH)		
21	Company,	Cuse 110. 1.10	5 CV 07225 TOR (1511)		
22			C'S OPPOSITION TO		
	Disinsiff	-	C.'S MOTION TO STRIKE FINJAN LLC'S		
23	Plaintiff,	*	MENT CONTENTIONS		
24	V.	11 (1 1111 (0 111)			
	QUALYS INC., a Delaware Corporation,	5 . 5	10/00/2000		
25		DATE: TIME:	12/08/2020 2:00 PM		
26	Defendant.	JUDGE:	Hon. Yvonne Gonzalez Rogers		
27		PLACE:	Courtroom 1, 4 th Floor		
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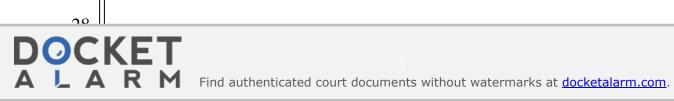


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I. INTRODUCTION

Qualys, Inc.'s ("Qualys") motion to strike Finjan, LLC's ("Finjan") infringement contentions (Dkt. No. 126, "Mot.") should be denied. First, Qualys' motion incorrectly argues that Finjan failed to identify hardware components that correspond to the "receiver" and "transmitter" limitations of the asserted claims. Finjan expressly identified physical components that satisfy these limitations in its infringement contentions, and Qualys' argument takes an overly myopic view of Finjan's infringement theories. Second, Qualys' motion is not simply a motion to strike, but another attempted summary judgment motion seeking to resolve disputed factual issues premised on Qualys' interpretation of the claim construction order. Third, Qualys' motion incorrectly argues that collateral estoppel resolves an open claim construction issue, but collateral estoppel does not apply here because the Federal Circuit's Rule 36 affirmance did not resolve the underlying claim construction dispute. For these reasons and those explained below, Finjan respectfully requests the Court deny Qualys' motion.

II. FACTUAL BACKGROUND

Finjan's complaint alleges that Qualys infringes U.S. Patent Nos. 8,677,494 (the "'494 Patent"), 6,154,844 (the "'844 Patent"), 8,141,154 (the "'154 Patent"), 6,965,968 (the "'968 Patent"), 7,418,731 (the "'731 Patent"), 7,975,305 (the "'305 Patent"), and 8,225,408 (the "'408 Patent"). On April 19, 2019, Finjan served its Patent L.R. 3-1 Disclosure of Asserted Claims and Infringement Contentions ("Infringement Contentions"). *See generally* Dkt. No. 126-12 (Ex. 11 to Mot.). Finjan's Infringement Contentions identified various accused products within Qualys' cloud platform. On October 30, 2020, Qualys moved to strike Finjan's Infringement Contentions concerning the '154, '408, '494, and '968 patents (the "patents at issue"). *See, generally*, Mot.¹

The patents at issue are generally directed towards network security and, in particular, to detecting and safely processing vulnerable and malicious web-content. Each of the patents at issue claim either a "receiver" and/or a "transmitter" for receiving and transmitting information (e.g., downloadable web-content, computer code, and security indicators) over a network. During

¹ Footnote 3 of Oualvs' motion suggests the parties agreed to narrow the scope of the case. Finian



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