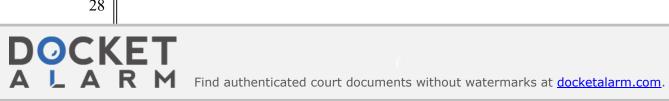
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17	QUALYS INC.	
18	IN THE UNITED STATES DISTRICT COURT	
	FOR THE NORTHERN DISTRICT OF CALIFORNIA	
19	OAKLAND DIVISION	
20	UAKLAND	DIVISION
21	FINJAN LLC	CASE NO.: 4:18-cv-07229-YGR (TSH)
22	Plaintiff,	JOINT MOTION TO STAY
23	V.) LITIGATION
24)
	QUALYS INC.,	
25	Defendant.)
26		
27		
28		



review of the court's summary judgment order in *Finjan v. ESET* (S.D. Cal. Case No. 17-cv-0183) ("ESET Action").

As the parties informed the Court during the March 26, 2021, hearing in this action, the

The parties jointly request the Court stay the litigation pending the outcome of appellate

As the parties informed the Court during the March 26, 2021, hearing in this action, the court in the ESET Action issued a summary judgment order finding U.S. Patent Nos. 6,154,844 and 6,804,780 invalid under 35 U.S.C. § 112 for indefiniteness ("ESET Order"). *See* Transcript of March 26, 2021 Hearing at 31:4-37:4 and 43:3-44:11; Dkt. No. 869 of ESET Action. Finjan will appeal the ESET Order, and its predicate claim construction order. Qualys maintains that the ESET Order and the outcome of any appellate review are relevant to the instant litigation because (1) the 844 Patent is asserted in this case and (2) a second patent asserted in this case—U.S. Patent No. 8,677,494—is a continuation of the '780 Patent.

After meeting and conferring over the issues, the parties agree that the interests of judicial economy as well as the resources of the Court and the parties are best served by staying this litigation pending the outcome of Finjan's appeal. For example, the '844 and '494 Patents are among four presently asserted patents in this litigation; these two patents therefore represent a significant number of issues in the case that may be resolved or narrowed based on the outcome of Finjan's appeal (such as the parties' several infringement and invalidity theories regarding these two patents). Moreover, if the appeal affirms the ESET Order, it would dispose of the '844 Patent (and, Qualys contends, the '494 Patent); however, if the appeal reverses the ESET Order or the underlying claim construction order, it would resolve Qualys's collateral estoppel defense for this particular issue. Waiting for resolution of Finjan's appeal could also reduce the burden on the Court by potentially eliminating or narrowing summary judgment issues for the Court to decide.

The parties therefore jointly request the Court stay the litigation, including all pending deadlines related to their summary judgment motions and the hearing for the same, pending the completion of any appellate review of the order at Dkt. No. 869 in the ESET Action.



1			Respectfully submitted,
2			FISH & RICHARDSON P.C.
3	Dated: June 15, 2021	By:	/s/ Juanita R. Brooks
4			JUANITA R. BROOKS
5			Counsel for Plaintiff
6			FINJAN, LLC
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8			WILSON SONSINI GOODRICH & ROSATI
9	Dated: June 15, 2021	By:	/s/ Christopher D. Mays CHRISTOPHER D. MAYS
10			
11			Counsel for Defendant QUALYS INC.
12			
13			
14	ATTESTATION PURSUANT TO CIVIL L.R. 5-1(I)		
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			
18			/s/ Christopher D. Mays
19			Christopher D. Mays
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