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QUALYS INC.

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 (OAKLAND DIVISION)

19 FINJAN LLC, a Delaware Limited Liability
20 Company,

21 Plaintiff,

22 v.

23 QUALYS INC., a Delaware Corporation,

24 Defendant.
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27
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Case No. 4:18-cv-07229-YGR (TSH)

**JOINT CASE MANAGEMENT
STATEMENT**

JUDGE: Hon. Yvonne Gonzalez Rogers
PLACE: Courtroom 1, 4th Floor

1 A Case Management Conference is presently set for February 13, 2023 at 1:00 pm by video
2 conference. The parties file this Joint Case Management Statement and request that the conference
3 be vacated and the stay remain in place pending the outcome of a related appeal. A Joint Case
4 Management Statement was filed at the outset of this case and is incorporated by reference. Dkt.
5 No. 23.

6
7 **I. Status and Related Cases**

8 As noted in the Joint Status Report filed on January 12, 2023, in order to preserve the
9 resources of the parties and in the interest of judicial economy, this case was stayed pending the
10 completion of any appellate review of the District Court's amended order (Dkt. No. 869) of March
11 29, 2021 in *Finjan LLC v. ESET, LLC et al.* (ESET Action) (S.D. Cal. Case No. 17-cv-0183). Dkt.
12 No. 209. The Federal Circuit reversed the decision on the overlapping patents between this case
13 and the ESET Action and the mandate issued on January 3, 2023.

14
15 Subsequently, another appeal was made in another matter where the asserted patents partially
16 overlapped with this matter, namely *Finjan LLC v. SonicWall, Inc.* (the "SonicWall Action") (N.D.
17 Cal. Case No. 17-cv-04467). The Federal Circuit heard oral argument in the SonicWall Action on
18 January 10, 2023 and took the matter under submission.

19 **II. Motions Pending**

20 When this case was stayed the '408, '494, '731, and '844 Patents were asserted and
21 dispositive motions were pending. *See, e.g.*, Dkt. Nos. 192 and 195.

22
23 **III. Narrowing Issues and Next Steps**

24 After meeting and conferring regarding this case management statement and the issues on
25 appeal in the *Finjan LLC v. SonicWall, Inc.* matter, which is pending before the Federal Circuit
26 (Case No. 22-1048) relating to patents that overlap between the matters, the parties propose that the
27 stay remain in place until the resolution of the appeal in the SonicWall Action. This request is based
28

1 for summary judgment of non-infringement regarding the '408 Patent (claim term "single
2 computer"), as well as for the '844 and '494 Patents (claim term "receiver for receiving a
3 Downloadable")). Both of these issues are also issues in the appeal of the SonicWall Action.

4 In view of the overlap between the issues currently on appeal in the SonicWall Action and
5 pending before the Court here, the parties respectfully request that the Case Management
6 Conference be vacated and the case continue to be stayed until the Federal Circuit renders its
7 decision in the appeal of the SonicWall Action.
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9 Dated: January 30, 2023

/s/ Juanita R. Brooks

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10 Dated: January 30, 2023

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ATTESTATION

I, Juanita R. Brooks, hereby attest that the concurrence to the filing of this document has been obtained from each signatory hereto.

/s/ Juanita R. Brooks

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