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13 *Attorneys for Plaintiff*
 14 FINJAN, INC.

15 **IN THE UNITED STATES DISTRICT COURT**
 16 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**
 17 **SAN DIEGO DIVISION**

18 FINJAN, INC., a Delaware Corporation,

19 Plaintiff,

20 v.

21 ESET, LLC, a California Limited
 22 Liability Corporation, and ESET SPOL.
 23 S.R.O., a Slovak Republic Corporation,

24 Defendants.

25 ESET, LLC, a California Limited
 26 Liability Corporation, and ESET SPOL.
 27 S.R.O., a Slovak Republic Corporation,

28 Counterclaim-Plaintiffs,

29 v.

30 FINJAN, INC., a Delaware Corporation,

Counterclaim-Defendant.

Case No. 3:17-cv-00183-CAB-BGS

**PLAINTIFF FINJAN, INC.’S NOTICE
 OF MOTION AND MOTION IN
 LIMINE NO. 5 TO PRECLUDE
 DEFENDANTS’ EXPERTS FROM
 APPLYING THEIR OWN CLAIM
 CONSTRUCTIONS AT TRIAL**

Date: February 21, 2020

Judge: Cathy Ann Bencivengo

**PER CHAMBERS RULES, NO ORAL
 ARGUMENT UNLESS ORDERED BY
 THE COURT**

1 **NOTICE OF MOTION AND MOTION *IN LIMINE* NO. 5**

2 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that on February 21, 2020, or as soon thereafter as this
4 matter may be heard by the Honorable Cathy Ann Bencivengo in Courtroom 4C of the
5 above-entitled Court, located at 221 West Broadway, Suite 4165, San Diego,
6 California, 92101, Plaintiff-Counterclaim-Defendant Finjan, Inc. will and hereby does
7 move the Court for an order precluding Defendants-Counterclaim-Plaintiffs Eset, LLC
8 and Eset spol. s.r.o. and their experts from applying their own claim constructions at
9 trial or departing from the Court's constructions.

10 This motion is based on this Notice of Motion, the Memorandum of Points and
11 Authorities, the Declaration of Kristopher Kastens, the pleadings and papers on file, all
12 other arguments submitted in connection with this matter, and all matters of which the
13 Court may take judicial notice.

14
15 Respectfully submitted,

16
17 DATED: February 7, 2020

By: s/ Lisa Kobialka

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