C	ase 3:17-cv-00183-CAB-BGS Document 755	Filed 02/07/20 PageID.37099 Page 1 of 2
1 2 3 4 5 6 7 8 9 10	PAUL ANDRE (SBN 196585) <u>pandre@kramerlevin.com</u> LISA KOBIALKA (SBN 191404) <u>lkobialka@kramerlevin.com</u> JAMES HANNAH (SBN 237978) <u>jhannah@kramerlevin.com</u> KRAMER LEVIN NAFTALIS & FRANKEL LLP 990 Marsh Road Menlo Park, CA 94025 Telephone: (650) 752-1700 Facsimile: (650) 752-1800 Attorneys for Plaintiff FINJAN, INC.	
11		
12		TES DISTRICT COURT
13	FOR THE SOUTHERN DISTRICT OF CALIFORNIA SAN DIEGO DIVISION	
14	FINJAN, INC., a Delaware Corporation,	Case No. 3:17-cv-00183-CAB-BGS
15	Plaintiff,	DI AINTIEE EINIAN INC 'S NOTICE
16	r iaiittiii,	PLAINTIFF FINJAN, INC.'S NOTICE OF MOTION AND MOTION <i>IN</i>
17	V.	LIMINE NO. 7 TO PRECLUDE
18	ESET, LLC, a California Limited	DEFENDANTS FROM DISCUSSING THE 2005 MICROSOFT LICENSE
19	Liability Corporation, and ESET SPOL.	
20	S.R.O., a Slovak Republic Corporation,	Date: February 21, 2020 Judge: Hon. Cathy Ann Bencivengo
21	Defendants.	
22	ESET, LLC, a California Limited Liability Corporation, and ESET SPOL.	PER CHAMBERS RULES, NO ORAL ARGUMENT UNLESS ORDERED BY
23	S.R.O., a Slovak Republic Corporation,	THE COURT
24	Counterclaim-Plaintiffs,	
25	V.	
26	FINJAN, INC., a Delaware Corporation,	
27		
20	Counterclaim-Defendant.	

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NOTICE OF MOTION AND MOTION IN LIMINE NO. 7

2 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

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PLEASE TAKE NOTICE that on February 21, 2020, or as soon thereafter as this
matter may be heard by the Honorable Cathy Ann Bencivengo in Courtroom 4C of the
above-entitled Court, located at 221 West Broadway, Suite 4165, San Diego,
California, 92101, Plaintiff-Counterclaim-Defendant Finjan, Inc. will and hereby does
move the Court for an order precluding Defendants-Counterclaim-Plaintiffs Eset, LLC
and Eset spol. s.r.o. from relying on Finjan's license with Microsoft because they
waived any affirmative defense based on that license.

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

Respectfully submitted,

By: s/Lisa Kobialka DATED: February 7, 2020 Paul Andre (State Bar. No. 196585) Lisa Kobialka (State Bar No. 191404) James Hannah (State Bar No. 237978) **KRAMER LEVIN NAFTALIS &** FRANKEL LLP 990 Marsh Road Menlo Park, CA 94025 Telephone: (650) 752-1700 Facsimile: (650) 752-1800 pandre@kramerlevin.com lkobialka@kramerlevin.com jhannah@kramerlevin.com Attorneys for Plaintiff Finjan, Inc.

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