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9 Attorneys for Defendants and Counter-Plaintiffs  
10 ESET, LLC and ESET, SPOL. S.R.O.

11 **UNITED STATES DISTRICT COURT**

12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 FINJAN, INC.,

14 Plaintiff,

15 v.

16 ESET, LLC, et al.,

17 Defendants.

Case No. 3:17-cv-0183-CAB-BGS

**ESET, LLC AND ESET, SPOL. S.R.O.'S  
NOTICE OF MOTION AND RENEWED  
MOTION FOR SUMMARY  
JUDGMENT OF PROSECUTION  
HISTORY DISCLAIMER FOR U.S.  
PATENT NO. 6,154,844**

Judge: Hon. Cathy Ann Bencivengo

19 AND RELATED COUNTERCLAIMS.

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

1 TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF  
2 RECORD:

3 PLEASE TAKE NOTICE that, if ordered by the Court, on a date to be  
4 determined by the Court, the parties may be heard in Courtroom 15A of the United  
5 States District Court for the Southern District of California, located at 333 West  
6 Broadway, San Diego, CA 92101, before the Honorable Cathy A. Bencivengo, where  
7 Defendants and Counter-Plaintiffs ESET, LLC and ESET, spol. s.r.o. (collectively  
8 referred to as "ESET"), will, and hereby do, move the Court for an order granting their  
9 Renewed Motion for Summary Judgment of Prosecution History Disclaimer for U.S.  
10 Patent No. 6,154,844.

11 This Motion is based upon this Notice of Motion and the concurrently-filed  
12 Memorandum of Points & Authorities, the Declaration of Nicola A. Pisano, the Federal  
13 Rules of Civil Procedure, the Patent Local Rules, the files and records of this Court, and  
14 any and all other materials submitted to the Court on or before the time of its decision on  
15 this matter.

16 Dated: August 21, 2020

Respectfully submitted,

17 **EVERSHEDS SUTHERLAND (US) LLP**

18 */s/ Nicola A. Pisano*

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