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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FINJAN, INC.,

Plaintiff,

v.

ESET, LLC and ESET SPOL. S.R.O.,

Defendants.

Case No.: 17CV183 CAB (BGS)

**ORDER ON:
(1) TOLLING DISCOVERY
DISPUTES
(2) DEADLINES TO COMPLETE
DISCOVERY**

[ECF 810]

The stay as to the ‘305 patent was lifted on July 23, 2020. (ECF 802.) On August 17, 2020, counsel for the parties jointly contacted Judge Skomal’s Chambers to seek tolling of potential discovery disputes. (ECF 810.)

The parties have not identified any disputes about which they have reached an impasse at this point. Rather, the parties were contacting chambers out of an abundance of caution because almost thirty days had lapsed since the stay was lifted. The parties wanted to avoid any possible waiver of disputes based on Judge Skomal’s 30-day rule that requires parties to contact chambers within 30 days of any dispute arising. The

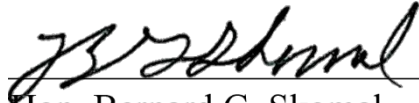
1 parties indicated they were proceeding, but needed additional time to narrow issues and
2 identify any disputes.

3 The Court tolls timely¹ discovery disputes concerning the ‘305 patent that arose
4 prior to the stay to **September 16, 2020**. Additionally, although it is not necessary to toll
5 other disputes at this time, the Court cautions the parties they must proceed diligently
6 with any necessary updates to disclosures and contentions regarding the ‘305 patent.

7 The parties must also meet and confer regarding ‘305 patent discovery to identify
8 what discovery they need that is not cumulative or duplicative of discovery already
9 completed and when it can be completed. The parties should submit a joint discovery
10 plan identifying the discovery needed and deadline(s) when it can be completed by
11 **September 11, 2020**.

12 **IT IS SO ORDERED.**

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14 Dated: August 31, 2020

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16 Hon. Bernard G. Skomal
17 United States Magistrate Judge
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27 ¹ The tolling does not apply to any dispute that should have already been raised under the
28 Court’s 30-day deadline. As to any dispute that is ultimately raised, the parties must be prepared to address the timeline of the dispute.