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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

FINJAN, INC.,

Plaintiff,

v.

ESET, LLC, et al.,

Defendants.

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

**ORDER DENYING DEFENDANTS’
MOTION FOR ISSUANCE OF LETTER
OF REQUEST**

[ECF 838]

AND RELATED COUNTERCLAIMS.

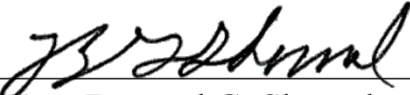
On December 16, 2020, the Court issued an Order on a discovery dispute related to the deposition of Shlomo Touboul. (ECF 836.) The Order required “Eset to narrow the scope of the topics of the deposition to those specific to the ’305 Patent.” (*Id.* at 7.) The Order also indicated “the Court expects the questioning will strictly address only the ’305 Patent.” (*Id.* at 7-8.)

In compliance with that Order, Eset has filed a Motion for Issuance of Letter of Request that has been modified to conform to the Court’s Order. (ECF 838.) However, the section of the Request for International Judicial Assistance that Eset requests the Court issue states under “Subject of Examination” that “[t]he examination of Shlomo Touboul will concern *at least*: . . .” followed by a list of ’305 Patent specific topics. (ECF 838-2 ¶ 5 (emphasis added).) Although the list of topics has been narrowed to

1 '305 Patent specific topics as ordered by the Court, the inclusion of "at least" indicates
2 that the deposition is not limited to the '305 Patent. To comply with the Court's prior
3 Order, Eset must remove this language and resubmit the request. Accordingly, the
4 Motion is **DENIED with leave to file a modified version of the request.**

5 **IT IS SO ORDERED.**

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7 Dated: December 29, 2020

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9 Hon. Bernard G. Skomal
United States Magistrate Judge

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