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

9

10 **UNITED STATES DISTRICT COURT**

11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 FINJAN, INC.,

13 Plaintiff,

14 v.

15 ESET, LLC, et al.,

16 Defendants.

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

**ESET, LLC AND ESET, SPOL. S.R.O.'S
NOTICE OF MOTION AND MOTION
FOR PARTIAL SUMMARY
JUDGMENT OF NON-
INFRINGEMENT RE: ESET'S
BACKEND SERVICES**

Judge: Hon. Cathy Ann Bencivengo

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20 AND RELATED COUNTERCLAIMS.

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

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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 determined
4 by the Court, the parties may be heard in Courtroom 4C of the United States District
5 Court for the Southern District of California, located at 221 West Broadway, San Diego,
6 CA 92101, before the Honorable Cathy A. Bencivengo, where Defendants and Counter-
7 Plaintiffs ESET, LLC and ESET, spol. s.r.o. (collectively referred to as “ESET”), will,
8 and hereby do, move the Court for an order granting their Motion for Partial Summary
9 Judgment of Non-Infringement Re: ESET’s Backend Services.

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

15 Dated: April 23, 2019

Respectfully submitted,

FOLEY & LARDNER LLP

/s/ Scott A. Penner

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