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PROOFPOINT, INC. and ARMORIZE
TECHNOLOGIES, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FINJAN, INC.,

Plaintiff,

v.

PROOFPOINT, INC. and ARMORIZE
TECHNOLOGIES, INC.,

Defendants.

Case No.: 13-CV-05808-HSG

**STIPULATION AND ORDER
EXTENDING TIME FOR CERTAIN
DISCOVERY**

Trial Date: March 7, 2016

Pursuant to Civil Local Rules 6-1(b), 6-2, and 7-12, Plaintiff Finjan, Inc. and Defendants Proofpoint, Inc. and Armorize Technologies, Inc. (collectively, “the Parties”), by and through their respective counsel, hereby stipulate to the following request to modify the case schedule as follows:

WHEREAS, the close of fact discovery in this matter was scheduled for September 2, 2015;

WHEREAS, the Parties have exchanged written discovery requests and responses, propounded third-party discovery, and noticed and scheduled depositions in conformance with the September 2, 2015 deadline;

WHEREAS, certain discovery that was requested during the fact discovery period has not yet been completed. The following is a description of this discovery:

- ◆ Defendants are continuing to produce documents pursuant to Finjan’s requests for production and intend to provide a rolling production to be completed on or before September 17, 2015;
- ◆ Finjan has been working with third parties to obtain consent to produce certain documents that it contends are subject to confidentiality obligations with those third parties, and Finjan intends to produce these documents on or before September 11, 2015;
- ◆ Defendants have been working with third party Trustwave Holdings, Inc. (“Trustwave”) for Trustwave to produce documents pursuant to a subpoena served by Defendants, and Trustwave has indicated that it intends to produce these documents by September 14, 2015;
- ◆ Defendants have been working with third party Trustwave for Trustwave to provide a deposition pursuant to a subpoena served by Defendants, and Trustwave has indicated that it intends to provide this deposition by September 21, 2015;
- ◆ Defendants have been working with third party Trend Micro Incorporated (“Trend Micro”) for Trend Micro to produce documents pursuant to a subpoena served by Defendants, and Trend Micro has indicated that it intends to produce these documents by September 16, 2015;
- ◆ Finjan has been working with third party TechValidate Software (“TechValidate”) to produce documents pursuant to a subpoena served by Finjan, and TechValidate has indicated that it intends to produce these documents by September 11, 2015;
- ◆ Defendants took the deposition of third party witness, Mr. David Kroll, on September 4, 2015, due to Mr. Kroll’s unavailability on prior dates proposed by Defendants;

- 1 ♦ The parties have been working together to resolve certain discovery disputes, which may
2 result in additional discovery being provided.

3 WHEREAS, the parties have agreed, subject to the Court's approval, to extend the fact
4 discovery deadline for the limited purpose of completing the fact discovery set forth above;

5 WHEREAS, the parties have agreed, subject to the Court's approval, to extend the deadline to
6 file motions to compel fact discovery pursuant to Civil Local Rule 37-3 from September 9, 2015 to
7 September 24, 2015;

8 WHEREAS, the parties have agreed, subject to the Court's approval, to extend the deadline for
9 opening expert reports from September 23, 2015 to October 7, 2015, the deadline for rebuttal expert
10 reports from October 14, 2015 to October 28, 2015, and the close of expert discovery from October 28,
11 2015 to November 6, 2015;

12 WHEREAS, the parties have agreed, subject to the Court's approval, to extend the deadline for
13 the parties to file motions for summary judgment from November 11, 2015 to November 13, 2015;

14 WHEREAS, trial in this matter is scheduled to begin on March 7, 2016;

15 WHEREAS, the requested extensions described above should not have any material effect on
16 the schedule in this case;

17 NOW THEREFORE, the Parties hereby stipulate to and request (1) an extension of time to
18 conduct fact discovery, in order to complete the discovery described above, (2) an extension of the
19 deadline to file motions to compel fact discovery from September 9, 2015 to September 24, 2015, (3)
20 an extension of the deadline to exchange opening expert reports from September 23, 2015 to October
21 7, 2015, (4) an extension of the deadline to exchange rebuttal expert reports from October 14, 2015 to
22 October 28, 2015, (5) an extension of the deadline to complete expert discovery from October 28, 2015
23 to November 6, 2015, and (6) an extension of the deadline for the parties to file motions for summary
24 judgment from November 11, 2015 to November 13, 2015.
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1 **IT IS SO STIPULATED.**

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3 Respectfully submitted,

4 Dated: September 9, 2015

By: /s/ Paul J. Andre

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17 *Counsel for Plaintiff*
18 FINJAN, INC.

19 Respectfully submitted,

20 Dated: September 9, 2015

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Paul J. Andre

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

(1) The fact discovery deadline is hereby extended for the limited purpose of completing the discovery listed in the above Stipulation;

(2) The deadline for opening expert reports is extended from September 23, 2015, to October 7, 2015;


(3) The deadline for rebuttal expert reports is extended from October 14, 2015, to October 28, 2015;

(4) The close of expert discovery is extended from October 28, 2015, to November 6, 2015;

(5) The deadline to file motions to compel fact discovery is hereby extended from September 9, 2015 to September 24, 2015, and

(6) The deadline for the parties to file motions for summary judgment is hereby extended from November 11, 2015 to November 13, 2015.

DATED: September 10, 2015


The Honorable Haywood S. Gilliam, Jr.
United States District Judge