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Attorneys for Defendant
ZSCALER, INC.

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

FINJAN, INC., a Delaware Corporation,

Plaintiff,

v.

ZSCALER, INC., a Delaware Corporation,

Defendant.

Case No.: 3:17-cv-6946-JST

**STIPULATION SETTING THE
DEADLINE FOR EXCHANGE
OF EXPERT DECLARATIONS
IN SUPPORT OF THE PARTIES'
CLAIM CONSTRUCTIONS**

1 Pursuant to Civil Local Rules 6-1 and 7-12, Plaintiff Finjan, Inc. (“Finjan”) and Defendant
2 Zscaler, Inc. (“Zscaler”) (collectively, the “Parties”) submit this Stipulation Setting the Deadline
3 For Exchange of Expert Declarations in Support of the Parties’ Claim Constructions
4 (“Stipulation”).

5 WHEREAS, under Patent Local Rule 4-3, the Parties’ Joint Claim Construction and
6 Prehearing Statement is due this Friday, August 31, 2018;

7 WHEREAS, the Parties are on schedule to file the Joint Claim Construction and Prehearing
8 Statement on August 31, 2018, and are currently meeting and conferring on their proposed
9 constructions and the ten terms the Court should construe, or “whose construction will be most
10 significant to the resolution” of the case;

11 WHEREAS, the Parties agree that preparing complete expert declarations now on more
12 terms than the Court will likely construe would be inefficient and a waste of resources;

13 WHEREAS, in the interests of efficiency and economy, and to avoid any ambiguity, the
14 Parties agree that they should identify the general substance of any expert testimony on which they
15 intend to rely under Patent Local Rule 4-3, as part of the Joint Claim Construction and Prehearing
16 Statement, but that they should not exchange and file complete expert declarations in support of
17 their claim construction positions until two weeks later on September 14, 2018;

18 WHEREAS, the parties have agreed to forego expert depositions on claim construction;

19 WHEREAS, this stipulation will not change or alter the date of any event or any deadline
20 already established by Court order; and

21 WHEREAS, the schedule in this case has been modified with respect to two events. On
22 January 12, 2018 the parties stipulated to extend the time for Zscaler to respond to the Complaint
23 until February 12, 2018, which was effective under Civil Local Rule 6-1(a) at Dkt. 14. The
24 settlement conference date was also rescheduled from July 13, 2018 to September 11, 2018 at Dkt.
25 54, and again to September 19, 2018 at Dkt. 67. Recently, the Parties agreed to Magistrate Judge
26 Beeler’s request to reschedule the settlement conference from September 19, 2018 to September
27 28, 2018, but the Court has yet to enter an order memorializing that agreement.
28

1 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among
2 counsel for Finjan and counsel for Zscaler that the deadline for the Parties to exchange and file
3 expert declarations in support of their claim construction positions shall be September 14, 2018.

4 **IT IS SO STIPULATED.**

5 Respectfully submitted,

6 DATED: August 28, 2018

7 By: /s/ Austin Manes

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22 Attorneys for Plaintiff
23 FINJAN, INC.

24 Respectfully submitted,

25 DATED: August 28, 2018

26 By: /s/Sonal N. Mehta

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Attorneys for Defendant
ZSCALER, INC.

ATTESTATION

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from any other signatory to this document.

/s/ Austin Manes
Austin Manes

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1 **IT IS SO ORDERED.**

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3 DATED: August 29, 2018


Honorable Judge Jon S. Tighe

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