

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

FINJAN, INC.,
Plaintiff,
v.
CISCO SYSTEMS INC.,
Defendant.

Case No. [17-cv-00072-BLF](#)

**ORDER GRANTING DEFENDANT'S
MOTION FOR LEAVE TO SUBMIT
ADDITIONAL CLAIM
CONSTRUCTION BRIEFING**

[Re: ECF 144]

Before the Court is Defendant's Motion for Leave to Submit Limited Additional Claim Construction Briefing ("Motion"). Motion, ECF 144. Specifically, Defendant requests that the Court construe four additional claims terms. Motion at 1. Plaintiff opposes Defendant's Motion. Opp'n, ECF 146. Although additional briefing may not be strictly necessary in light of the Court's prior constructions, the Court nevertheless finds that Defendant has shown a possible "fundamental dispute" regarding the scope of the claim terms, and thus "good cause" that would warrant such briefing on these claim terms. *See O2 Micro Int'l Ltd. v. Beyond Innovation Tech. Co.*, 521 F.3d 1351, 1362 (Fed. Cir. 2008); *Finjan, Inc. v. Symantec Corp.*, 2016 WL 6563342, at *1 (N.D. Cal. Nov. 4, 2016) (citing Patent Local Rule 1-3). Accordingly, Defendant's Motion at ECF 144 for additional claim construction briefing is GRANTED.

The additional briefing shall consist of no more than 10 pages for the opening brief; 10 pages for the response brief; and 5 pages for the reply brief. A hearing will not be held. The Court recognizes that the proposed briefing schedule may not be feasible, and invites the parties to jointly submit an updated briefing schedule.

IT IS SO ORDERED.

Dated: October 22, 2018



BETH LABSON FREEMAN
United States District Judge