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

FINJAN LLC,
Plaintiff,
v.
SONICWALL, INC.,
Defendant.

Case No. 17-cv-04467-BLF

**ORDER STRIKING MOTIONS AT ECF
346, 347, 348, 350, AND 351**

The Court STRIKES the motions at ECF 346, 347, 348, 350, and 351. Finjan LLC’s motions at ECF 348 and 350 are set for hearing on June 24, 2021—well after trial begins. SonicWall, Inc.’s motion at ECF 347 was improperly set for hearing on February 18, 2021.

The Court’s Standing Order is clear that “parties are responsible for scheduling *Daubert* hearings at least 60 days before trial.” Standing Order Re Civil Case § IV.A.2; *see also id.* § III.A (motions “are heard by reservation only”). The parties are aware of the Court’s scheduling timeline. *See id.* § IV.C (“the Court is setting hearings approximately 5 months out”). And as for SonicWall’s motion, it was filed a bare 28 days in advance of the desired hearing date in violation of Local Rule 7-2(a). *See also id.* § IV.B (motions must be fully briefed 14 days before hearing). Further, the Court advises the parties that the Court will not grant an order shortening time to hear these motions. The parties were advised of these requirements at the initial case management conference and all counsel are familiar with this Court’s requirements for *Daubert* motions having litigated other cases before this judge.

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The requirement of reserving a hearing at least 60 days before trial will not be altered in the event that the trial date is modified due to COVID-19 restrictions. This case will proceed on the currently set schedule through the final pretrial conference regardless of trial continuances caused by court closure.

The parties may include these motions “in their final pretrial motions in limine.” Standing Order Re Civil Case § IV.A.2. The Court reminds the parties that they are “limited to 5 pretrial motions in limine of 5 pages each.” *Id.*

IT IS SO ORDERED.

Dated: January 22, 2021



BETH LABSON FREEMAN
United States District Judge