

# EXHIBIT 23

- a. the basis on which the privilege is claimed;
- b. the names and positions of the author of the document and all other persons participating in the preparation of the document;
- c. the name and position of each individual or other person to whom the document, or a copy thereof, was sent or otherwise disclosed;
- d. the date of the document;
- e. a description of any accompanying material transmitted with or attached to such document;
- f. the number of pages in such document;
- g. the particular request to which such document is responsive; and
- h. whether any business or non-legal matter is contained or discussed in such document.

4. If Defendant's response to a particular request is a statement that Defendant lacks the ability to comply with that request, Defendant shall specify whether the inability to comply is because the particular item or category of information never existed, has been destroyed, has been lost, misplaced, or stolen, or has never been, or is no longer in the possession, custody, or control of Defendant, in which case Defendant shall identify the name and address of any person or entity known or believed by Defendant to have possession, custody, or control of that information or category of information.

#### **REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS**

##### **REQUEST FOR PRODUCTION NO. 1:**

All documents, communications, or things relating to Finjan and its patents.

##### **REQUEST FOR PRODUCTION NO. 2:**

All documents, communications, or things relating to the Asserted Patents, including documents or communications with third parties.

1 **REQUEST FOR PRODUCTION NO. 3:**

2 All documents, communications, or things relating to the timing and circumstances of the  
3 moment You first became aware of each of the Asserted Patents.

4 **REQUEST FOR PRODUCTION NO. 4:**

5 All documents, communications, or things relating to any investigation or analysis You  
6 performed of any of the Asserted Patents.

7 **REQUEST FOR PRODUCTION NO. 5:**

8 Documents, communications, or things sufficient to show the infringement or non-infringement  
9 of the Asserted Patents by You or any other person or entity, including but not limited to, all  
10 documents, communications, or things relating to Your efforts to assess the validity, infringement, or  
11 enforceability of the Asserted Patents or to design around or avoid infringing the Asserted Patents.

12 **REQUEST FOR PRODUCTION NO. 6:**

13 Documents, communications, or things sufficient to show the alleged non-infringing  
14 alternatives to the inventions of the Asserted Patents.

15 **REQUEST FOR PRODUCTION NO. 7:**

16 Documents, communications, or things sufficient to show any alleged prior art to, or searches  
17 for prior art, regarding the Asserted Patents.

18 **REQUEST FOR PRODUCTION NO. 8:**

19 Documents, communications, or things sufficient to show the scope, patentability, novelty,  
20 validity, invalidity, enforceability, or unenforceability of any claim of the Asserted Patents.

21 **REQUEST FOR PRODUCTION NO. 9:**

22 Documents, communications, or things sufficient to show any secondary consideration or other  
23 objective evidence of non-obviousness of the Asserted Patents, including but not limited to any long-  
24 felt need, failure of others, commercial success, copying of the claimed invention by others,  
25 unexpected or superior results from the claimed invention, licensing or praise by others, criticism by  
26 others, or any other objective indicia of non-obviousness.  
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