

EXHIBIT C

1 WITHDRAW THEIR OPPOSITION TO OUR DEFERRED MOTION, SO I DON'T
2 THINK THAT THAT HAS DERAILED OUR AGREEMENT.

3 **THE COURT:** WELL, ALL RIGHT. SO WE STILL HAVE AN
4 AGREEMENT?

5 **MR. GLUCOFT:** YES, YOUR HONOR.

6 **THE COURT:** OKAY. ALL RIGHT. SO IS THERE ANYTHING
7 MORE, THEN, THAT I NEED TO DO? WELL, LET'S GO TO SOMETHING NEW
8 THAT I CAN RULE ON THAT'S STILL IN DISPUTE.

9 WHAT WOULD THAT BE, MS. NGUYEN?

10 **MS. NGUYEN:** SO IN OUR MOTION TO COMPEL DISCOVERY WE
11 HAD TO ISSUES, AND THE FIRST ONE WHICH I MENTIONED EARLIER HAD TO
12 DO WITH SKY ATP AND DEFENDANT INDICATED THEY WOULD PRODUCE THESE
13 DOCUMENTS BY APRIL 30TH.

14 NOW, THE OUTSTANDING ISSUE IS WHETHER DEFENDANT SHOULD BE
15 REQUIRED TO PRODUCE DOCUMENTS FOR THE ATP APPLIANCE.

16 **THE COURT:** ON THE WHAT?

17 **MS. NGUYEN:** ATP APPLIANCE.

18 **THE COURT:** APPLIANCE?

19 **MS. NGUYEN:** YES, YOUR HONOR.

20 **THE COURT:** SO WHAT? I MEAN, WHAT'S THE ISSUE THERE?

21 **MS. NGUYEN:** DEFENDANT CLAIMED THAT WE DIDN'T
22 SUFFICIENTLY PLEAD IT IN OUR COMPLAINT. AND IT'S OUR POSITION
23 THAT WE DID GIVE THEM SUFFICIENT --

24 **THE COURT:** WELL, HERE'S THE RULING. IF YOU ACTUALLY
25 HAD PUT IT IN THE COMPLAINT AS AN ACCUSED PRODUCT AND EXPLAINED

1 WHICH CLAIMS THE PRODUCT INFRINGES, THEN IT IS IN THE COMPLAINT.
2 BUT IF IT'S JUST A BACKGROUND FACT, THAT'S NOT GOOD ENOUGH. SO
3 WHICH IS IT?

4 **MS. NGUYEN:** WE WEREN'T ABLE TO SPECIFICALLY NAME THE
5 ATP APPLIANCE BECAUSE IT WASN'T RELEASED UNTIL AFTER FINJAN FILED
6 ITS COMPLAINT.

7 **THE COURT:** LOOK, THAT'S YOUR PROBLEM. I MEAN, I CAN'T
8 SOLVE THAT FOR YOU. YOU GOT TO GO BACK AND REPLEAD. IF YOU --
9 IF YOU REALLY FEEL YOU HAVE A GOOD FAITH BASIS. BUT I'M NOT JUST
10 GOING TO HAND OVER THE DOCUMENTS TO YOU UNTIL YOU DO THAT. YOU
11 GOT TO PLEAD IT.

12 IF YOU SURVIVE -- PLEAD IT. SURVIVE THE MOTION TO DISMISS.
13 THEN YOU GET -- ASSUMING THEY MAKE ONE. I HOPE THEY DON'T MAKE
14 ONE. BUT IF THEY MAKE ONE, THEN YOU GET THE DOCUMENTS.

15 **MS. NGUYEN:** YES, YOUR HONOR.

16 **THE COURT:** ALL RIGHT. SO THAT'S MY RULING ON THAT
17 ONE.

18 OKAY. WHAT'S NEXT?

19 **MS. NGUYEN:** THE OTHER MOTION WE HAVE PENDING IS
20 OVERRULING DEFENDANT'S OBJECTION TO DR. COLE WHO IS FINJAN'S
21 EXPERT AND --

22 **THE COURT:** YES, BUT ISN'T HE A FORMER COMPETITOR,
23 IN-HOUSE LAWYER OR IS HE A LAWYER?

24 **MR. GLUCOFT:** NO, YOUR HONOR. HE'S A TECHNICAL EXPERT.

25 **THE COURT:** TECHNICAL GUY. OKAY. NEVERTHELESS, DIDN'T