

Exhibit D

Caridis, Alyssa

From: Caridis, Alyssa
Sent: Friday, April 5, 2019 4:52 PM
To: Hannah, James; Andre, Paul; Kobialka, Lisa; Kastens, Kris; Manes, Austin
Cc: Roberts, Clement; Cheever, Frances; Brewer, Evan; Burleigh, Miwako
Subject: Finjan v Check Point -- Motion Practice re: Amended Infringement Contentions

Counsel,

Check Point is in receipt of Finjan's Amended Infringement Contentions, dated April 1, 2019. Though our review is ongoing, it is already apparent that these contentions fail to comply with Patent Local Rule 3-1(c), the Court's Order Re Case Narrowing and Infringement Contentions, and the Court's Order requiring Finjan to amend its original infringement contentions. Examples of the deficiencies include:


- Failing to organize the contentions on an instrumentality-by-instrumentality or specifically identified combination-by-combination basis;
- The use of open ended contentions;
- Failing to cite any code for various purportedly accused instrumentalities; and
- Including new products without good cause.

Check Point intends to seek relief from the Court. Given the upcoming claim construction deadlines (and in light of the Court's recognition that claim construction should not proceed until appropriate contentions are exchanged (*see* 2.3.19 Transcript at 17:11-13)), Check Point requests that Finjan agree to a stipulation extending the currently-set claim construction deadlines for 45 days to allow time for the Court to hear and rule on our anticipated motion. Please let us know by April 9, 2019 whether Finjan will agree to such a stipulation. If it does not, we will file an opposed motion with the Court while we seek to resolve the underlying issues.

In addition, to the extent Finjan believes that it needs a 30(b)(6) deposition to correct the above identified deficiencies please provide a list of the 30(b)(6) questions that Finjan contends would be necessary and a date next week when we can meet and confer on that topic. As per the Court's order (*see* 2.3.19 Transcript at 14:9-17), to the extent we cannot agree on either the specific questions or whether a 30(b)(6) deposition is relevant to the identified deficiencies, the Court has ordered us to submit a 5 page letter brief on the issue.

Best,
Alyssa Caridis

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