

Exhibit H

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12 FINJAN, INC.

13 **IN THE UNITED STATES DISTRICT COURT**
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**

16 FINJAN, INC., a Delaware Corporation,

17 Plaintiff,

18 v.

19 CHECK POINT SOFTWARE
20 TECHNOLOGIES INC., a Delaware
21 Corporation, CHECK POINT SOFTWARE
22 TECHNOLOGIES LTD., an Israeli Limited
23 Company,

24 Defendants.

Case No.: 5:18-cv-02621-WHO

**PLAINTIFF FINJAN, INC.'S RESPONSES
AND OBJECTIONS TO DEFENDANT
CHECK POINT SOFTWARE
TECHNOLOGIES, INC.'S SECOND SET
OF INTERROGATORIES (NO. 4)**

1 Pursuant to Fed. R. Civ. Rule 33, Plaintiff Finjan, Inc. (“Finjan”) responds to Defendant, Check
2 Point Software Technologies, Inc.’s (“Check Point” or “Defendant”) Second Set of Interrogatories
3 (“Interrogatories”). Finjan makes these objections and responses herein (collectively “Responses”)
4 based solely on its current knowledge, understanding, and belief as to the facts and information
5 reasonably available to it as of the date of the Responses.

6 Additional discovery and investigation may lead to additions to, changes in, or modifications of
7 these Responses. The Responses, therefore, are given without prejudice to Finjan’s right to
8 supplement these Responses pursuant to Fed. R. Civ. P. 26(e), or to provide subsequently discovered
9 information and to introduce such subsequently discovered information at the time of any trial or
10 proceeding in this action.

11 **GENERAL OBJECTIONS**

12 1. Finjan hereby incorporates by reference each and every general objection set forth
13 below into each and every specific Response. From time to time, a specific Response may repeat a
14 general objection for emphasis or for some other reason. The failure to include a general objection in a
15 specific Response shall not be interpreted as a waiver of that general objection to that Response.

16 2. Finjan objects to each and every Interrogatory, Definition, and Instruction to the extent
17 that they are vague, ambiguous, unintelligible, or compound.

18 3. Finjan objects to each and every Interrogatory, Definition, and Instruction to the extent
19 that they are overly broad, unduly burdensome, seek information not relevant to the claim or defense of
20 any party, and are not proportional to the needs of this case.

21 4. Finjan objects to each and every Interrogatory, Definition, and Instruction to the extent
22 that they are not reasonably calculated to lead to the discovery of admissible information.

23 5. Finjan objects to each and every Interrogatory, Definition and Instruction to the extent
24 they are not reasonably calculated to lead to the discovery of admissible evidence because they are not
25 properly limited in time.

1 6. Finjan objects to each and every Interrogatory, Definition, and Instruction to the extent
2 that they are unduly burdensome and oppressive, to the extent they subject Finjan to unreasonable and
3 undue effort or expense.

4 7. Finjan objects to each and every Interrogatory, Definition, and Instruction to the extent
5 that they seek information beyond Finjan's actual knowledge, custody, or control.

6 8. Finjan objects to each and every Interrogatory, Definition, and Instruction to the extent
7 they are unreasonably cumulative or duplicative.

8 9. Finjan objects to each and every Interrogatory, Definition, and Instruction to the extent
9 they seek information that is obtainable from some other source that is more convenient, less
10 burdensome, or less expensive.

11 10. Finjan objects to each and every Interrogatory, Definition, and Instruction to the extent
12 that they seek information within Defendant's possession, custody or control.

13 11. Finjan objects to each and every Interrogatory, Definition, and Instruction to the extent
14 they seek information in the public domain, information equally available to Defendant from another
15 source and/or information that can be obtained more efficiently by Defendant through other means of
16 discovery. Defendant can ascertain such information from its own records or from other sources at
17 least as readily as Finjan.

18 12. Finjan objects to each and every Interrogatory, Definition, and Instruction to the extent
19 that they seek confidential, business, financial, proprietary or sensitive information, or trade secrets of
20 third parties, which may be subject to pre-existing protective order(s) and/or confidentiality
21 agreements or in which any third party has an expectation of privacy. Such information shall not be
22 provided absent an express order to the contrary from a court of competent jurisdiction, or an
23 authorization from the third party having the interest in the information's confidentiality.

24 13. Finjan objects to each and every Interrogatory, Definition, and Instruction to the extent
25 they seek information protected by the attorney-client privilege, the work product doctrine, or any
26 other applicable law, privilege, doctrine or immunity. Finjan will not disclose any information so
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1 protected, and the inadvertent disclosure or identification of any such information is not intended as,
2 and will not constitute, a waiver of such privilege, doctrine, or immunity.

3 14. Finjan objects to each and every Interrogatory, Definition, and Instruction to the extent
4 they call for a legal conclusion. Finjan's responses shall not be construed as providing legal
5 conclusions concerning the meaning or application of any terms used in Defendant's Interrogatories.

6 15. Finjan objects to each and every Interrogatory, Definition, and Instruction to the extent
7 that they are premature, as they seek documents that are set to be disclosed on scheduled dates directed
8 by the Court or the Northern District of California Patent Local Rules.

9 16. Finjan objects to each and every Interrogatory, Definition, and Instruction to the extent
10 that they are premature as the Court has not yet entered a claim construction order in this action.

11 17. Finjan objects to each and every Interrogatory, Definition, and Instruction as premature
12 to the extent they seek information that will be the subject of expert testimony.

13 18. Finjan objects to each and every Interrogatory, Definition, and Instruction to the extent
14 that they impose obligations inconsistent with the Amended Case Management Order entered at Dkt.
15 No. 35 or the protective order or ESI order to be entered in this case.

16 19. Finjan objects to each and every Interrogatory, Definition, and Instruction to the extent
17 they assume or mischaracterize any facts. Finjan's responses shall not be construed as agreeing to any
18 facts or characterizations contained in Defendant's Interrogatories.

19 20. Finjan objects to each and every Interrogatory, Definition, and Instruction to the extent
20 that they purport to impose any requirement or discovery obligation greater than or different from
21 those imposed by the Federal Rules of Civil Procedure, the Local Rules of this Court, or orders of the
22 Court governing these proceedings.

23 21. Finjan objects to each and every Interrogatory, Definition, and Instruction to the extent
24 that they are unduly burdensome and oppressive on the grounds that they purport to require Finjan to
25 search its facilities and inquire of its employees other than those facilities and employees that would
26 reasonably be expected to have responsive information. Finjan's Responses and productions are based
27 upon: (1) a search of facilities and files that could reasonably be expected to contain responsive
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