

Exhibit M

Caridis, Alyssa

From: Brewer, Evan
Sent: Tuesday, October 1, 2019 11:30 AM
To: Xu, Linda
Cc: Roberts, Clement; Caridis, Alyssa; Cheever, Frances; Feeman, Vickie L.; Hannah, James; Kobialka, Lisa; Andre, Paul; Kastens, Kris; Manes, Austin
Subject: Re: Finjan v. Check Point: Issues with Finjan's Second Amended Infringement Contentions

Linda,

Regarding number 2, we cannot stipulate that an (unspecified) appliance is “representative” of all the other appliances in any number of (unspecified) ways. However, if you prepare a chart that uses one appliance and explains the ways that you contend it is representative of the other appliances, we may well be able to stipulate to your using it as a substitute for the other appliance charts.

For number 3, we are fine with a stipulation that all instances of “such as,” “for example,” and other exemplary language be treated as “which is/are,” as you suggested earlier. If you agree, there would be no need to serve replacement charts.

For 11, we do not understand what you mean, but if you want to show us what you are proposing we can discuss it.

Evan

Evan Brewer
ebrewer@orrick.com
T: 650.614.7497
M: 650.422.0967

On Sep 27, 2019, at 16:23, Xu, Linda <LXu@KRAMERLEVIN.com> wrote:

Evan,

We are available next Wednesday at 3pm for the meet and confer. Please confirm it works for your schedule.

It sounds like Check Point is not interested in working with Finjan on Check Point’s complaints of the infringement contentions. Regarding the alleged issues in the infringement contentions, below are our responses.

- For #1, we don’t understand what new allegations Check Point is referring to.
- For #2, Finjan’s position is set forth in my Sept 25 email.
- For #3, we will serve replacement charts for the “such as” language that we are able to locate.
- For #4, the parties disagree on this point.
- For #5, Finjan’s position is set forth in my Sept 25 email.
- For #6, we will not withdraw and disagree with your characterization of the Court’s order.
- For #7, we don’t understand what Check Point’s issues are, which is why we requested a meet and confer.
- For #8, we don’t understand what Check Point’s issues are.
- For #9, we will not withdraw our allegations.
- For #10, we disagree with Check Point.

- For #11, we are willing to provide a supplement to the cover pleading that identifies the asserted claims against the instrumentalities, as long as Check Point agrees that we can group those instrumentalities in that portion and will not object to it.
- For #12, We will serve a replacement chart for “D-731-IPS” so this issue is resolved and we can address similar instances if you identify them.

Linda Xu

Associate

Kramer Levin Naftalis & Frankel LLP

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Per our earlier correspondence, we do not have a complete list of what you are referring to. Thus, we will serve one set of replacements after you have provided us with the complete list of issues.

From: Brewer, Evan <ebrewer@orrick.com>

Sent: Friday, September 27, 2019 1:15 PM

To: Xu, Linda <LXu@KRAMERLEVIN.com>

Cc: Roberts, Clement <croberts@orrick.com>; Caridis, Alyssa <acaridis@orrick.com>; Cheever, Frances <fcheever@orrick.com>; Feeman, Vickie L. <vfeeman@orrick.com>; Hannah, James <JHannah@KRAMERLEVIN.com>; Kobialka, Lisa <LKobialka@KRAMERLEVIN.com>; Andre, Paul <PAndre@KRAMERLEVIN.com>; Kastens, Kris <KKastens@KRAMERLEVIN.com>; Manes, Austin <AManes@KRAMERLEVIN.com>

Subject: [EXTERNAL] Re: Finjan v. Check Point: Issues with Finjan's Second Amended Infringement Contentions

Hi Linda,

1. We do not think an in person meet and confer is necessary on our motion to strike because it is not a discovery motion and because the issues have been so well vetted in writing and through the multiple motions that have been litigated. At this point you have yet to provide your position on 9 of the 12 issues we raised and we therefore understand Finjan is not willing to fix any of these problems.
2. If you can confirm you will serve a replacement chart for “D – 731 – IPS”, and you agree to remedy any similar instances we identify, item 12 can be removed from the list of issues.
3. We are happy to discuss our discovery responses and IDC / Cloud Harmonics. Next week we could do a call on Wednesday or Thursday to discuss those issues. Note, however, that Orrick has a firm-wide retreat next week and our availability will be somewhat limited.
4. We are working on hitcounts. I cannot confirm next week (this weekend is rosh hashanah), but I will circle back and give you a better sense of timing.
5. Check Point believes that none of Finjan’s current claim charts comply with the Court’s orders and we will be moving to strike all of them.
6. We gave you the raw data and that was what you asked for. We are working to get you some additional information about context as a courtesy. I expect we can have that for you next week.
7. We expect to update our interrogatory response regarding smallest salable units next week. Generally speaking, we believe the individual products are the appropriate smallest saleable units, but we will give you a more precise answer in an amended discovery response.

Evan

Evan Brewer

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M: 650.422.0967

On Sep 27, 2019, at 12:46, Xu, Linda <LXu@KRAMERLEVIN.com> wrote:

Evan,

We haven't heard back from you regarding the meet and confer. Please provide times that you are available next week. Also, you previously mentioned that you will send us a list of other instances regarding item 12 in Vickie's email. We still haven't received the list. When will you send it? In general, we are agreeable to address item 12 without the Court's intervention.

In addition, we would like to discuss the following items at the meet and confer.

- Check Point's responses to RFPs 10-14, 18, 28, 29-33, 71, 83-88, 89-96. Specifically we would like to discuss Check Point's positions in view of the limited production to date, including what systems that Check Point has searched, what it has produced, and what Check Point is withholding. We would also like to discuss the timing of exchanging initial privilege logs.

- Check Point's production of material regarding IDC and Cloud Harmonics.

We also need an update on the following items that Check Point promised weeks ago but has not delivered:

- Check Point has not provided hit counts for its ESI custodians. We provided the custodians well over a month ago. Confirm that you will at least be able to provide hit counts for the terms we provided by next week
- Check Point's listing of instrumentalities that it agrees are still in the case. When will this be provided? Again, it has been several weeks since it was promised.
- Check Point's description of the information included in each of the usage/scanning spreadsheets that Check Point provided. Again, these are indecipherable without some context and we have been waiting for weeks for the promised description.
- Supplementation of Check Point's interrogatory response on the smallest salable unit. We provided in writing our clarification to this interrogatory weeks ago, as requested. When will Check Point supplement its response as agreed?

Linda Xu

Associate

Kramer Levin Naftalis & Frankel LLP

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From: Xu, Linda

Sent: Wednesday, September 25, 2019 1:56 PM

To: 'Brewer, Evan' <ebrewer@orrick.com>

Cc: Roberts, Clement <croberts@orrick.com>; Caridis, Alyssa <acaridis@orrick.com>;

Cheever, Frances <fcheever@orrick.com>; Feeman, Vickie L. <vfeeman@orrick.com>;

Hannah, James <JHannah@KRAMERLEVIN.com>; Kobialka, Lisa

<LKobialka@KRAMERLEVIN.com>; Andre, Paul <PAndre@KRAMERLEVIN.com>; Kastens,

Kris <KKastens@KRAMERLEVIN.com>; Manes, Austin <AManes@KRAMERLEVIN.com>

Subject: RE: Finjan v. Check Point: Issues with Finjan's Second Amended Infringement Contentions

Evan,

It sounds like we need to have a meet and confer. We want confirmation that the 9-17 email from Vickie and your 9-19 email include a full list of issues, so we can work through

them. Part of that is reaching an agreement on the accused instrumentalities that Finjan sent over on August 16 that are reflected in Finjan's last set of contentions.

Here are preliminary responses to the 3 issues below that may be subject to change if Check Point has other issues, as we do not want to be in a position, believing we reached agreement, only to have Check Point raise additional issues.

1. If Check Point wants to enter into a stipulation regarding the charts, we can discuss this issue.
2. Check Point is assuming that there are many instances of exemplary citations. We have not located any others beyond the two below. We already said any use of the phrase "such as" in infringement contentions are inadvertent and are not meant to be open-ended.
3. The parties just disagree on this point. Finjan was required to provide source code citations, which it did. Can Check Point tell us where in the order Finjan was prohibited from citing the same or overlapping source code in its citations?

From: Brewer, Evan <ebrewer@orrick.com>

Sent: Wednesday, September 25, 2019 9:11 AM

To: Xu, Linda <LXu@KRAMERLEVIN.com>

Cc: Roberts, Clement <croberts@orrick.com>; Caridis, Alyssa <acaridis@orrick.com>; Cheever, Frances <fcheever@orrick.com>; Feeman, Vickie L. <vfeeman@orrick.com>; Hannah, James <JHannah@KRAMERLEVIN.com>; Kobialka, Lisa <LKobialka@KRAMERLEVIN.com>; Andre, Paul <PAndre@KRAMERLEVIN.com>; Kastens, Kris <KKastens@KRAMERLEVIN.com>; Manes, Austin <AManes@KRAMERLEVIN.com>

Subject: [EXTERNAL] Re: Finjan v. Check Point: Issues with Finjan's Second Amended Infringement Contentions

Hi Linda, as I stated last Friday, we cannot commit to a "complete list of issues" as your infringement contentions are hundreds of thousands of pages long. To date you have responded, in part, as to three of the 12 issues we have identified. Nothing is being or has ever been "piecemealed," and there is no cause for continued delay. Check Point requests a fulsome response by tomorrow.

Regarding your partial answers as to three of the 12 issues:

1. This is the same information you stated in your 9/19/19 email. I pointed to the Court's order authorizing representative charts where appropriate. Your response is not entirely clear, but I take it to mean that Finjan is unwilling to use representative charts to condense the ~150,000 appliance charts. Please correct me if I am wrong.
2. There are many such instances of exemplary citations and contentions throughout Finjan's nearly 200,000 pages of charts. You appear to have limited your search to the exemplary citations I gave. Please confirm that Finjan is unable to search its own charts to find other instances. Otherwise, please confirm that Finjan will remove these admittedly improper exemplary citations/contentions.
3. We disagree Finjan has met its burden to explain how the same code applies to different limitations and products, including because your response ignores the fact that Finjan has recycled code for different products. Please explain why Finjan considers this proper.

Evan Brewer

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On Sep 24, 2019, at 17:51, Xu, Linda <LXu@KRAMERLEVIN.com> wrote:

Evan,

We will respond once we receive your complete list of issues, as we understand that thus far you have piecemealed your issues. As we repeatedly mentioned, we can work with Check Point to resolve some of your concerns and will do so once we have all of them.

Furthermore, we are still waiting on a list of instrumentalities that Check

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