

# EXHIBIT C

1 PAUL J. ANDRE (State Bar No. 196585)  
pandre@kramerlevin.com  
2 LISA KOBIALKA (State Bar No. 191404)  
lkobialka@kramerlevin.com  
3 JAMES HANNAH (State Bar No. 237978)  
jhannah@kramerlevin.com  
4 KRAMER LEVIN NAFTALIS & FRANKEL LLP  
5 990 Marsh Road  
6 Menlo Park, CA 94025  
7 Telephone: (650) 752-1700  
8 Facsimile: (650) 752-1800  
9 *Attorneys for Plaintiff*  
10 FINJAN, INC.

10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN JOSE DIVISION**

14 FINJAN, INC., a Delaware Corporation,

15 Plaintiff,

16 v.

17 BLUE COAT SYSTEMS, INC., a Delaware  
18 Corporation,

19 Defendant.

Case No.: 13-cv-03999-BLF-PSG

**PLAINTIFF FINJAN, INC.'S NOTICE OF  
MOTION AND SECOND MOTION TO  
COMPEL DISCOVERY**

Date: October 29, 2014  
Time: 10 A.M.  
Place: Courtroom 5, 4<sup>th</sup> Floor  
Before: Hon. Paul S. Grewal

23 **REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED**

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1 **NOTICE OF MOTION AND MOTION**

2 PLEASE TAKE NOTICE that on October 29, 2014 at 10:00 AM, or as soon thereafter as the  
3 matter may be heard by the Honorable Paul S. Grewal in Courtroom 5, 4<sup>th</sup> Floor, United States District  
4 Court for the Northern District of California, 280 South 1<sup>st</sup> Street, San Jose, CA 95113, Plaintiff  
5 Finjan, Inc. (“Finjan”) shall and hereby does move the Court for an order granting Finjan’s Second  
6 Motion to Compel Blue Coat to provide discovery. The motion is based on this notice of motion and  
7 supporting memorandum of points and authorities; the Declaration of Benu Wells in Support of  
8 Plaintiff Finjan, Inc.’s Second Motion to Compel Discovery (“Wells Decl.”) and exhibits attached  
9 thereto; and such other written or oral argument as may be presented at or before the time this motion  
10 is deemed submitted by the Court.

11 **RELIEF REQUESTED**

12 Finjan seeks an order pursuant to Fed. R. Civ. P. 37(a) compelling Defendant Blue Coat  
13 Systems, Inc. (“Blue Coat”) to: (1) provide dates and make available for deposition the following Blue  
14 Coat employees: James Whitchurch, Janet Matsuda, Charles Tucker, Mark Urban, Sasi Murthy,  
15 Timothy Chiu, Marc Andrews, and Philip Langer; and (2) provide discovery responsive to Finjan’s  
16 Request for Production No. 74 and Interrogatory No. 12.<sup>1</sup>

17 **MEMORANDUM OF POINTS AND AUTHORITIES**

18 **I. INTRODUCTION**

19 Blue Coat is yet again engaging in improper litigation tactics obstructing Finjan from taking  
20 needed discovery. Specifically, Blue Coat refuses to make available eight highly relevant Blue Coat

21 \_\_\_\_\_  
22 <sup>1</sup> Blue Coat is also improperly withholding damages-related discovery related to foreign sales in  
23 response to Finjan’s RFP Nos. 69, 72-73, 75-77, and 78-81, Interrogatory No. 4 and Finjan’s Second  
24 Notice of Depositions Pursuant to Fed. R. Civ. P. 30(b)(6) Topics 1-6, 11-14, 20, 22, 27-29, and 31-35.  
25 Blue Coat is withholding this discovery on the mistaken belief that foreign sales information is not  
26 relevant to this case. As Finjan explained to the Court during the September 26, 2014 hearing of  
27 Finjan’s First Motion to Compel, this discovery is directly relevant to Finjan’s damages claims because  
28 certain infringing activity occurs entirely in the United States, but may be classified as a foreign sale.  
Finjan believes that the Court will address the issue in its forthcoming order on Finjan’s First Motion  
to Compel. To the extent that Blue Coat continues to withhold relevant discovery after the Court’s  
order, Finjan will seek appropriate relief.

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