

APPENDIX C-2

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PLAINTIFF'S TRIAL EXHIBIT LISTDEFENDANT BLUE COAT LLC'S OBJECTIONS TO
PLAINTIFF FINJAN, INC.'S EXHIBIT LIST

Pursuant to Section C.2 of the Court's Standing Order Re Final Pretrial Conference – Jury Trial, Defendant Blue Coat Systems LLC (“Blue Coat”) provides its objections and counter-designations to Plaintiff Finjan, Inc.’s (“Finjan”) exhibit list.

Voluminous identification of exhibits. Blue Coat objects as the inclusion of almost 1300 exhibits on its exhibit list fails to provide notice of the documents Finjan may realistically rely on at trial. By way of example and not limitation, Finjan indiscriminately includes every deposition exhibit from the current case as well as the previous case, *Finjan, Inc. v. Blue Coat Systems, Inc.*, Case No. 5:13-cv-03999-BLF, and further served its exhibit list before removing duplicates. Certain documents appear four or five times. The exhibit list also includes documents relating to patents, such as U.S. Patent Nos. 8,566,580 and 9,141,786, or products, such as ProxyAV, SSL Visibility Appliance, and Mail Threat Defense, that are not relevant to the issues at trial.

Overdesignation of sponsoring witnesses. Blue Coat also objects to Finjan's use of an extensive list of sponsoring witnesses for each document, many of whom have no knowledge of the document and could not act as a sponsoring witness. For example, Finjan consistently identifies every Blue Coat witness as sponsoring witnesses on a document, irrespective of whether the person was included on an email string or would have any knowledge relating to the subject matter of the document. Such indiscriminate identification renders designation of sponsoring witnesses meaningless.

Reservation of rights. Blue Coat reserves all rights, including its right to amend, modify, or supplement its objections to Finjan's exhibit list during trial preparation and trial progresses. Blue Coat further reserves the right to object to any exhibits to the extent they should be excluded or limited by any ruling of the Court, such as the Court's rulings on Blue Coat's *Daubert* motion or motions *in limine*. Blue Coat further reserves the right to

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ct to the relevance of any of Finjan's exhibits depending on the context surrounding Finjan's proposed use of the exhibit. Additionally, Blue
 objects to the extent an exhibit is admitted, it may be subject to an appropriate limiting instruction.

Blue Coat provides the codes below for its objections to exhibits on Finjan's Trial Exhibit List.

Abbreviation	Objection
106	Incomplete document or needs to be considered with other writing
401, 402	Irrelevant
403	Unfair prejudice, confusing, waste of time
602	Lack of personal knowledge/foundation
701	Improper lay opinion
702	Improper expert opinion
801, 802	Hearsay
901	Authentication
1001-1003	Fails to satisfy best evidence rule
MIL	Subject to motion in limine
NP	Never produced
MD	Multiple documents
U	Untimely – Produced after the close of discovery
Potential Joint Exhibit	Blue Coat reserves the right to provide objections to any document identified as a potential joint exhibit.

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PLAINTIFF'S TRIAL EXHIBIT LISTFINJAN'S RESPONSES TO BLUE COAT'S OBJECTIONS

Finjan reserves its right to amend or supplement its responses to Blue Coat's objections should there be further changes to the pretrial order, an's exhibit list and/or Blue Coat's exhibit list before any exhibit is introduced at trial. Finjan may rely upon Federal Rule of Evidence 104 to est the Court admit exhibits.

Finjan's Responses to Blue Coat's Objections	Definition
C	complete document/does not contain multiple documents
R	relevant under FRE 401, 402
NH	not hearsay or qualifies as an exception to hearsay
703	properly relied upon by expert under FRE 703
OMIL	Finjan's Opposition to Motion in Limine
AUTH	authentic under FRE 901(b) or FRE 902
FOUND	foundation by personal knowledge of lay witness and/or by expert testimony under FRE 602, 701, 702, and/or 703
PROD	produced during discovery or publicly available
DUPE	duplicative of other evidence of contents admissible under FRE 1003 and/or 1004
BEST	satisfies best evidence rule

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United States District Court

For the Northern District of California (San Jose Division)

Finjan, Inc. v. Blue Coat Systems, LLC

Case No. 15-cv-03295-BLF Trial Date: October 30, 2017

Bates Range	Description	Date	Deposition Exhibit No.	Purpose and Sponsoring Witness	Defendant's Objections	Plaintiff's Responses to Objections	For Court's Use
FINJAN-BLCT 002282-94	U.S. Patent No. 8,566,580	10/22/2013		Validity; Damages; Hartstein; Ben-Itzhak; Bims; Garland; Medvidovic; Meyer; Touboul	401, 402, 403	R	
FINJAN-BLCT 005442-75	U.S. Patent No. 9,141,786	09/22/2015		Asserted Patents/Validity/ Damages; Bims; Garland; Goodrich; Hartstein; Kroll; Lyon; Medvidovic; Meyer; Touboul	106, 401, 402	C; R	

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