

## APPENDIX C-3

### SonicWall's Trial Exhibit List

**DEFENDANT SONICWALL, INC.’S EXHIBIT LIST**

United States District Court for the Northern District of California  
(San Jose Division)

*Finjan LLC v. SonicWall, Inc.*

Case No. 5:17-cv-04467-BLF

Trial Date – May 3, 2021

Pursuant to Section III.B.1 of the Court’s Standing Order Re Civil Jury Trials, Defendant SonicWall, Inc. (“SonicWall”) respectfully submits its Trial Exhibit List, subject to SonicWall’s right to modify this list according to the developments in the case, rulings of the Court (including but not limited to rulings upon forthcoming motions in limine), and in response to Finjan’s case in chief. SonicWall reserves the right to supplement, amend, or modify its list as the parties meet and confer and the case proceeds toward the pretrial conference and trial; to introduce such other or additional evidence as may be permitted in the discretion of the Court; and to introduce additional evidence for impeachment or rebuttal purposes. SonicWall reserves the right to object to the admission of any document included on its exhibit list. SonicWall reserves the right to offer at trial any exhibit listed on Finjan’s exhibit list and the right to use metadata from documents on either party’s exhibit list.

**Plaintiff Finjan LLC's Key of Objections**

<b>Objection List</b>	<b>Abbreviation</b>
Hearsay (FRE 801, 802)—The exhibits/testimony are hearsay and do not fall within any hearsay exception.	H
Irrelevant (FRE 401, 402)—The exhibits/testimony are inadmissible without any tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without them. Finjan notes this objection is used for the purpose for which Defendant offers the exhibit without waiving the right to use the exhibit or evidence for another purpose.	401, 402
Unfair Prejudice, Confusing, Waste of Time (403) —To the extent that these exhibits/testimony contain any relevant information, they should be excluded because their probative value is substantially outweighed by the danger of unfair prejudice, confusion of issues, or is a mischaracterization of the testimony, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.	403
Violates FRE 401, 402 and 403	401-403
Violates FRE 408	408
Lack of Personal Knowledge/Foundation (FRE 602)—Defendant has not identified a witness with personal knowledge to testify regarding these exhibits. The witness does not have personal knowledge to testify about a matter, the proposed testimony is speculation and/or outside the scope of the 30(b)(6) designation.	602
Improper Lay Opinion (FRE 701)—The exhibits/testimony necessarily rely upon the opinion testimony of a lay witness beyond the scope of what is permitted.	701
Improper Expert Opinion / Testimony (FRE 702)	702
Authenticity—These exhibits have not been authenticated within the meaning of FRE 901. The testimony fails to authenticate the deposition exhibit.	901
Best Evidence (FRE 1001-1003)—The exhibits/testimony fail to satisfy the best evidence rule under FRE 1001-1003.	1001-1003
FRE 1006—These exhibits are an improper summary, chart, or calculation.	1006
Privilege (501)	501
Improper Character Evidence (404, 608, 609)	CE
Leading/Waste of Time (611)—The presentation of these exhibits/testimony will result in needless consumption of time and cause witnesses harassment or undue embarrassment. Leading questions should not be used on direct examination of a witness except as may be necessary to develop a witness' testimony.	611

<b>Objection List</b>	<b>Abbreviation</b>
Compound, Vague, Argumentative, Duplicative, Asked and Answered—The presentation of these exhibits/testimony violate FRE 403 and 611.	403, 611
Improper Legal Conclusion (401, 611) or improper evidence of a legal issue decided by the Court	LC
Subject to motion in <i>limine</i> and/or evidentiary dispute raised in the Pretrial Statement	EXC
Not Related—Counter Designation is Not Related to Initial Designations	NR
Documents Not Produced During Discovery or Outside the Scope of Expert Report	NP
Multiple documents are listed as a single exhibit	MD
Incomplete/unintelligible document or testimony	IC
Not Testimony	NT
Not Timely Disclosed	T

**Defendant SonicWall, Inc.'s Responses to  
Plaintiff Finjan LLC's Objections to Cisco's Exhibits**

SonicWall responds to Finjan's objections as set forth in the below table.

<b>Abbreviation</b>	<b>Response</b>
C	Complete
REL	Relevant, not unfairly prejudicial, confusing, or waste of time
F	Will be used with witness with personal knowledge or 30(b)(6) deponent, or relied upon by expert
LAY	Proper lay testimony, not submitted as expert testimony, not improper character evidence
EXPERT	Proper expert testimony
NH	Not hearsay or qualifies as an exception to hearsay
AUTH	Properly authenticated or subject to stipulation re authentication
PR	Produced during discovery, admitted as an exhibit at a deposition, properly disclosed/provided with an expert report
BEST	Best evidence
SUM	Proper summary or compilation of documents to streamline the presentation of evidence
AVAIL	Produced, publicly available and identified in deposition or expert report, or exchanged
OPP	Subject to opposition to motion in limine
IMPOBJ	Improper objection

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