

# EXHIBIT C

## Jason Wolff

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**From:** Jason Wolff  
**Sent:** Monday, November 16, 2020 4:22 PM  
**To:** Finjan/ESET FR Internal  
**Subject:** FW: Finjan-ESET: ESET & ESET SPOL S.R.O.'s Amended Notice of Subpoenas and Amended Notice of Rule 30(b)(1) Depositions

FTF

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**From:** Hannah, James <[JHannah@KRAMERLEVIN.com](mailto:JHannah@KRAMERLEVIN.com)>  
**Sent:** Thursday, July 5, 2018 3:32 PM  
**To:** [SPenner@foley.com](mailto:SPenner@foley.com); [KSteinbrenner@foley.com](mailto:KSteinbrenner@foley.com); Andre, Paul <[PAAndre@KRAMERLEVIN.com](mailto:PAAndre@KRAMERLEVIN.com)>; Kobialka, Lisa <[LKobialka@KRAMERLEVIN.com](mailto:LKobialka@KRAMERLEVIN.com)>; Lee, Hannah <[HLee@KRAMERLEVIN.com](mailto:HLee@KRAMERLEVIN.com)>; Frankel, Aaron <[AFrankel@KRAMERLEVIN.com](mailto:AFrankel@KRAMERLEVIN.com)>; Martinez, Cristina <[CMartinez@KRAMERLEVIN.com](mailto:CMartinez@KRAMERLEVIN.com)>; Wells, Benu C. <[BWells@KRAMERLEVIN.com](mailto:BWells@KRAMERLEVIN.com)>; [molinzock@kramerlevin.com](mailto:molinzock@kramerlevin.com); Lien, Hien <[HLien@KRAMERLEVIN.com](mailto:HLien@KRAMERLEVIN.com)>; Proctor, Greg <[GProctor@KRAMERLEVIN.com](mailto:GProctor@KRAMERLEVIN.com)>; Lee, Michael H. <[MHLee@KRAMERLEVIN.com](mailto:MHLee@KRAMERLEVIN.com)>  
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**Subject:** RE: Finjan-ESET: ESET & ESET SPOL S.R.O.'s Amended Notice of Subpoenas and Amended Notice of Rule 30(b)(1) Depositions

Scott, we disagree with your characterizations and, frankly, are shocked that you continue to attempt to raise the litigation costs in this case. To be clear, we will not be making Mr. Touboul and Mr. Ben-Itzhak available again in this case for a number of reasons, including that they are third parties, extremely busy, and located overseas. This will be your opportunity to ask questions regarding the '305 Patent if you choose to do so.

James

James Hannah  
Partner

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**From:** [SPenner@foley.com](mailto:SPenner@foley.com) [<mailto:SPenner@foley.com>]  
**Sent:** Thursday, July 05, 2018 3:20 PM  
**To:** Hannah, James; [KSteinbrenner@foley.com](mailto:KSteinbrenner@foley.com); Andre, Paul; Kobialka, Lisa; Lee, Hannah; Frankel, Aaron; Martinez, Cristina; Wells, Benu C.; [molinzock@kramerlevin.com](mailto:molinzock@kramerlevin.com); Lien, Hien; Proctor, Greg; Lee, Michael H.  
**Cc:** [NPisano@foley.com](mailto:NPisano@foley.com); [JPatino@foley.com](mailto:JPatino@foley.com); [JEGray@foley.com](mailto:JEGray@foley.com); [CBolten@foley.com](mailto:CBolten@foley.com); [ESET-Finjan@foley.com](mailto:ESET-Finjan@foley.com)

**Subject:** [EXTERNAL] RE: Finjan-ESET: ESET & ESET SPOL S.R.O.'s Amended Notice of Subpoenas and Amended Notice of Rule 30(b)(1) Depositions

Dear James,

Discovery relating to the '305 patent is stayed. While the Court did permit ESET the ability to question third-party witnesses regarding the '305 patent even with the stay in place, the Court did not **require** that such testimony be taken nor can Finjan force ESET to do so at this time.

To the extent the '305 patent survives IPR and the stay is lifted in this case, ESET will decide at that time whether a follow-up deposition of either Mr. Touboul or Mr. Ben-tzhak will be necessary relating to the '305 patent.

ESET rejects Finjan's unilateral effort to force ESET to take discovery on a stayed patent.

Best Regards,

--Scott

**Scott A. Penner**

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**From:** Hannah, James [<mailto:JHannah@KRAMERLEVIN.com>]

**Sent:** Friday, June 29, 2018 3:07 PM

**To:** Steinbrenner, Karrie A.; Andre, Paul; Kobialka, Lisa; Lee, Hannah; Frankel, Aaron; Martinez, Cristina; Wells, Benu C.; [molinzock@kramerlevin.com](mailto:molinzock@kramerlevin.com); Lien, Hien; Proctor, Greg; Lee, Michael H.

**Cc:** Pisano, Nick; Patiño, Joe; Gray, Justin E.; Penner, Scott A.; Bolten, Chris

**Subject:** RE: Finjan-ESET: ESET & ESET SPOL S.R.O.'s Amended Notice of Subpoenas and Amended Notice of Rule 30(b)(1) Depositions

Counsel, please note that we will only producing Mr. Ben-Itzhak and Mr. Touboul once in this matter. As such, if you have any questions regarding the '305 Patent, please be prepared to ask them at their depositions. Thanks.

James

**James Hannah**

Partner

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**From:** [KSteinbrenner@foley.com](mailto:KSteinbrenner@foley.com) [mailto:[KSteinbrenner@foley.com](mailto:KSteinbrenner@foley.com)]

**Sent:** Friday, June 29, 2018 2:50 PM

**To:** Andre, Paul; Kobialka, Lisa; Hannah, James; Lee, Hannah; Frankel, Aaron; Martinez, Cristina; Wells, Benu C.; [molinzock@kramerlevin.com](mailto:molinzock@kramerlevin.com); Lien, Hien; Proctor, Greg; Lee, Michael H.

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**Subject:** [EXTERNAL] Finjan-ESET: ESET & ESET SPOL S.R.O.'s Amended Notice of Subpoenas and Amended Notice of Rule 30(b)(1) Depositions

Counsel:

Attached please find courtesy copies of the following:

- (1) ESET, LLC and ESET SPOL. S.R.O.'S Amended Notice of Rule 30(b)(1) Deposition of Michael Noonan;
- (2) ESET, LLC and ESET SPOL. S.R.O.'S Amended Notice of Subpoena of Yuval Ben-Itzhak;
- (3) ESET, LLC and ESET SPOL. S.R.O.'S Amended Notice of Rule 30(b)(1) Deposition of Philip Harstein;
- (4) ESET, LLC and ESET SPOL. S.R.O.'S Amended Notice of Subpoena of Shlomo Touboul; and
- (5) ESET, LLC and ESET SPOL. S.R.O.'S Amended Notice of Subpoena of David Kroll

Copies have also been served via U.S. Mail today.

Regards,

***Karrie A. Steinbrenner***

Assistant to Jose L. Patiño, Scott A. Penner,  
and Christopher C. Bolten

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