

EXHIBIT A

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13
14 IN THE UNITED STATES DISTRICT COURT
15 SOUTHERN DISTRICT OF CALIFORNIA

16 FINJAN, INC.,

17 Plaintiff,

18 v.

19 ESET, LLC and ESET SPOL. S.R.O.,

20 Defendants.
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Case No. 17-cv-0183 CAB (BGS)

**PLAINTIFF FINJAN, INC.’S
OBJECTIONS AND RESPONSES TO
DEFENDANTS ESET, LLC’S AND
ESET SPOL. S.R.O.’S SEVENTH SET
OF REQUEST FOR PRODUCTION
OF DOCUMENTS AND THINGS
(NOS 222-236)**

District Judge: Hon. Cathy Ann
Bencivengo
Magistrate Judge: Hon. Bernard G.
Skomal

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FINJAN’S RESPONSES TO DEFS SET 7

1 Pursuant to Fed. R. Civ. P. 34, Plaintiff Finjan LLC (formerly Finjan, Inc.)
2 (“Plaintiff” or “Finjan”) hereby provides these objections and responses to
3 Defendants ESET, LLC’s and ESET SPOL. S.R.O. (together, “ESET” or
4 “Defendants”) Seventh Set of Requests for Production (“Requests”). Finjan makes
5 these objections and responses herein (collectively, “Responses”) based solely on its
6 current knowledge, understanding, and belief as to the facts and information
7 reasonably available to it as of the date of the Responses.

8 Finjan’s response that it will produce documents means that Finjan will
9 produce relevant, responsive, and non-privileged documents located after a
10 reasonable search of documents in its custody and control, to the extent such
11 documents exist. Finjan’s response that it will produce documents does not mean that
12 any responsive documents actually exist; only that Finjan has made, and will continue
13 to make, a reasonable, good faith effort to locate responsive documents.

14 Additional discovery and investigation may lead to additions to, changes in, or
15 modifications of these Responses. The Responses, therefore, are given without
16 prejudice to Finjan’s right to supplement these Responses pursuant to Fed. R. Civ. P.
17 26(e), or to provide subsequently discovered information and to introduce such
18 subsequently discovered information at the time of any trial or proceeding in this
19 action.

20 **GENERAL OBJECTIONS**

21 1. Finjan hereby incorporates by reference each and every general objection
22 set forth below into each and every specific Response. From time to time, a specific
23 Response may repeat a general objection for emphasis or for some other reason. The
24 failure to include a general objection in a specific Response shall not be interpreted
25 as a waiver of that general objection to that Response.

26 2. Finjan objects to each and every Request, Definition, and Instruction to
27 the extent that they are vague, ambiguous, unintelligible, or compound.

28 3. Finjan objects to each and every Request, Definition, and Instruction to

1 the extent that they are overly broad, unduly burdensome, seek information not
2 relevant to the claim or defense of any party, and/or are not proportional to the needs
3 of this case.

4 4. Finjan objects to each and every Request, Definition and Instruction to
5 the extent they are overly broad because they are not properly limited in time.

6 5. Finjan objects to each and every Request, Definition, and Instruction to
7 the extent that they are unduly burdensome and oppressive, to the extent they subject
8 Finjan to unreasonable and undue effort or expense.

9 6. Finjan objects to each and every Request, Definition, and Instruction to
10 the extent that they seek information beyond Finjan's actual possession, knowledge,
11 custody, or control.

12 7. Finjan objects to each and every Request, Definition, and Instruction to
13 the extent they are unreasonably cumulative or duplicative.

14 8. Finjan objects to each and every Request, Definition, and Instruction to
15 the extent they seek information that is obtainable from some other source that is more
16 convenient, less burdensome, or less expensive.

17 9. Finjan objects to each and every Request, Definition, and Instruction to
18 the extent that they seek information within Defendants' possession, knowledge
19 custody or control.

20 10. Finjan objects to each and every Request, Definition, and Instruction to
21 the extent they seek information in the public domain, information equally available
22 to Defendants from another source, and/or information that can be obtained more
23 efficiently by Defendants through other means of discovery. Defendants can ascertain
24 such information from its own records or from other sources at least as readily as
25 Finjan.

26 11. Finjan objects to each and every Request, Definition, and Instruction to
27 the extent that they seek confidential, business, financial, proprietary or sensitive
28 information, or trade secrets of third parties, which may be subject to pre-existing

1 protective order(s) and/or confidentiality agreements or in which any third party has
2 an expectation of privacy. Such information shall not be provided absent an express
3 order to the contrary from a court of competent jurisdiction, or an authorization from
4 the third party having the interest in the information's confidentiality.

5 12. Finjan objects to each and every Request, Definition, and Instruction to
6 the extent they seek information protected by the attorney-client privilege, the work
7 product doctrine, or any other applicable law, privilege, doctrine or immunity. Finjan
8 will not disclose any information so protected, and the inadvertent disclosure or
9 identification of any such information is not intended as, and will not constitute, a
10 waiver of such privilege, doctrine, or immunity.

11 13. Finjan objects to each and every Request, Definition, and Instruction to
12 the extent they call for a legal conclusion. Finjan's responses shall not be construed
13 as providing legal conclusions concerning the meaning or application of any terms
14 used in Defendants' Requests.

15 14. Finjan objects to each and every Request, Definition, and Instruction to
16 the extent that they are premature and/or cumulative, as they seek documents that are
17 set to be disclosed on scheduled dates directed by the Court or the Southern District
18 of California Local Rules, including the Local Patent Rules.

19 15. Finjan objects to each and every Request, Definition, and Instruction as
20 premature to the extent they seek information that will be the subject of expert
21 opinion, reports, and testimony.

22 16. Finjan objects to each and every Request, Definition, and Instruction to
23 the extent that they impose obligations inconsistent with the ESI order, protective
24 order or any other stipulation or order entered in this case.

25 17. Finjan objects to each and every Request, Definition, and Instruction to
26 the extent they assume or mischaracterize any facts. Finjan's responses shall not be
27 construed as agreeing to any facts or characterizations contained in Defendants'
28 Requests.

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