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FINJAN, INC.

9  
10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN FRANCISCO DIVISION**

13 FINJAN, INC., a Delaware Corporation,  
14  
15 Plaintiff,  
16  
17 v.  
18 SOPHOS INC., a Massachusetts Corporation,  
19  
20 Defendant.

Case No.: 14-cv-01197-WHO

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**PLAINTIFF FINJAN, INC.’S FIRST  
SUPPLEMENTAL RESPONSES TO  
DEFENDANT SOPHOS INC.’S FIRST  
SET OF INTERROGATORIES (NOS. 1, 2,  
3, 4, 5, 7, AND 8)**

1 Pursuant to Fed. R. Civ. P. 26 and 33, Plaintiff Finjan, Inc. (“Finjan”) hereby supplements its  
2 responses to Defendant Sophos Inc.’s (“Sophos” or “Defendant”) First Set of Interrogatories  
3 (“Interrogatories”). Finjan makes these supplemental objections and responses herein (collectively  
4 “Responses”) based solely on its current knowledge, understanding, and belief as to the facts and  
5 information reasonably available to it as of the date of the Responses.

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

### 11 **OBJECTIONS**

12  
13 1. Finjan incorporates by reference the General Objections and Objections to Definitions  
14 and Instructions set forth in its Objections and Responses to Sophos’ First Set of Interrogatories,  
15 served on August 11, 2014.

16  
17 2. Finjan objects to each and every Interrogatory, Definition, and Instruction to the extent  
18 that they are premature, as they seek documents that are set to be disclosed on scheduled dates directed  
19 by the Court (e.g., pursuant to the Court’s Minute Entry at Dkt. No. 36) or the Northern District of  
20 California Patent Local Rules, or by stipulation between the parties.

21  
22 3. Finjan objects to each and every Interrogatory, Definition, and Instruction to the extent  
23 that they impose obligations inconsistent with the ESI order or Protective Order entered on July 3,  
24 2014 at Dkt. Nos. 41 and 42, respectively; the Case Management Order at Dkt. No. 64; or the agreed  
25 upon portions of the Joint Case Management Statement filed on June 17, 2014 at Dkt. No. 35.

1 **INTERROGATORY RESPONSES**

2 **INTERROGATORY NO. 1:**

3 Separately for each asserted claim of each Patent-in-Suit, state the date on which the claimed  
4 invention was conceived and the date on which the claimed invention was reduced to practice, describe  
5 in detail all facts and circumstances Relating To the conception and reduction to practice of each such  
6 claimed invention, and identify each Person with knowledge of such conception or reduction to  
7 practice, including the nature of each Person’s participation, involvement, and/or contribution to such  
8 conception and/or reduction to practice.

9  
10 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:**

11 Finjan objects to this Interrogatory as vague, indefinite, overly broad, unduly burdensome, and  
12 ambiguous, including the term “Relating To” which is not defined. Finjan objects to this Interrogatory  
13 as unduly burdensome and overbroad to the extent it seeks information not relevant to any claim or  
14 defense of any party and/or not reasonably calculated to lead to the discovery of admissible evidence.  
15 Finjan objects to this Interrogatory to the extent it is unreasonably cumulative, as it seeks disclosure of  
16 documents and information subject to the Northern District of California Patent Local Rules and the  
17 schedule in this action. Finjan objects to this Interrogatory to the extent it is compound because it is  
18 comprised of multiple discrete subparts. Finjan objects to this Interrogatory to the extent it calls for a  
19 legal conclusion. Finjan objects to this Interrogatory to the extent it seeks information protected by the  
20 attorney-client privilege, the work product doctrine, or any other applicable law, privilege, doctrine, or  
21 immunity.  
22

23  
24 Subject to and without waiving the foregoing general and specific objections, Finjan responds  
25 as follows:  
26  
27

1 The date of conception for the asserted claims of U.S. Patent No. 6,154,844 (“the ‘844 Patent”)  
2 is November 8, 1996. The date of reduction to practice of the asserted claims of the ‘844 Patent is  
3 November 8, 1996. Shlomo Touboul and Nachson Gal were involved with, and may have knowledge  
4 related to the conception and reduction to practice of the ‘844 Patent.

5 The date of conception for the asserted claims of U.S. Patent No. 6,804,780 (“the ‘780 Patent”)  
6 is November 8, 1996. The date of reduction to practice of the asserted claims of the ‘780 Patent is  
7 November 8, 1996. Shlomo Touboul was involved with, and may have knowledge related to the  
8 conception and reduction to practice of the ‘780 Patent.

9 The date of conception for the asserted claims of U.S. Patent No. 7,613,918 (“the ‘918 Patent”)  
10 is February 16, 2006. The date of reduction to practice of the asserted claims of the ‘918 Patent is  
11 February 16, 2006. Yuval Ben-Itzhak was involved with, and may have knowledge related to the  
12 conception and reduction to practice of the ‘918 Patent.

13 The date of conception for the asserted claims of U.S. Patent No. 7,613,926 (“the ‘926 Patent”)  
14 is November 8, 1996. The date of reduction to practice of the asserted claims of the ‘926 Patent is  
15 November 6, 1997. Yigal Edery, Nimrod Vered, David Kroll, and Shlomo Touboul were involved  
16 with, and may have knowledge related to the conception and reduction to practice of the ‘926 Patent.  
17 The inventors of the ‘926 Patent were reasonably diligent in reducing the inventions of the asserted  
18 claims to practice between the dates of conception and reduction to practice.  
19

20 The date of conception for the asserted claims of U.S. Patent No. 7,757,289 (“the ‘289 Patent”)  
21 is December 12, 2005. The date of reduction to practice of the asserted claims of the ‘926 Patent is  
22 December 12, 2005. David Gruzman and Yuval Ben-Itzhak were involved with, and may have  
23 knowledge related to the conception and reduction to practice of the ‘926 Patent.  
24  
25  
26  
27

1 The date of conception for the asserted claims of U.S. Patent No. 8,141,154 (“the ‘154 Patent”)  
2 is December 12, 2005. The date of reduction to practice of the asserted claims of the ‘154 Patent is  
3 December 12, 2005. David Gruzman and Yuval Ben-Itzhak were involved with, and may have  
4 knowledge related to the conception and reduction to practice of the ‘154 Patent.

5 The date of conception for the asserted claims of U.S. Patent No. 8,556,580 (“the ‘580 Patent”)  
6 is May 2007. The date of reduction to practice of the asserted claims of the ‘580 Patent is July 23,  
7 2008. Yuval Ben-Itzhak, Shay Lang, and Dmitry Rubinstein were involved with, and may have  
8 knowledge related to the conception and reduction to practice of the ‘580 Patent. The inventors of the  
9 ‘580 Patent were reasonably diligent in reducing the inventions of the asserted claims to practice  
10 between the dates of conception and reduction to practice.  
11

12 The date of conception for the asserted claims of U.S. Patent No. 8,667,494 (“the ‘494 Patent”)  
13 is November 8, 1996. The date of reduction to practice of the asserted claims of the ‘494 Patent is  
14 November 8, 1996. Yigal Eder, Nimrod Vered, David Kroll, and Shlomo Touboul were involved  
15 with, and may have knowledge related to the conception and reduction to practice of the ‘494 Patent.  
16

17 Pursuant to 33(d) of the Federal Rules of Civil Procedure, further information responsive to this  
18 interrogatory may be derived or ascertained from Finjan’s document production in this matter,  
19 including but not limited to, the following bates-labeled documents: FINJAN-SOP 000018-227,  
20 FINJAN-SOP 000246-402, FINJAN-SOP 000418-692, FINJAN-SOP 000718-1000, FINJAN-SOP  
21 001019-1278, FINJAN-SOP 001294-1521, FINJAN-SOP 001535-1775, FINJAN-SOP 001803-2745,  
22 FINJAN-SOP 098399-636, FINJAN-SOP 101512-694, FINJAN-SOP 007414-72, FINJAN-SOP  
23 127152-481, FINJAN-SOP 102631-840, FINJAN-SOP 103915-33, FINJAN-SOP 129017-484.  
24

25 Finjan reserves the right to supplement this response pursuant to Fed. R. Civ. P. 26(e).  
26  
27  
28

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