	HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY	
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9	FINJAN, INC.	
10	IN THE UNITED STATES DISTRICT COURT	
11	FOR THE NORTHERN DISTRICT OF CALIFORNIA	
12	SAN FRANCISCO DIVISION	
13	FINJAN, INC., a Delaware Corporation,	Case No.: 14-cv-04908-EMC
14	Plaintiff,	HIGHLY CONFIDENTIAL –
15	V.	ATTORNEYS' EYES ONLY
16 17	PALO ALTO NETWORKS, INC., Defendant.	PLAINTIFF FINJAN, INC.'S OBJECTIONS AND RESPONSES TO DEFENDANT PALO ALTO NETWORKS, INC.'S FIRST SET OF
18	Berendant.	INTERROGATORIES (NOS. 1-13)
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21	Pursuant to Fed. R. Civ. P. 26 and 33, Plaintiff Finjan, Inc. ("Finjan") responds to Defendant	
22 23	Palo Alto Networks, Inc. ("PAN" or "Defendant")'s First Set of Interrogatories ("Interrogatories").	
24	Finjan makes these objections and responses herein (collectively "Responses") based solely on its	
25	current knowledge, understanding, and belief as to the facts and information reasonably available to it	
26	as of the date of the Responses.	
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	FINJAN'S OBJECTIONS & RESPONSES TO PALO ALTO NETWORKS' FIRST SET OF INTERROGATORIES (NOS. 1-13) CASE NO. 14-CV-04908-EMO	



INTERROGATORY NO. 5: For each Asserted Patent, state in detail all facts and information (including without limitation the identity of documents and persons knowledgeable) concerning any secondary considerations (also known as objective indicia) relating to the alleged nonobviousness of the claimed subject matter, including without limitation: any long-felt but unfulfilled need, unexpected results, failure of others, commercial success, acquiescence, license granted to the Asserted Patents, professional approval, lack of contemporaneous invention, prior skepticism, copying or laudatory statements by others; the nexus between each alleged indicia of nonobviousness and each Asserted Claim to which that indicia allegedly applies; and the three (3) Finjan employees Finjan believes are most knowledgeable about the factual bases supporting Finjan's contentions.

FINJAN'S OBJECTIONS & RESPONSES TO PALO ALTO CASE NO NETWORKS' FIRST SET OF INTERROGATORIES (NOS. 1-13)

CASE NO. 14-CV-04908-EMC



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RESPONSE TO INTERROGATORY NO. 5:

Finjan objects to this Interrogatory as vague and ambiguous, including the term "most knowledgeable." Finjan objects to this Interrogatory to the extent it is compound because it is comprised of multiple, discrete subparts. Finjan objects to this Interrogatory to the extent it calls for a legal conclusion. Finjan objects to this Interrogatory to the extent that it seeks confidential, business, financial, proprietary or sensitive information or trade secrets of third parties, which is subject to preexisting protective order(s) and/or confidentiality agreements; Finjan will not produce such information absent an express order to the contrary from a court of competent jurisdiction, or an authorization from the third party having the interest in the information's confidentiality. Finjan objects to this Interrogatory to the extent that it seeks information beyond Finjan's actual knowledge, custody, or control. Finjan objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable law, privilege, doctrine or immunity. Finjan objects to this Interrogatory to the extent it seeks information within Defendants' possession, custody or control, or to the extent it seeks information in the public domain; Defendant can ascertain such information from its own records or from other sources at least as readily as Finjan. Finjan objects to this Interrogatory as vague and ambiguous. Finjan objects to this Interrogatory as premature to the extent it calls for subsequent discovery in this action and/or expert testimony that will be provided according to deadlines set by the Court.

Subject to and without waiving the foregoing general and specific objections, Finjan responds as follows:

At the very least, the Patents-in-Suit are novel and non-obvious due to the industry praise, longfelt need, licensing, copying by competitors, and commercial success of the technology covered by these patents. For example:

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FINJAN'S OBJECTIONS & RESPONSES TO PALO ALTO CA NETWORKS' FIRST SET OF INTERROGATORIES (NOS. 1-13)

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Industry Praise:

Finjan's Vital Security Appliance Series has been praised by the International Data Corporation, who hailed Finjan as the inventor of proactive content behavior inspection. Finjan was the finalist in two of SC Magazine's 2007 Awards, Best Security Company and Best Security Solution for Government - Finjan Vital Security Web Appliance. Finjan was the winner of the Winner of Excellence in Anti-Malware and Winner of Excellence in Gateways in the Info Security Products Guide—Product Excellence Awards 2007. SC Magazine rated the Finjan Vital Security NG-6100 five out of five stars. PC Pro stated that the Finjan Vital Security NG-1100 appliance "is one of the best solutions available." Finjan Vial Security Web Appliance was the winner of eWEEK's Seventh Annual Excellence Award in the Network Datastream Protection category. Named in the top ten Most Interesting Products exhibited at RSA 2009 by eWEEK. CRN.com review praised Finjan's Vital Security Web appliance because "Finjan's Vital Security can make a difference in organizations concerned about security and compliance." SC Magazine gave the Finjan Vital Security NG-8000 five out of five starts. SC Magazine commented that the Finjan Vital Security Web Appliance Series was "[j]ust about the most comprehensive product of its kind [they have] tested." An article by InformationWeek described the Finjan Vital Security 6100 appliance as taking "signature based protection to the next level by actually executing the code of the site you're visiting in a sandbox in real time."

Licensing:

In July 2005, Microsoft Corporation obtained a license to Finjan's computer security patents. Microsoft obtained a license to Finjan's technology in order to advance their security innovation just after entering the computer security market. At the time Microsoft obtained a license to Finjan's patents Microsoft had nearly no market share in the computer security space and was heading to

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FINJAN'S OBJECTIONS & RESPONSES TO PALO ALTO

NETWORKS' FIRST SET OF INTERROGATORIES (NOS. 1-13)

CASE NO. 14-CV-04908-EMC



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compete against large well-established companies. Microsoft saw the value of licensing Finjan's technology to help give them a boost and now Microsoft is one of the more dominant players with Microsoft Security Essentials product. A Microsoft spokesperson stated that "Finjan has done some interesting product innovation in the security space."

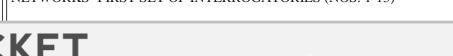
In November 2009, Finjan licensed its patents to M86 Security. In March 2012, Finjan licensed its patents to Trustwave Holdings, Inc. In July 2012, Finjan licensed its patents to Webroot Inc. In November 2012, McAfee, Inc./Intel Corporation ("Intel") took a license to Finjan's patent portfolio. In September 2014, Websense, Inc. took a license to Finjan's patent portfolio.

Copying by Competitors:

On June 6, 2005 Finjan filed a complaint of infringement against Secure Computing Corporation ("Secure Computing") asserting that Secure Computing infringed the '780 and '822 Patents and a related patent. That case proceeded to trial, where the jury found that all of the asserted Finjan patents were valid in light of the asserted prior art. Secure Computing was also found to infringe the asserted patents, and awarded Finjan damages on Secure Computing revenue of \$65.75 million. On August 18, 2009, the District Court in the Secure Computing case enhanced Finjan's jury verdict. The court based its reasoning for enhancing damages partly on a finding that "Finjan's patents were copied deliberately" and "Finjan patents represented a technology that [Secure] wished to compete with and emulate in the market." Secure Computing even named this copying in their code and called it "Finjan Buster" or "Finjan Killer." Finjan was also awarded a permanent injunction against Secure Computing for infringing the asserted patents. In addition, the patented technology of the Patents-in-Suit has been copied by PAN and other companies.

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FINJAN'S OBJECTIONS & RESPONSES TO PALO ALTO CASE NO. 14-CV-04908-EMC NETWORKS' FIRST SET OF INTERROGATORIES (NOS. 1-13)



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