

1 Pursuant to Fed. R. Civ. P. 26 and 33, Plaintiff Finjan, Inc. ("Finjan") responds to Defendant  
2 Symantec Corporation ("Symantec" or "Defendant")'s First Set of Interrogatories ("Interrogatories").  
3 Finjan makes these objections and supplemental responses herein (collectively "Responses") based  
4 solely on its current knowledge, understanding, and belief as to the facts and information reasonably  
5 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  
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

### 12 **GENERAL OBJECTIONS**

13 1. Finjan incorporates by reference its general objections set forth in its Responses to  
14 Symantec's First Set of Interrogatories, dated December 4, 2014.  
15

### 16 **OBJECTIONS TO DEFINITIONS**

17 1. Finjan incorporates by reference its objections to Definitions set forth in its Responses  
18 to Symantec's First Set of Interrogatories, dated December 4, 2014.  
19

### 20 **INTERROGATORY RESPONSES**

21 Subject to and without waiving its general objections and objections to Definitions set forth  
22 above, each of which is specifically incorporated into the specific Responses contained below, Finjan  
23 hereby responds to Symantec's Interrogatories as follows:

#### 24 **INTERROGATORY NO. 1:**

25 State the date and location of the first conception and reduction to practice, whether actual or  
26 constructive, of each asserted claim of the Asserted Patents and identify all factual and legal support  
27  
28

therefor, including all evidence relating to diligence between the date of conception and reduction to practice and description of each person's role and participation in the conception and reduction to practice; all persons having knowledge of such conception, diligence, and reduction to practice; all documents supporting your response (identified by the Bates numbers and including sufficient detail to verify the date, source, and all recipients of the information); and if this information was communicated in an oral or other unrecorded form, provide a complete statement of the communication, the date and time of the communication, and identify all witnesses of this communication.

**SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:**

Finjan incorporates by reference its prior served objections and response to this Interrogatory. Subject to and without waiving the incorporated general and specific objections, Finjan responds as follows:

The date of conception for the asserted claims of U.S. Patent No. 6,154,844 ('the '844 Patent') is November 8, 1996 when Provisional Application No. 60/030,639 was filed. The date of reduction to practice for the asserted claims of the '844 Patent is November 8, 1996. Shlomo Touboul and Nachshon Gal were involved with, and may have knowledge related to, the conception and reduction to practice of the '844 Patent. Relevant documents are: FINJAN-SYM 065928-60, FINJAN-SYM 000001-227.

The date of conception for the asserted claims of U.S. Patent No. 7,613,926 ("the '926 Patent") is November 8, 1996. The date of reduction to practice of the asserted claims of the '926 Patent is November 6, 1997. Yigal Edery, Nimrod Vered, David Kroll, and Shlomo Touboul were involved with, and may have knowledge related to the conception, diligence, and reduction to practice of the '926 Patent. Mr. Edery, Mr. Vered, Mr. Kroll, and Mr. Touboul were reasonably diligent in reducing

1 the inventions of the asserted claims to practice between the date of conception and reduction to  
2 practice. The prosecuting attorney was reasonably diligent from the time of conception in working to  
3 prepare U.S. Patent Application No. 08/964,388. Relevant documents are: FINJAN-SYM 065928-60,  
4 FINJAN-SYM 000228-541, FINJAN-SYM 068465-702.

5 The date of conception for the asserted claims of U.S. Patent No. 7,757,289 (“the ‘289 Patent”)  
6 is December 12, 2005. The date of reduction to practice of the asserted claims of the ‘289 Patent is  
7 December 12, 2005. David Gruzman and Yuval Ben-Itzhak were involved with, and may have  
8 knowledge related to the conception and reduction to practice of the ‘289 Patent. Relevant documents  
9 are: FINJAN-SYM 000696-981.

11 The date of conception for the asserted claims of U.S. Patent No. 8,141,154 (“the ‘154 Patent”)  
12 is December 12, 2005. The date of reduction to practice of the asserted claims of the ‘154 Patent is  
13 December 12, 2005. David Gruzman and Yuval Ben-Itzhak were involved with, and may have  
14 knowledge related to the conception and reduction to practice of the ‘154 Patent. Relevant documents  
15 are: FINJAN-SYM 001797-2076; FINJAN-SYM 000696-981.

17 The date of conception for the asserted claims of U.S. Patent No. 8,667,494 (“the ‘494 Patent”)  
18 is November 8, 1996. The date of reduction to practice of the asserted claims of the ‘494 Patent is  
19 November 8, 1996. Yigal Edery, Nimrod Vered, David Kroll, and Shlomo Touboul were involved  
20 with, and may have knowledge related to the conception and reduction to practice of the ‘494 Patent.  
21 Relevant documents are: FINJAN-SYM 065928-60, FINJAN-SYM 002077-3051.

23 The date of conception for the asserted claims of U.S. Patent No. 7,930,299 (“the ‘299 Patent”)  
24 is no later than November 30, 2005. The date of reduction to practice of the asserted claims of the  
25 ‘299 Patent is no later than November 30, 2005. Yuval Ben-Itzhak and Limor Elbaz were involved

1 with, and may have knowledge related to the conception and reduction to practice of the '299 Patent.  
2 Relevant documents are: FINJAN-SYM 000982-1336; FINJAN-SYM 073484-96.

3 The date of conception for the asserted claims of U.S. Patent No. 7,756,996 ("the '996 Patent")  
4 is no later than January 30, 2004. The date of reduction to practice of the asserted claims of the '996  
5 Patent is no later than January 30, 2004. Shlomo Touboul was involved with, and may have  
6 knowledge related to the conception and reduction to practice of the asserted claims of the '996 Patent.  
7 Relevant documents are: FINJAN-SYM 000542-695.

8 The date of conception for the asserted claims of U.S. Patent No. 8,015,182 ("the 182 Patent")  
9 is no later than November 30, 2005. The date of reduction to practice of the asserted claims of the  
10 '182 Patent is no later than November 30, 2005. Yuval Ben-Itzhak and Limor Elbaz were involved  
11 with, and may have knowledge related to the conception and reduction to practice of the asserted  
12 claims of the '182 Patent. Relevant documents are: FINJAN-SYM 001337-1796, FINJAN-SYM  
13 073484-96.

14 Finjan's investigation of this matter is ongoing and it will comply with Fed. R. Civ. P. 26(e)  
15 should additional information become known to it.

16 **INTERROGATORY NO. 5:**

17 Describe the complete legal and factual basis for Finjan's allegation that it is entitled to a  
18 preliminary and/or permanent injunction against Symantec under 35 U.S.C. § 282, as set forth in  
19 Finjan's Amended Complaint, including the complete legal and factual basis for Finjan's position that  
20 (1) Symantec's alleged infringement is causing Finjan irreparable harm, (2) money damages would be  
21 inadequate to compensate Finjan for the alleged infringement, (3) the balance of hardships tips in  
22 Finjan's favor, and (4) the public interest favors the entry of an injunction against Symantec, and  
23 identify all documents and evidence that support your response.

1 this Interrogatory to the extent it seeks expert testimony to be disclosed at a future date to be scheduled  
2 by the Court. Finjan objects to this Interrogatory to the extent it its premature and discovery is  
3 ongoing. Finjan objects to this Interrogatory to the extent it seeks information within Symantec's  
4 possession, custody, or control.

5 Finjan incorporates by reference its response to Interrogatory Nos. 7 and 8. Finjan's  
6 investigation of this matter is ongoing and it will comply with Fed. R. Civ. P. 26(e) should additional  
7 information become known to it.  
8

9 Respectfully submitted,  
10

11 DATED: April 13, 2015

By: /s/ James Hannah

12 Paul Andre (State Bar. No. 196585)  
13 Lisa Kobialka (State Bar No. 191404)  
14 James Hannah (State Bar No. 237978)  
15 Hannah Lee (State Bar No. 253197)  
16 Michael H. Lee (State Bar No. 264592)  
17 KRAMER LEVIN NAFTALIS & FRANKEL LLP  
18 990 Marsh Road  
19 Menlo Park, CA 94025  
20 Telephone: (650) 752-1700  
21 Facsimile: (650) 752-1800  
22 [pandre@kramerlevin.com](mailto:pandre@kramerlevin.com)  
23 [lkobialka@kramerlevin.com](mailto:lkobialka@kramerlevin.com)  
24 [jhannah@kramerlevin.com](mailto:jhannah@kramerlevin.com)  
25 [hlee@kramerlevin.com](mailto:hlee@kramerlevin.com)  
26 [mhlee@kramerlevin.com](mailto:mhlee@kramerlevin.com)

27 Attorneys for Plaintiff  
28 FINJAN, INC.



# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.