HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY

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FINJAN, INC.

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

FINJAN, INC., a Delaware Corporation, Plaintiff, v. SOPHOS INC., a Massachusetts Corporation, Defendant.	Case No.: 14-cv-01197-WHO **HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY** **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)**

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

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

OBJECTIONS

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

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

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

INTERROGATORY RESPONSES

INTERROGATORY NO. 1:

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

FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:

Finjan objects to this Interrogatory as vague, indefinite, overly broad, unduly burdensome, and ambiguous, including the term "Relating To" which is not defined. Finjan objects to this Interrogatory as unduly burdensome and overbroad to the extent it seeks information not relevant to any claim or defense of any party and/or not reasonably calculated to lead to the discovery of admissible evidence. Finjan objects to this Interrogatory to the extent it is unreasonably cumulative, as it seeks disclosure of documents and information subject to the Northern District of California Patent Local Rules and the schedule in this action. 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 it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable law, privilege, doctrine, or immunity.

Subject to and without waiving the foregoing 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. The date of reduction to practice of the asserted claims of the '844 Patent is November 8, 1996. Shlomo Touboul and Nachson Gal were involved with, and may have knowledge related to the conception and reduction to practice of the '844 Patent.

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

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

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 and reduction to practice of the '926 Patent. The inventors of the '926 Patent were reasonably diligent in reducing the inventions of the asserted claims to practice between the dates of conception and reduction to practice.

The date of conception for the asserted claims of U.S. Patent No. 7,757,289 ("the '289 Patent") is December 12, 2005. The date of reduction to practice of the asserted claims of the '926 Patent is December 12, 2005. David Gruzman and Yuval Ben-Itzhak were involved with, and may have knowledge related to the conception and reduction to practice of the '926 Patent.

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

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

The date of conception for the asserted claims of U.S. Patent No. 8,667,494 ("the '494 Patent") is November 8, 1996. The date of reduction to practice of the asserted claims of the '494 Patent is November 8, 1996. Yigal Edery, Nimrod Vered, David Kroll, and Shlomo Touboul were involved with, and may have knowledge related to the conception and reduction to practice of the '494 Patent.

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

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

INTERROGATORY NO. 2:

Separately for each asserted claim of each Patent-in-Suit, describe in detail all facts and circumstances Relating To any alleged diligence between the asserted conception and reduction to practice dates, and identify each Person with knowledge of such diligence, including the nature of each Person's participation, involvement, and/or contribution to such conception and/or reduction to practice.

FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:

Finjan objects to this Interrogatory as vague, indefinite, overly broad, unduly burdensome, and ambiguous, including the term "Relating To" which is not defined. Finjan objects to this Interrogatory as unduly burdensome and overbroad to the extent it seeks information not relevant to any claim or defense of any party and/or not reasonably calculated to lead to the discovery of admissible evidence. Finjan objects to this Interrogatory to the extent it is unreasonably cumulative, as it seeks disclosure of documents and information subject to the Northern District of California Patent Local Rules and the schedule in this action. 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 it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable law, privilege, doctrine, or immunity.

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

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 the inventions of the asserted claims to practice between the date of conception and reduction to practice. The prosecuting attorney was reasonably diligent from the time of conception in working to prepare U.S. Application No. 08/964,388, which was filed on November 6, 1997.

The date of conception for the asserted claims of U.S. Patent No. 8,556,580 ("the '580 Patent") is May 2007. The date of reduction to practice of the asserted claims of the '580 Patent is July 23, 2008. Yuval Ben-Itzhak, Shay Lang, and Dmitry Rubinstein were involved with, and may have knowledge related to the conception, diligence, and reduction to practice of the '580 Patent. Mr. Ben-Itzhak, Mr. Lang, and Mr. Rubinstein were reasonably diligent in reducing the invention of the asserted claims to practice between the date of conception and reduction to practice. The prosecuting attorney was reasonably diligent from the time of conception in working to prepare U.S. Application No. 12/178,558, which was filed on July 23, 2008.

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

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

INTERROGATORY NO. 3:

If You contend that the Patents-in-Suit are not invalid, provide all facts supporting Finjan's contention(s), including, but not limited to, Identifying each claim element You contend is absent from any Prior Art references asserted by Sophos and the reason You contend such elements are absent; Identifying all Persons with knowledge of Your response; Identifying all Documents containing facts supporting Your response; and Finjan's proposed claim construction for each claim element Finjan asserts is not present in the references, including, without limitation, an Identification of each portion of the claims, the specification, and the prosecution history that supports such construction, and any extrinsic evidence that supports such construction, such as expert testimony, inventor statements or testimony, dictionary definitions and publications.

FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3:

Finjan objects to this Interrogatory to the extent it improperly transfers the burden of proof on Finjan to present evidence to oppose the invalidity of the Patents-in-Suit which are legally presumed valid. Finjan objects to this Interrogatory to the extent it is premature, as discovery has just commenced and it seeks disclosure of documents, information, and expert testimony subject to the Northern District of California Patent Local Rules and the schedule in this action. Finjan objects to this Interrogatory as Sophos has not served its invalidity contentions. 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 legal conclusions. 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 as vague, ambiguous, unduly burdensome and overbroad.

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

Finjan's Patents-in-Suit are legally presumed valid. 35 U.S.C. § 282. At the very least, the asserted claims of the Patents-in-Suit are novel and non-obvious due to the industry praise, long-felt need, commercial licensing, copying by competitors, and commercial success of the technology covered by these patents. Finjan incorporates by reference its response to Interrogatory 4 for support of the novelty and non-obviousness of the Patents-in-Suit.

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

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

INTERROGATORY NO. 4:

State Finjan's contentions, and the factual basis for such contentions, as to any "objective evidence" or "secondary considerations" of the non-obviousness of any claim of any of the Patents-in-Suit in accordance with, for example, *Graham v. John Deere Co*., 383 U.S. 1, 17 (1966).

FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 4:

Finjan objects to this Interrogatory to the extent it is premature, as discovery has just commenced and it seeks disclosure of documents, information, and expert testimony subject to the Northern District of California Patent Local Rules and the schedule in this action. Finjan also objects

to this Interrogatory as Sophos has not served its invalidity contentions. 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 legal conclusions. 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 also objects to this Interrogatory to the extent it seeks confidential, business, financial, proprietary or sensitive information or trade secrets of third parties, which is subject to pre-existing protective order(s) and/or confidentiality agreements. Finjan objects to this Request to the extent it seeks information within Sophos's possession, custody, or control, or to the extent it seeks information in the public domain. Finjan objects to this Interrogatory as vague, ambiguous, unduly burdensome and overbroad.

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, long-felt need, licensing, copying by competitors, and commercial success of the technology covered by these patents. For example:

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 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.

Patent Owner Finjan, Inc. - Ex. 2006, p. 11

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. 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 '780 and '822 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 Finjan's '780 and '822 Patents. In addition, the patented technology of the Patents-in-Suit has been copied by Sophos and other companies.

Commercial Success:

Based on information presently available to Finjan, Finjan's Vital Security 7.0 product in or about 2004 incorporated technology of claim 1, claim 9, claim 17, and claim 18 of the '780 Patent, and claim 1, claim 15, claim 22, and claim 43 of the '844 Patent. IDC reported that Finjan had revenues of $6.5 million in 2001, $6.1 million in 2002, $9.3 million in 2003, $12.9 million in 2004, $16.4 million in 2005, and $19.7 million in 2006.

[redacted]

Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, further information responsive to this interrogatory may be derived or ascertained from Finjan's document production in this matter, including but not limited to the following bates-labeled documents: Jury Verdict and Judgment in *Finjan Software, Ltd. v. Secure Computing Corp.*, No. 06-cv-00369 (D. Del.), Dkt. No. 226, 242; Memorandum Order dated August 18, 2009 in *Finjan Software, Ltd. v. Secure Computing Corp.*, Dkt. No. 305; Finjan's Disclosure of Infringement Contentions to Sophos Pursuant to Patent L.R. 3-1 and 3-2; FINJAN-SOP 010935-11016, FINJAN-SOP 020684-712, FINJAN-SOP 007474-92, FINJAN-SOP 024011-36, FINJAN-SOP 024047, FINJAN-SOP 098263-98, FINJAN-SOP 098288-329, FINJAN-SOP 098330-32, FINJAN-SOP 098333-36, FINJAN-SOP 098337, FINJAN-SOP 098338, FINJAN-SOP 098339-40, FINJAN-SOP 098341-42, FINJAN-SOP 098343-44, FINJAN-SOP 098345, FINJAN-SOP 098397-98, FINJAN-SOP 005391-5718, FINJAN-SOP 005719-5844, FINJAN-SOP 005845-6110, FINJAN-SOP 006111-6440, FINJAN-SOP 006441-6521, FINJAN-SOP 006522-6602, FINJAN-SOP 006603-6765, FINJAN-SOP 006766-6938, FINJAN-SOP 006939-7135, FINJAN-SOP 007136-7254, FINJAN-SOP 007255-7343, FINJAN-SOP 130503-50, FINJAN-SOP 000018-227, FINJAN-SOP 000246-402, FINJAN-SOP 000418-692, FINJAN-SOP 000718-1000, FINJAN-SOP 001019-1278, FINJAN-SOP 001294-1521, FINJAN-SOP 001535-1775, FINJAN-SOP 001803-2745, FINJAN-SOP 009296-9325, FINJAN-SOP 035955-75, FINJAN-SOP 021638-62, FINJAN-SOP 021713-35, FINJAN-SOP 022146-68, FINJAN-SOP 036018-36, FINJAN-SOP 035933-54, FINJAN-SOP 029779-803, FINJAN-SOP 029830-54, FINJAN-SOP 029682-703, FINJAN-SOP 132593-612.

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

INTERROGATORY NO. 5:

Identify by product name and internal Finjan name or designation Each product offered for sale or sold by or under license from Finjan which Finjan contends practices any alleged invention described, disclosed or claimed in any of the Patents-in-Suit.

FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5:

Finjan objects to this Interrogatory as vague, ambiguous, overbroad, and unduly burdensome, including the term "Each." 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 legal conclusions. 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 also objects to this Interrogatory to the extent it seeks confidential, business, financial, proprietary or sensitive information or trade secrets of third parties, which is subject to pre-existing protective order(s) and/or confidentiality agreements. Finjan objects to this Request to the extent it seeks information within Sophos's possession, custody, or control, or to the extent it seeks information in the public domain. Finjan objects to this Interrogatory to the extent it is unreasonably cumulative, as it seeks disclosure of information subject to the Northern District of California Patent Local Rules and the schedule in this action.

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

The Vital Security product version 7.0 and later versions incorporates or reflects certain claims of at least the '780 Patent and '844 Patent.

Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, further information responsive to this interrogatory may be derived or ascertained from Finjan's document production in this matter,

including but not limited to the following bates-labeled documents: FINJAN-SOP 011939 - 011954, FINJAN-SOP 021666 - 021668, FINJAN-SOP 006111 - 006440, FINJAN-SOP-016979-017015, FINJAN-SOP 005391 - 005718, FINJAN-SOP 005719 - 005844 FINJAN-SOP 005845 – 006110, FINJAN-SOP 006441-006521, FINJAN-SOP 006522-006602, FINJAN-SOP 006603-006765, FINJAN-SOP 006766-006938, FINJAN-SOP 006939-007135, FINJAN-SOP 007136-007254, FINJAN-SOP 007255-007374.

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

INTERROGATORY NO. 7:

Describe all losses and/or damages, including without limitation the amount of any lost profits or reasonable royalties Finjan contends it incurred as a proximate result of Sophos' alleged Infringement of the Patents-in-Suit, including without limitation the precise monetary losses contended by Finjan, the facts or circumstances Finjan is relying on to support such contention, and the process, calculations and formulas used to determine the amount of the alleged damages.

FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 7:

Finjan objects to this Interrogatory as vague, ambiguous, overbroad, and unduly burdensome, including the term "precise." Finjan objects to this Interrogatory to the extent it is premature, as discovery has just commenced and it seeks disclosure of documents, information, and expert testimony subject to the Northern District of California Patent Local Rules and the schedule in this action. Finjan objects to this Interrogatory to the extent it seeks information in the possession, custody, and control of Sophos. 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 legal conclusions. 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.

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

Finjan is entitled to a reasonable royalty for Sophos's infringement of the Patents-in-Suit. Finjan incorporates by reference the information set forth in its Computation of Damages pursuant to Fed. R. Civ. P. 26(a)(1)(A)(iii) in its July 2, 2014 Initial Disclosures. Finjan further incorporates by reference the relevant excerpts from the trial transcripts and exhibits relating to the value of Finjan's patents-in-suit from the trial between Finjan and Secure Computing, which culminated in a jury verdict for Finjan and an award of $9.18 million on or about March 12, 2008, United States District Court for the District of Delaware, Case No. 06-cv-00369. Finjan further incorporates by reference the relevant excerpts from the trial transcripts and exhibits relating to the value of Finjan's patents-in-suit from the trial between Finjan and McAfee, Inc., Symantec Corp., Webroot Software, Inc., Websense, Inc., and Sophos Inc., in December 2012, United States District Court for the District of Delaware, Case No. 10-cv-00593.

Further, Finjan has and continues to suffer irreparable harm by Sophos' infringement by loss of market share and sales for its authorized licensees including M86 Security Inc. ("M86"), Trustwave Holdings, Inc. ("Trustwave"), Webroot Inc. ("Webroot"), Websense Inc. ("Websense"), and Intel Corporation ("Intel"), all competitors with Sophos. [redacted] Currently, Finjan provides Trustwave with access to its domain name to allow Trustwave to provide updates to customers with products containing Finjan's technology. Such customers are also part of the same target customer base for Sophos' accused products.

In addition, Finjan has committed $5 million in 2013 to a new Israel technology fund that

focuses on funding companies developing solutions to serious problems caused by cybersecurity breaches. Such companies compete with Sophos in the marketplace to provide solutions that address cybersecurity threats.

Sophos, by way of its infringement and competition with the above companies, has inflicted irreparable damage to Finjan's reputation and brand in the marketplace and continues to damage the reputation and brand of its authorized licensees. By continuing to engage in infringing activities despite the knowledge of Finjan's patents, Sophos intentionally, knowingly, and publicly chooses to discredit the value of Finjan's patented technology.

Monetary damages alone are inadequate to compensate Finjan for Sophos' infringement, as Sophos has increased its market share and market position as a result of its infringing activities that have capitalized on Finjan's patented technology. Without injunctive relief, Finjan's ability to exclude others from practicing its patented technology would suffer irreparable injury while Sophos can continue to profit from infringement of Finjan's patents. The public interest in the judicial protection of property rights in inventive technology outweighs any interest the public has in purchasing the infringing products.

Documents supporting injunctive relief in this case include: FINJAN-SOP 020476 – 020516; FINJAN-SOP-21669 - 021700; FINJAN-SOP- 010935 – 011016 ; FINJAN-SOP 035856 – 035883; FINJAN-SOP 022004 – 022011; FINJAN-SOP 080899 – 080966; FINJAN-SOP 087026 at 530:22-25; FINJAN-SOP 087028 at 537:11-20; FINJAN-SOP 087055 – FINJAN-SOP 087066 at 644:18-645:4, 649:8-654:13; FINJAN-SOP 079022- FINJAN-SOP 079023 at 262:11-24, 268:14-269:23; FINJAN-SOP 078794 at 111:25-113:4; FINJAN-SOP 020784 – 020712; FINJAN-SOP 007474 – 007492; FINJAN-SOP 024011 – 024036; FINJAN-SOP 024047; FINJAN-SOP 132713 – 132714; FINJAN-SOP 132715; and FINJAN-SOP 132716.

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

INTERROGATORY NO. 8:

Describe any marking of any Finjan products or third-party products with the Finjan Patents-in-Suit, including when such marking first took place, whether such marking has been continuous, an identification of all Finjan products so marked, whether any licensees of the Finjan Patents-in-Suit were required to mark under the licenses and whether they did in fact mark, and an identification of all Documents or things Relating To the aforementioned marking.

FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8:

Finjan objects to this Interrogatory as vague, ambiguous, overbroad, and unduly burdensome. Finjan objects to this Interrogatory to the extent it seeks information not relevant to any claim or defense of any party and/or not reasonably calculated to lead to the discovery of admissible evidence as Finjan is not relying on marking of its products for constructive notice of its patents. 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 legal conclusions. 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 Sophos's possession, custody or control, or to the extent it seeks information in the public domain.

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

At minimum, the '780 Patent and the '844 Patent were marked on the product manuals for the Vital Security appliance versions 7.0 and later versions, the Finjan website, and the related splash screen. Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, further information responsive

to this interrogatory may be derived or ascertained from Finjan's document production in this matter, including but not limited to the following bates-labeled documents: FINJAN-SOP 005392, FINJAN-SOP 005720, FINJAN-SOP 005846, FINJAN-SOP 006112, FINJAN-SOP 006442, FINJAN-SOP 006523, FINJAN-SOP 006604, FINJAN-SOP00 6767, FINJAN-SOP 006940, FINJAN-SOP 007137, FINJAN-SOP 007256, FINJAN-SOP 037976, FINJAN-SOP 035907, FINJAN-SOP 035834, FINJAN-SOP 035654, FINJAN-SOP 032870, FINJAN-SOP 032835, FINJAN-SOP 032816, FINJAN-SOP 032799, FINJAN-SOP 032574, FINJAN-SOP 031666, FINJAN-SOP 030417, FINJAN-SOP 029599, FINJAN-SOP 029597, FINJAN-SOP 029595, FINJAN-SOP 028990, FINJAN-SOP 098257-62, FINJAN-SOP 098330-31, FINJAN-SOP 098346-47, FINJAN-SOP 098348-49, FINJAN-SOP 098350-68, FINJAN-SOP 098369-78, FINJAN-SOP 098379-96, FINJAN-SOP 052338-41 at 218:17- 221: 7, FINJAN-SOP 051638, FINJAN-SOP 051764; FINJAN-SOP 087027 at 532:12-533:7, FINJAN-SOP 087057-60 at 655: 4-665:2, FINJAN-SOP 017015, FINJAN-SOP 050060, FINJAN-SOP 032850, FINJAN-SOP 012030, FINJAN-SOP 022015, FINJAN-SOP 132593-612, splash screen for Vital Security 7.0 and later versions.

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

DATED: December 9, 2014

By: */s/ Lisa Kobialka*

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PROOF OF SERVICE

I, Steven D. Dennison, am employed in the Menlo Park, California office of Kramer Levin Naftalis & Frankel LLP. I am over the age of 18 and not a party to the within action. My business address is 990 Marsh Road, Menlo Park, California 94025. I am readily familiar with the firm's practice of collecting and processing of mail for mailing with the United States Postal Service and overnight delivery services.

On December 9 ,2014, I caused the following document to be served:

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)

by electronic mail addressed as follows:

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I declare under penalty of perjury that the following is true and correct. Executed on December 9, 2014, at Menlo Park, California.

Steven D. Dennison