

# EXHIBIT 5

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12 Attorneys for Plaintiff  
 13 FINJAN, INC.

14 **IN THE UNITED STATES DISTRICT COURT**  
 15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 16 **OAKLAND DIVISION**

17 FINJAN, INC.,  
 18 Plaintiff,  
 19 v.  
 20 QUALYS INC.,  
 21 Defendant.

Case No.: 4:18-cv-07229-YGR

**FINJAN, INC.’S FIRST SET OF  
 REQUESTS FOR PRODUCTION OF  
 DOCUMENTS AND THINGS TO  
 DEFENDANT QUALYS INC. (NOS. 1-64)**

1 **REQUEST FOR PRODUCTION NO. 19:**

2 All source code repositories, development environments, bug tracking systems, and all  
3 information stored in the source code repositories, development environments, and bug tracking  
4 systems, including but not limited to comments, notes, log information, check-in and check-out  
5 information, documentation, programming guides or manuals, chat or forum discussions, and metadata.

6 **REQUEST FOR PRODUCTION NO. 20:**

7 Working copies of the most recent version of each of the Accused Instrumentalities.

8 **REQUEST FOR PRODUCTION NO. 21:**

9 Documents, communications, or things sufficient to show the in-licensing or out-licensing of  
10 patents or technology related to the Accused Instrumentalities.

11 **REQUEST FOR PRODUCTION NO. 22:**

12 Documents, communications, or things sufficient to show the first offer for sale and sale of  
13 each of the Accused Instrumentalities.

14 **REQUEST FOR PRODUCTION NO. 23:**

15 Documents, communications, or things sufficient to show any sales or revenue generated from  
16 each of the Accused Instrumentalities from the year 2013 to the present.

17 **REQUEST FOR PRODUCTION NO. 24:**

18 Documents, communications, or things sufficient to show the sales or revenue forecasts for  
19 each of the Accused Instrumentalities generated in the past six (6) years, which forecast sales or  
20 revenue for the year 2013 or any year past 2013.

21 **REQUEST FOR PRODUCTION NO. 25:**

22 Documents, communications, or things sufficient to show the market share of each of the  
23 Accused Instrumentalities.

24 **REQUEST FOR PRODUCTION NO. 26:**

25 Documents, communications, or things sufficient to show the pricing of each of the Accused  
26 Instrumentalities from the year 2013 to the present.

1 **REQUEST FOR PRODUCTION NO. 27:**

2 Documents, communications, or things sufficient to show the costs associated with each of the  
3 Accused Instrumentalities from the year 2013 to the present, including but not limited to, production  
4 costs, marketing costs, distribution costs, research and development costs, advertising costs and costs  
5 to update.

6 **REQUEST FOR PRODUCTION NO. 28:**

7 Documents, communications, or things sufficient to show the gross profits of each of the  
8 Accused Instrumentalities from the year 2013 to the present.

9 **REQUEST FOR PRODUCTION NO. 29:**

10 Documents, communications, or things sufficient to show the net profits associated with each  
11 of the Accused Instrumentalities from the year 2013 to the present.

12 **REQUEST FOR PRODUCTION NO. 30:**

13 Summaries of the revenue, sales, pricing, costs, gross profits, net profits, and market share of  
14 each of the Accused Instrumentalities from the year 2013 to the present.

15 **REQUEST FOR PRODUCTION NO. 31:**

16 All documents, communications, or things related to any agreements between You and any  
17 third party related to the development, testing, manufacture, distribution, sale, updating, or importation  
18 of each of the Accused Instrumentalities.

19 **REQUEST FOR PRODUCTION NO. 32:**

20 Documents, communications, or things sufficient to show any marketing, advertising, or  
21 promotion of each of the Accused Instrumentalities.

22 **REQUEST FOR PRODUCTION NO. 33:**

23 Documents, communications, or things sufficient to show any market reports, industry reports,  
24 competitive analyses, surveys, or studies in the past six (6) years, related to the Accused  
25 Instrumentalities, any of Your competitors, or any competing products of the Accused  
26 Instrumentalities, including but not limited to any analyses relating to customer purchasing habits,  
27 desires, needs, or preferences.

1 **PROOF OF SERVICE**

2 I, Sean Robertson, am employed in the Menlo Park, California office of Kramer Levin Naftalis  
3 & Frankel LLP. I am over the age of 18 and not a party to the within action. My business address is  
4 990 Marsh Road, Menlo Park, California 94025. I am readily familiar with the firm's practice of  
5 collecting and processing of mail for mailing with the U.S. Postal Service and overnight delivery  
6 services.

7 On March 1, 2019, I caused the following document(s) to be served:

8 **FINJAN, INC.'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**  
9 **AND THINGS TO DEFENDANT QUALYS, INC. (NOS. 1-64)**

10 by electronic mail, addressed as follows:

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18 I declare under penalty of perjury that the foregoing is true and correct. Executed on March 1,  
19 2019, in Menlo Park, California.

20 \_\_\_\_\_  
21 Sean Robertson  
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