

EXHIBIT J

Mays, Christopher

From: Frankel, Aaron <AFrankel@KRAMERLEVIN.com>
Sent: Friday, January 31, 2020 6:54 AM
To: Mays, Christopher
Cc: Manes, Austin; Poplawski, Edward; Desai, Neil; Kim, Olivia; Tong, Christina; Cheng, Stephanie; Andre, Paul; Kobialka, Lisa; Hannah, James; Williams, Daniel; Lien, Hien; Gordnia, Talin; Smith, Ryan
Subject: RE: [EXTERNAL] RE: Finjan v. Qualys: Claim Construction

Chris,

That link discloses a single sentence: "Trend Micro partners with Qualys to help customers identify common vulnerabilities they have exposure to and automatically map the security controls required to help alleviate the gaps."

If you can provide information about this relationship (which already should have been produced in discovery), Finjan will consider it.

Regards,
Aaron

Aaron M. Frankel
Partner

Kramer Levin Naftalis & Frankel LLP
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From: Mays, Christopher <cmays@wsgr.com>
Sent: Friday, January 31, 2020 9:47 AM
To: Frankel, Aaron <AFrankel@KRAMERLEVIN.com>
Cc: Manes, Austin <AManes@KRAMERLEVIN.com>; Poplawski, Edward <epoplawski@wsgr.com>; Desai, Neil <ndesai@wsgr.com>; Kim, Olivia <okim@wsgr.com>; Tong, Christina <ctong@wsgr.com>; Cheng, Stephanie <stephanie.cheng@wsgr.com>; Andre, Paul <PAndre@KRAMERLEVIN.com>; Kobialka, Lisa <LKobialka@KRAMERLEVIN.com>; Hannah, James <JHannah@KRAMERLEVIN.com>; Williams, Daniel <DDWilliams@KRAMERLEVIN.com>; Lien, Hien <HLien@KRAMERLEVIN.com>; Gordnia, Talin <tgordnia@wsgr.com>; Smith, Ryan <rsmith@wsgr.com>
Subject: Re: [EXTERNAL] RE: Finjan v. Qualys: Claim Construction

Aaron,

Thanks for the message. We understand Finjan will oppose our motion.

As an aside, it is incorrect for you to suggest that Finjan is unaware of the partnership between Qualys and Trend Micro. As we informed you months ago, the companies' partnership is public and acknowledged by Trend Micro itself. See https://www.trendmicro.com/en_us/partners/explore-alliance-partners/qualys.html (sent to you several months ago).

Best,

Chris

On Jan 31, 2020, at 6:19 AM, Frankel, Aaron <AFrankel@kramerlevin.com> wrote:

Chris,

In the absence of a license agreement between Qualys and Trend Micro and in the absence of evidence that Qualys fits within the limited Company Partner definition, Finjan does not consent to the proposed amendment as to a license or implied license defense. If Qualys provides documents (which already should have been produced in discovery) proving the relationship, Finjan will of course consider them. Otherwise Finjan does not know how Qualys obtained any source code that it claims is Trend Micro's code.

Finjan also does not agree to the proposed res judicata/collateral estoppel defense which is completely open-ended. Please let us know if Qualys will limit the scope of that defense to the impact of the Federal Circuit's 2019 decision on the reexamination of the '305 Patent.

Regards,
Aaron

Aaron M. Frankel
Partner

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From: Mays, Christopher <cmays@wsgr.com>
Sent: Wednesday, January 29, 2020 11:46 AM
To: Frankel, Aaron <AFrankel@KRAMERLEVIN.com>; Manes, Austin <AManes@KRAMERLEVIN.com>
Cc: Poplawski, Edward <epoplawski@wsgr.com>; Desai, Neil <ndesai@wsgr.com>; Kim, Olivia <okim@wsgr.com>; Tong, Christina <ctong@wsgr.com>; Cheng, Stephanie

<stephanie.cheng@wsgr.com>; Andre, Paul <PAAndre@KRAMERLEVIN.com>; Kobialka, Lisa <LKobialka@KRAMERLEVIN.com>; Hannah, James <JHannah@KRAMERLEVIN.com>; Williams, Daniel <DDWilliams@KRAMERLEVIN.com>; Lien, Hien <HLien@KRAMERLEVIN.com>; Gordnia, Talin <tgordnia@wsgr.com>; Smith, Ryan <rsmith@wsgr.com>

Subject: RE: [EXTERNAL] RE: Finjan v. Qualys: Claim Construction

Dear Aaron:

Our *res judicata* / collateral estoppel defense includes, but is not necessarily limited to, the Federal Circuit's 2019 decision on the '305 Patent. For example, the Federal Circuit's forthcoming decision on the construction of "content processor" may provide another basis for collateral estoppel. Other factual bases for this defense may also arise from other co-pending cases further along than this case.

Regarding the Trend Micro issue, we currently understand our production to contain all relevant source code files for Qualys's use of the licensed Trend Micro Antivirus software. We, of course, reserve the right to revise our position and supplement our production if we discover at a later time that additional code is relevant. As to any license agreement between Qualys and Trend Micro, we are continuing our search and, to the extent we can locate such an agreement, will produce it. However, we feel that the source code we already produced is sufficient to show our use of licensed Trend Micro software for the purposes of amending our Answer.

Accordingly, please respond by close of business on Thursday, January 30 if Finjan will revise its position and consent to our motion seeking leave to amend our Answer.

Best,

Chris

From: Frankel, Aaron [<mailto:AFrankel@KRAMERLEVIN.com>]

Sent: Friday, January 24, 2020 8:27 PM

To: Mays, Christopher; Manes, Austin

Cc: Poplawski, Edward; Desai, Neil; Kim, Olivia; Tong, Christina; Cheng, Stephanie; Andre, Paul; Kobialka, Lisa; Hannah, James; Williams, Daniel; Lien, Hien; Gordnia, Talin; Smith, Ryan

Subject: RE: [EXTERNAL] RE: Finjan v. Qualys: Claim Construction

Chris,

Finjan does not agree to postpone claim construction in this case.

Please clarify if Qualys is seeking Finjan's agreement to file an amendment to the answer limited to *res judicata*/collateral estoppel based exclusively on the September 2019 Federal Circuit decision or if the scope of Qualys' proposed amendment goes beyond the alleged impact of that Federal Circuit decision.

Finjan will not, at this time, revise its position on the dates it provided notice of infringement to Qualys.

As to the Trend Micro issue, we will review the source code that Qualys provided. Is that the full extent of the source code of the accused products that Qualys contends originated with Trend Micro? Has Qualys been able to locate a license agreement between it and Trend Micro?

Regards,
Aaron

Aaron M. Frankel
Partner

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From: Mays, Christopher <cmays@wsgr.com>
Sent: Thursday, January 23, 2020 8:45 AM
To: Frankel, Aaron <AFrankel@KRAMERLEVIN.com>; Manes, Austin <AManes@KRAMERLEVIN.com>
Cc: Poplawski, Edward <epoplawski@wsgr.com>; Desai, Neil <ndesai@wsgr.com>; Kim, Olivia <okim@wsgr.com>; Tong, Christina <ctong@wsgr.com>; Cheng, Stephanie <stephanie.cheng@wsgr.com>; Andre, Paul <PAndre@KRAMERLEVIN.com>; Kobjalka, Lisa <LKobjalka@KRAMERLEVIN.com>; Hannah, James <JHannah@KRAMERLEVIN.com>; Williams, Daniel <DDWilliams@KRAMERLEVIN.com>; Lien, Hien <HLien@KRAMERLEVIN.com>; Gordnia, Talin <tgordnia@wsgr.com>; Smith, Ryan <rsmith@wsgr.com>
Subject: RE: [EXTERNAL] RE: Finjan v. Qualys: Claim Construction

Dear Aaron:

Thanks for getting back to me. I believe we were also waiting on a response from your side on a couple other items raised on our meet and confer:

- The timing of the claim construction schedule given the pending Federal Circuit dispute regarding the construction of the term “content processor.” In light of that pending appeal as well as Judge Gilliam’s order yesterday in the *Bitdefender* case regarding further claim construction briefing for this term, we feel it would best serve the parties’ and judicial resources (as well as the interests of comity) to stay claim construction in this case until these other courts have weighed in on and/or resolved the issue. Please let us know Finjan’s position on this.
- Whether Finjan will stipulate to the proposed amendment regarding res judicata and/or collateral estoppel as to the remaining asserted claims of the ‘305 patent in view of the Federal Circuit’s affirmance of the *ex parte* reexamination.
- Whether Finjan will revise its position on the dates it contends it provided notice of infringement to Qualys for the respective patents and accused products.

Also, as to your email below regarding our proposed amended Answer, we disagree with Finjan’s position:

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