

EXHIBIT E

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FINJAN, INC.

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

13
14 FINJAN, INC., a Delaware Corporation,
15 Plaintiff,
16 v.
17 QUALYS INC., a Delaware Corporation,
18 Defendant.

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

**PLAINTIFF FINJAN, INC.'S AMENDED
PRELIMINARY CLAIM
CONSTRUCTIONS AND EVIDENTIARY
SUPPORT PURSUANT TO PATENT
LOCAL RULE 4-2**

TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

Pursuant to Patent L.R. 4-2 and the parties' agreed modifications regarding exchanging evidence and support, Plaintiff Finjan, Inc. ("Finjan") sets forth below its amended preliminary claim constructions and supporting evidence to Defendant Qualys, Inc. ("Qualys" or "Defendant") for U.S. Patent No. 6,154,844 ("the '844 Patent"), U.S. Patent No. 6,965,968 ("the '968 Patent"), U.S. Patent No. 7,418,731 ("the '731 Patent"), U.S. Patent No. 7,975,305 ("the '305 Patent"), U.S. Patent No. 8,141,154 ("the '154 Patent"), U.S. Patent No. 8,225,408 ("the '408 Patent"); and U.S. Patent No. 8,677,494 ("the '494 Patent") (collectively the "Finjan Patents"). Finjan reserves its right to add, remove or modify any of its proposed claim terms or constructions based on any constructions proposed by Qualys and/or the parties' meet and confer sessions(s) pursuant to Patent L.R. 4-2. Finjan provides constructions below for all terms that either party identified for construction, and according to Qualys' recently narrowed list of disputed terms, but Finjan reserves the right to argue its position that most of these terms do not need construction and their plain and ordinary meaning should apply because they are easily understandable to a person of ordinary skill in the art. Finjan reserves its right to rely on any intrinsic or extrinsic evidence cited by Qualys or needed to rebut Qualys' proposed constructions or evidence.

Pursuant to Patent Local Rule 4-2(b), Finjan intends to rely upon the testimony of Dr. Michael Goodrich in support of its claim construction positions. Finjan expects Dr. Goodrich to testify regarding the scope of the asserted patents and the relevant technology. Finjan also expects Dr. Goodrich to testify regarding the proper construction and/or plain and ordinary meaning of the terms identified below and any terms for which Qualys may offer expert testimony. Finjan additionally expects Dr. Goodrich to testify regarding the understanding of one of skill in the art at the time of the filing of the asserted patents.

AGREED CONSTRUCTIONS

Patent	Term	Proposed Construction
6,154,844 8,677,494	“downloadable”	an executable application program, which is downloaded from a source computer and run on the destination computer
6,154,844	“means for receiving a Downloadable”	Function: receiving a Downloadable Structure: Downloadable file interceptor
7,975,305 8,677,494	“database”	a collection of interrelated data organized according to a database schema to serve one or more applications
8,225,408	“parse tree”	a hierarchical structure of interconnected nodes built from scanned content

Finjan proposes the following preliminary constructions for the remaining terms identified by the parties as disputed:

PRELIMINARY CONSTRUCTIONS AND SUPPORT

‘844 Terms For Construction	Citations to Intrinsic Record and Extrinsic Evidence	Proposed Constructions
“means for generating a first Downloadable security profile that identifies suspicious code in the received Downloadable”	<u>Intrinsic Evidence</u> Abstract; Figs. 1-8; Claims 10, 13, 15, 18, 19, 20, 21, 28, 36, 37, 43; Col. 2, ll. 3-60; Col. 4, ll. 4-7; 35-58; 59-64; Col. 5, ll. 48-58; Col. 7, ll. 10-24; 41-67; Col. 8, ll. 1-67; Col. 9, ll. 1-67; Col. 10, ll. 1-24; 66-67; and Col. 11, ll. 1-11. U.S. Pat. No. 6,092,194 at Figs. 1-5; Col. 1, ll. 60-67; Col. 2, ll. 1-36; 65-67; Col. 3, ll. 1-22; 25-67; Col. 4, ll. 1-61; Col. 5, ll. 15-67;	Governed by 35 U.S.C. § 112(6): Function: generating a first Downloadable security profile that identifies suspicious code in the received Downloadable Structure: content inspection engine programmed to perform the algorithm disclosed at Col. 8, lines 51-60 of the ‘844 Patent

'844 Terms For Construction	Citations to Intrinsic Record and Extrinsic Evidence	Proposed Constructions
	<p>Col. 6, ll. 1-67; Col. 7, ll. 1-6; Col. 9, ll. 57-67; Col. 10, ll. 1-6.</p> <p><u>Extrinsic Evidence</u></p> <p>October 14, 2014, Joint Claim Construction and Pre-Hearing Statement Pursuant to Patent Local Rule 4-3, <i>Finjan, Inc. v. Sophos Inc.</i>, Civ. No. 14-cv-01197-WHO.</p> <p>February 29, 2012 Claim Construction Order-<i>Finjan Software, Inc., v. McAfee, Inc. et al.</i>, C.A. No. 10-cv-593.</p> <p>October 20, 2014 Claim Construction Order, <i>Finjan, Inc. v. Blue Coat Systems, Inc.</i>, Civ. No. 13-cv-03999-BLF.</p> <p>December 3, 2015 Claim Construction Order – <i>Finjan, Inc. v. Proofpoint, Inc., et al.</i>, Case No. 13-CV-05808-HSG.</p> <p>July 23, 2018, Claim Construction Order – <i>Finjan, Inc. v. Cisco Systems Inc.</i>, Civ. No. 17-cv-00072-BLF.</p> <p>March 02, 2015 Claim Construction Order – <i>Finjan, Inc. v. Sophos Inc.</i>, Civ. No. 14-cv-01197-WHO.</p> <p>February 10, 2017 Claim Construction Order – <i>Finjan, Inc. v. Symantec Inc.</i>, Civ. No. 3:14-cv-02998-HSG.</p> <p>March 26, 2019 Claim Construction Order – <i>Finjan, Inc. v. SonicWall Inc.</i>, Civ. No. 17-cv-04467-BLF.</p> <p>Any intrinsic and extrinsic evidence relied upon by Qualys.</p> <p>Qualys' Invalidation Contentions.</p>	

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