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Attorneys for Defendant
QUALYS INC.

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

FINJAN, INC., a Delaware Corporation, Plaintiff, v. QUALYS INC., a Delaware Corporation, Defendant.	CASE NO.: 4:18-cv-07229-YGR **DEFENDANT QUALYS INC.'S SECOND AMENDED ANSWER TO COMPLAINT AND COUNTERCLAIMS** **DEMAND FOR JURY TRIAL**

Defendant Qualys Inc. ("Qualys"), by and through its undersigned attorneys, hereby files its second amended answer and asserted counterclaims in response to the Complaint filed by Plaintiff Finjan, Inc. ("Finjan") as follows:

SECOND AMENDED ANSWER TO COMPLAINT FOR PATENT INFRINGEMENT

THE PARTIES

1. Qualys admits that, upon information and belief, Finjan is a Delaware corporation, with its principal place of business at 2000 University Ave., Suite 600, East Palo Alto, California 94303.

2. Qualys admits that it is a Delaware corporation with its principal place of business at 919 E. Hillsdale Boulevard, 4th Floor, Foster City, California 94404.

JURISDICTION AND VENUE

3. Qualys admits that Finjan's Complaint purports to be an action for patent infringement under the patent laws of the United States of America, Title 35 of the United States Code. Qualys admits that this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338. Qualys denies any and all remaining allegations in paragraph 3 of the Complaint.

4. Qualys admits that venue is proper in this district pursuant to 28 U.S.C § 1400(b). Qualys denies any and all remaining allegations in paragraph 4 of the Complaint.

5. Qualys admits that this Court has personal jurisdiction over Qualys. Qualys denies any and all remaining allegations in paragraph 5 of the Complaint.

INTRADISTRICT ASSIGNMENT

6. Qualys admits that pursuant to Civil L.R. 3-2(c), Intellectual Property Actions are assigned on a district-wide basis.

FINJAN'S ALLEGED INNOVATIONS

7. Qualys is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 7 of the Complaint, and accordingly denies the same.

8. Qualys is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 8 of the Complaint, and accordingly denies the same.

FINJAN'S ASSERTED PATENTS

9. Qualys admits that Finjan purports that U.S. Patent No. 6,154,844 ("the '844 Patent"), titled "System and Method for Attaching a Downloadable Security Profile to a Downloadable," was issued to Shlomo Touboul and Nachshon Gal on November 28, 2000. Qualys admits that Finjan purports that a true and correct copy of the '844 Patent is attached to the Complaint as Exhibit 1. Qualys denies any and all remaining allegations in paragraph 9 of the Complaint.

10. Qualys admits that Finjan purports that Finjan is the owner of the '844 Patent with all rights, title, and interest to that patent and has been the sole owner of the '844 Patent since its issuance. Qualys denies any and all remaining allegations in paragraph 10 of the Complaint.

11. Qualys denies the allegations contained in paragraph 11 of the Complaint.

12. Qualys admits that Finjan purports that U.S. Patent No. 8,677,494 ("the '494 Patent"), titled "Malicious Mobile Code Runtime Monitoring System and Methods," was issued to Yigal Mordechai Edery, Nimrod Itzhak Vered, David R. Kroll, and Shlomo Touboul on March 18, 2014. Qualys admits that Finjan purports that a true and correct copy of the '494 Patent is attached to the Complaint as Exhibit 2. Qualys denies any and all remaining allegations in paragraph 12 of the Complaint.

13. Qualys admits that Finjan purports that Finjan is the owner of the '494 Patent with all rights, title, and interest to that patent and has been the sole owner of the '494 Patent since its issuance. Qualys denies any and all remaining allegations in paragraph 13 of the Complaint.

14. Qualys denies the allegations contained in paragraph 14 of the Complaint.

15. Qualys admits that Finjan purports that U.S. Patent No. 7,975,305 ("the '305 Patent"), titled "Method and System for Adaptive Rule-Based Content Scanners for Desktop Computers," was issued to Moshe Rubin, Moshe Matitya, Artem Melnick, Shlomo Touboul, Alexander Yermakov, and Amit Shaked on July 5, 2011. Qualys admits that Finjan purports that a true and correct copy of the '305 Patent is attached to the Complaint as Exhibit 3. Qualys denies any and all remaining allegations in paragraph 15 of the Complaint.

16. Qualys admits that Finjan purports that Finjan is the owner of the '305 Patent with all rights, title, and interest to that patent and has been the sole owner of the '305 Patent since its issuance. Qualys denies any and all remaining allegations in paragraph 16 of the Complaint.

17. Qualys denies the allegations contained in paragraph 17 of the Complaint.

18. Qualys admits that Finjan purports that U.S. Patent No. 8,225,408 ("the '408 Patent"), titled "Method and System for Adaptive Rule-Based Content Scanners," was issued to Moshe Rubin, Moshe Matitya, Artem Melnick, Shlomo Touboul, Alexander Yermakov, and Amit Shaked on July 17, 2012. Qualys admits that Finjan purports that a true and correct copy of the '408 Patent is attached to the Complaint as Exhibit 4. Qualys denies any and all remaining allegations in paragraph 18 of the Complaint.

19. Qualys admits that Finjan purports that Finjan is the owner of the '408 Patent with all rights, title, and interest to that patent and has been the sole owner of the '408 Patent since its issuance. Qualys denies any and all remaining allegations in paragraph 19 of the Complaint.

20. Qualys denies the allegations contained in paragraph 20 of the Complaint.

21. Qualys admits that Finjan purports that U.S. Patent No. 6,965,968 ("the '968 Patent"), titled "Policy-Based Caching," was issued to Shlomo Touboul on November 15, 2005. Qualys admits that Finjan purports that a true and correct copy of the '968 Patent is attached to the Complaint as Exhibit 5. Qualys denies any and all remaining allegations in paragraph 21 of the Complaint.

22. Qualys admits that Finjan purports that Finjan is the owner of the '968 Patent with all rights, title, and interest to that patent and has been the sole owner of the '968 Patent since its issuance. Qualys denies any and all remaining allegations in paragraph 22 of the Complaint.

23. Qualys denies the allegations contained in paragraph 23 of the Complaint.

24. Qualys admits that Finjan purports that U.S. Patent No. 7,418,731 ("the '731 Patent"), titled "Method and System for Caching at Secure Gateways," was issued to Shlomo Touboul on August 26, 2008. Qualys admits that Finjan purports that a true and correct copy of the '731 Patent is attached to the Complaint as Exhibit 6. Qualys denies any and all remaining allegations in paragraph 24 of the Complaint.

25. Qualys admits that Finjan purports that Finjan is the owner of the '731 Patent with all rights, title, and interest to that patent and has been the sole owner of the '731 Patent since its issuance. Qualys denies any and all remaining allegations in paragraph 25 of the Complaint.

26. Qualys denies the allegations contained in paragraph 26 of the Complaint.

27. Qualys admits that Finjan purports that U.S. Patent No. 8,141,154 ("the '154 Patent"), titled "System and Method for Inspecting Dynamically Generated Executable Code," was issued to David Gruzman and Yuval Ben-Itzhak on March 20, 2012. Qualys admits that Finjan purports that a true and correct copy of the '154 Patent is attached to the Complaint as Exhibit 7. Qualys denies any and all remaining allegations in paragraph 27 of the Complaint.

28. Qualys admits that Finjan purports that Finjan is the owner of the '154 Patent with all rights, title, and interest to that patent and has been the sole owner of the '154 Patent since its issuance. Qualys denies any and all remaining allegations in paragraph 28 of the Complaint.

29. Qualys denies the allegations contained in paragraph 29 of the Complaint.

30. Qualys admits that the patents in paragraphs 9-29 of the Complaint are collectively referred to as the "Asserted Patents" in the Complaint. Qualys denies any and all remaining allegations in paragraph 30 of the Complaint.

FINJAN'S ALLEGED NOTICE OF INFRINGEMENT TO DEFENDANT

31. Qualys admits only that Finjan sent a letter dated November 12, 2015, attached as Exhibit 23 to the Complaint, to Qualys, which identified the '844, '494, '305, '968, and '154 Patents. Qualys denies any and all remaining allegations in paragraph 31 of the Complaint.

32. Qualys admits only that Finjan sent a letter dated December 7, 2017, attached as Exhibit 24 to the Complaint, to Qualys, which identified the '844, '494, '305, and '968 Patents. Qualys denies any and all remaining allegations in paragraph 32 of the Complaint.

33. Qualys denies the allegations in paragraph 33 of the Complaint.

QUALYS'S ALLEGEDLY INFRINGING PRODUCTS AND TECHNOLOGIES

34. Qualys admits that it sells and offers to sell products and services relating to "Vulnerability Management," "Threat Protection," "Continuous Monitoring," "Indicators of Compromise," "Container Security," "Web App Firewall," "Web App Scanning," and

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