

EXHIBIT 3

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13 *Attorneys for Defendant*
14 QUALYS INC.

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

18 FINJAN, INC., a Delaware Corporation,)
19 Plaintiff,) CASE NO.: 4:18-cv-07229-YGR
20 v.) **DEFENDANT QUALYS INC.'S**
21 QUALYS INC., a Delaware Corporation,) **SECOND SUPPLEMENTAL**
22 Defendant.) **OBJECTIONS AND RESPONSES**
23) **TO FINJAN, INC.'S FIRST SET OF**
24) **INTERROGATORIES (NOS. 1-6)**
25)
26)
27)
28)

1 Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and the Local Rules of
2 the United States District Court for the Northern District of California, Defendant Qualys Inc.
3 (“Qualys”) hereby supplements its responses and objections to Plaintiff Finjan, Inc.’s First Set of
4 Interrogatories to Qualys (Nos. 1-6).

5 **PRELIMINARY STATEMENT**

6 The following responses are made solely for the purpose of, and in relation to, this action.
7 Each response is provided subject to all appropriate objections (including, without limitation,
8 objections concerning competency, relevancy, materiality, propriety, and admissibility) that would
9 require the exclusion of any statement contained herein if the statement were made by a witness
10 present and testifying in court. All such objections and grounds are therefore reserved and may be
11 interposed at the time of trial.

12 The following responses are based on the facts and information presently known and
13 available to Qualys. Discovery, investigation, research, and analysis are ongoing in this case and
14 may disclose the existence of additional facts, add meaning to known facts, establish entirely new
15 factual conclusions or legal contentions, or possibly lead to additions, variations, and changes to
16 these responses. Qualys reserves the right to change or supplement these responses as additional
17 facts are discovered, revealed, recalled, or otherwise ascertained.

18 **GENERAL OBJECTIONS**

19 In addition to any specifically stated objections, each of Qualys’s responses herein is subject
20 to and incorporates the following general objections:

21 1. Qualys objects to each interrogatory and each definition to the extent it purports to
22 impose obligations greater or more extensive than those required by the Federal Rules of Civil
23 Procedure, the Local Rules of the United States District Court for the Northern District of California,
24 or other applicable law.

25 2. Qualys objects to each interrogatory and definition to the extent it purports to request
26 information that cannot be found in the course of a reasonable search.
27
28

1 3. Qualys's partial response to any interrogatory is not a waiver of its objection or right
2 to object to the interrogatory, or any part thereof, or to any additional, supplemental, or further
3 interrogatory or part thereof, but is instead offered in an effort to resolve a potential discovery
4 dispute.

5 4. Qualys objects to each interrogatory to the extent it seeks information that is neither
6 relevant to any party's claim or defense nor proportional to the needs of the case.

7 5. Qualys objects to each interrogatory to the extent it is unreasonably cumulative or
8 duplicative of other discovery requests, or seeks information that is obtainable from some other
9 source that is more convenient, less burdensome, or less expensive.

10 6. Qualys objects to each interrogatory to the extent it is overly broad, fails to
11 reasonably identify the information sought, is unduly burdensome, and is posed for improper
12 purposes, including, without limitation, embarrassment, undue annoyance, harassment, oppression,
13 delay, or to increase the expense of litigation or to the extent it calls for a legal conclusion or opinion.

14 7. Qualys objects to each interrogatory to the extent it seeks information for which the
15 burden or expense of obtaining and disclosing outweighs its likely benefit in resolving the issues of
16 this action.

17 8. Qualys objects to each interrogatory to the extent it fails to describe with reasonable
18 particularity the information requested.

19 9. To the extent that any interrogatory may be construed as calling for information
20 which is subject to a claim of privilege, including, without limitation, the attorney-client privilege
21 and attorney work-product doctrine, Qualys hereby claims such privilege and objects to the
22 disclosure of the information. Such information as may hereafter be provided in response to the
23 interrogatory should not include any information subject to such privileges and doctrines, but the
24 inadvertent disclosure of privileged information shall not constitute a waiver of any applicable
25 privilege.

26 10. Qualys objects to each interrogatory to the extent it is vague or ambiguous.

27 11. Qualys objects to each interrogatory to the extent it seeks confidential, commercially
28 sensitive, trade secret, and/or proprietary information of a non-party or information covered by a

1 confidentiality agreement, or information that is otherwise protected from disclosure pursuant to
2 Rule 26(c)(1)(G) of the Federal Rules of Civil Procedure or Rule 501 of the Federal Rules of
3 Evidence. Qualys will not produce such information unless the non-party agrees to the terms of the
4 protective order entered in this case or consents in writing to the disclosure of that information to
5 Finjan.

6 12. Qualys objects each interrogatory to the extent it seeks information that is not in
7 Qualys's possession, custody, or control.

8 13. Qualys objects to any interrogatory that seeks information, documents, or things
9 subject to confidentiality agreements, protective orders, and/or any other obligation pursuant to
10 which Qualys is required to protect and/or maintain the confidentiality of any third party's
11 documents. Should an interrogatory call for such information, documents, or things, Qualys will
12 act reasonably to obtain the consent of the third party to produce the information.

13 14. Qualys objects generally to the interrogatories to the extent that they prematurely call
14 for discovery concerning, among other things, Qualys products, downstream products, and facts and
15 contentions relating to claim construction, non-infringement, invalidity, and other claims and
16 defenses pursuant to Patent Local Rule 2-5.

17 **OBJECTIONS TO DEFINITIONS**

18 1. Qualys objects to Finjan's definition of "You," "Your," and "Defendant" as overly
19 broad and unduly burdensome. For purposes of these interrogatories, reference to "You," "Your,"
20 and "Defendant" shall refer to Defendant Qualys Inc. only.

21 2. Qualys objects to Finjan's definition of "Finjan" as overly broad and unduly
22 burdensome. For purposes of these interrogatories, reference to "Finjan" shall refer to Plaintiff
23 Finjan, Inc. only.

24 3. Qualys objects to Finjan's definition of "Accused Instrumentalities" as overly broad
25 and unduly burdensome. For purposes of these interrogatories, reference to the "Accused
26 Instrumentalities" shall refer to the Qualys products and services that Finjan has specifically
27 identified in its Complaint.
28

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