

QUALYS EXHIBIT F

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

19 FINJAN, INC.,

20 Plaintiff,

21 v.

22 QUALYS INC.,

23 Defendant.

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

25 **FINJAN, INC.’S FIRST SET OF**
 26 **INTERROGATORIES TO DEFENDANT**
 27 **QUALYS INC. (NOS. 1-6)**

1 Plaintiff Finjan, Inc. (“Finjan”), by counsel, and pursuant to Federal Rules of Civil Procedure
2 26 and 33, hereby requests that Defendant Qualys Inc. (“Qualys” or “Defendant”) provide verified
3 answers to the following interrogatories separately, fully, and under oath within thirty (30) days of the
4 date of service of these interrogatories in accordance with the following Definitions and Instructions.
5 These interrogatories impose a continuing duty upon Defendant to promptly supplement in accordance
6 with Federal Rule of Civil Procedure 26(e) and the Local Rules of the Northern District of California
7 as Defendant becomes aware of, generates, or acquires additional knowledge or information responsive
8 to these interrogatories.

9 **DEFINITIONS**

10 1. The terms “You,” “Your,” and “Defendant” shall mean Qualys, Your present and
11 former directors, officers, employees, parent organization(s), subsidiary organization(s), predecessors
12 in interest, successors in interest, divisions, servants, agents, attorneys, consultants, partners,
13 associates, investigators, representatives, accountants, financial advisors, distributors and any other
14 person acting on Your behalf, pursuant to Your authority or subject to Your control, including any and
15 all joint ventures or other legal entities of any type whatsoever in which You own or owned any
16 interest, receive or received any payments, and/or participate or now participates in any manner.

17 2. The term “Finjan” shall mean Finjan, its present and former directors, officers,
18 employees, parent organization(s), subsidiary organization(s), predecessors in interest, successors in
19 interest, divisions, servants, agents, attorneys, consultants, partners, associates, investigators,
20 representatives, accountants, financial advisors, distributors and any other person acting on its behalf,
21 pursuant to its authority or subject to its control.

22 3. The term “third party” shall mean any person or entity other than Finjan or Defendant.

23 4. The term “Complaint” shall refer to Finjan’s Complaint for Patent Infringement in this
24 case, filed on November 29, 2018 at Dkt. No. 1, and any subsequently filed amended complaints.

25 5. The term “Asserted Patents” shall mean U.S. Patent Nos.: 6,154,844 (“the ‘844
26 Patent”), 8,677,494 (“the ‘494 Patent”), 7,975,305 (“the ‘305 Patent”), 8,225,408 (“the ‘408 Patent”),
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1 6,965,968 (“the ‘968 Patent”), 7,418,731 (“the ‘731 Patent”), and 8,141,154 (“the ‘154 Patent”),
2 collectively.

3 6. The term “Accused Instrumentalities” shall include the following Qualys products and
4 services: Vulnerability Management, Threat Protection, Continuous Monitoring, Indicators of
5 Compromise, Container Security, Web App Firewall, Web App Scanning, and Compliance
6 Monitoring, including Qualys Cloud Platform products, as described in Finjan’s Complaint inter alia at
7 paragraphs 34-54 and Exhibits 8-22. The term “Accused Instrumentalities” shall also include any and
8 all previous or currently contemplated versions, revisions, releases, or continuations of said Qualys
9 products and services, and all additional products accused of infringement by Finjan in this action in
10 infringement contentions or similar pleadings.

11 7. The term “prior art” shall refer to all publications, patents, physical devices, prototypes,
12 products, manufactures, uses, sales, offers for sale, imports, or other activities concerning the subject
13 matter of the Asserted Patents and existing on or occurring at a date such as to be relevant under any
14 subdivision of 35 U.S.C. §§ 102 or 103.

15 8. The term “person” or “entity” shall refer to any individual, corporation, proprietorship,
16 association, joint venture, company, partnership, or other business or legal entity, including
17 governmental bodies and agencies. The masculine includes the feminine and vice versa; the singular
18 includes the plural and vice versa.

19 9. The term “document(s)” shall have the broadest meaning ascribed to it by Federal Rule
20 of Civil Procedure 34 and Federal Rule of Evidence 1001, and shall include within its meaning any and
21 all papers, videotapes or video recordings, photographs, films, recordings, memoranda, books, records,
22 accounts, letters, telegrams, correspondence, notes of meetings, notes of conversations, notes of
23 telephone calls, inter-office memoranda or written communications of any nature, recordings of
24 conversations either in writing or by means of any mechanical or electrical recording device, notes,
25 papers, reports, analyses, invoices, canceled checks or check stubs, receipts, minutes of meetings, time
26 sheets, diaries, desk calendars, ledgers, schedules, licenses, financial statements, telephone bills, logs,
27 and any differing versions of the foregoing whether denominated formal, informal, or otherwise, as
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1 well as copies of the foregoing which differ in any way, including handwritten notations or other
2 written or printed matter of any nature, from the original. The foregoing specifically includes the
3 information stored in any form, including electronic form, on a computer or in a computer database or
4 otherwise, including electronic mail. Moreover, the term “document” shall also include all “technical
5 documents,” such as source code, specifications, schematics, flow charts, artwork, drawings, pictures,
6 pictorial representations, formulas, troubleshooting guides, service bulletins, technical bulletins,
7 production specification sheets, white papers, operator manuals, operation manuals, and instruction
8 manuals.

9 10. The term “communication” shall mean, including its usual and customary meaning, any
10 transmission, conveyance or exchange of a word, statement, fact, thing, idea, document, instruction,
11 information, demand, or question by any medium, whether by written, oral, or other means, including,
12 but not limited to, electronic communications and electronic mail.

13 11. The term “thing” shall mean any tangible object, other than a document.

14 12. The terms “relate to,” “reflecting,” “relating to,” “concerning,” or any variations
15 thereof, shall mean relating to, referring to, concerning, mentioning, reflecting, regarding, pertaining
16 to, evidencing, involving, describing, discussing, commenting on, embodying, responding to,
17 supporting, contradicting, or constituting (in whole or in part), or are between (as in the context of
18 communications), as the context makes appropriate.

19 13. The term “including” shall mean including but not by way of limitation.

20 14. The words “and” and “or” shall be construed conjunctively or disjunctively in a manner
21 making the request inclusive rather than exclusive.

22 15. The term “any” shall mean “any and all” and the term “all” shall mean “any and all.”

23 16. The singular of any word or phrase shall include the plural of such word or phrase, and
24 the plural of any word or phrase shall include the singular of such word or phrase.

25 INSTRUCTIONS

26 1. In answering the following requests, please furnish all available information including
27 information in the possession, custody, or control of any of Defendant’s attorneys, directors, officers,
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