

QUALYS EXHIBIT A

Gordnia, Talin

From: Kastens, Kris <KKastens@KRAMERLEVIN.com>
Sent: Thursday, July 2, 2020 12:05 PM
To: Gordnia, Talin; Smith, Ryan; Frankel, Aaron
Cc: Mays, Christopher; Kim, Olivia; Poplawski, Edward; Cheng, Stephanie; Andre, Paul; Kobialka, Lisa; Hannah, James; Williams, Daniel
Subject: RE: Finjan/Qualys: Finjan's Letter Brief on Discovery Disputes

[External]

Talin,

We object to Qualys dragging out this process. Provide your half of the letter no later than noon on Monday. Qualys has had the draft joint letter for a week, but failed to provide a responsive statement.

Regarding Finjan's production. We are working on completing it and we expect to supplement our production in the next week or two. As an initial matter, Qualys' definition of what constitutes a "litigation document" appears to be keep changing. Provide a complete list of the types of documents that you seek (being specific as possible) and will consider them. However, in the interest of time we address the specific documents you have identified.

First, regarding the depositions, the majority of the cases/disputes you cited had no depositions taken in them. We have also agreed to produce the deposition transcripts of Finjan's fact witnesses, and despite your claims, the majority were produced months ago. The remaining deposition transcripts are from more recent cases and will be produced soon. Regarding any deposition exhibits you believe are missing, identify them and we will look into them. Therefore, we do not believe there is a dispute on deposition transcripts.

Second, Finjan does not object to producing its expert reports in prior cases on tutorials, validity, and damages. We will look into any remaining reports in these categories and see if the process can be moved along. Finjan does not agree to produce infringement reports from prior cases, given the lack of relevance, the burden to produce the reports, and the third-party confidentiality issues (which includes descriptions of source code). If you believe there is a dispute, then add it to the letter.

Third, regarding Finjan's interrogatories, we do not agree that the issue is resolved if Qualys is still maintaining that Finjan is over the 25 interrogatory limit. Confirm that Qualys agrees that Finjan's first 11 interrogatories count as 11 interrogatories for the discovery limit. We do not agree that Qualys can maintain an objection to Finjan being over the limit and then arbitrarily decide which interrogatories to answer going forward.

Separately, provide an update on the status of the summary financial document Qualys promised during the meet and confer in February. We understood that the purpose of this document was to remedy Qualys' discovery deficiencies regarding damages-related information sought by Finjan's written discovery requests. Qualys has subsequently confirmed its commitment to produce this document but has still not done so.

Sincerely,
Kris

Kris Kastens

Partner

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From: Gordnia, Talin <tgordnia@wsgr.com>
Sent: Tuesday, June 30, 2020 8:20 PM
To: Kastens, Kris <KKastens@KRAMERLEVIN.com>; Smith, Ryan <rsmith@wsgr.com>; Frankel, Aaron <AFrankel@KRAMERLEVIN.com>
Cc: Mays, Christopher <cmays@wsgr.com>; Kim, Olivia <okim@wsgr.com>; Poplawski, Edward <epoplawski@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>
Subject: [EXTERNAL] RE: Finjan/Qualys: Finjan's Letter Brief on Discovery Disputes

Kris,

Based on your representation that Finjan will supplement its response to Interrogatory No. 7 within a week of this week's source code review, we will consider this issue resolved for the time being and revisit as needed.

Regarding prior litigation documents, we understand Finjan has requested permission from the following third parties to produce documents that may contain their confidential materials: Barracuda; Blue Coat; Bullguard; Carbon Black; F5; FireEye; F-Secure; Hillstone; HP; McAfee; Proofpoint; Secure Computing; Sophos; Symantec; Watchguard; Websense. While Finjan is in the best position to confirm this, based on the emails we have been copied on, it has been at least two months since these third parties either expressly agreed to the production of the documents in question or did not respond by the deadline to object. In some instances, counsel for the third parties had questions for Qualys, which we responded to and resolved. Yet, Finjan has not produced all prior litigation documents from cases involving these parties. In fact, the only expert reports that have been produced are damages reports from the McAfee and Websense cases and it is unclear whether there are other expert reports from those cases that have not been produced. For example, we have not received infringement expert reports, which we maintain should be produced. Based on our records, it appears Finjan was not able to contact counsel for Avast, and counsel for Lavasoft requested to see the documents Finjan plans to produce. Has Finjan resolved these issues? In addition, based on the emails we have been copied on, Finjan has not yet requested permission from at least the following third parties: Aladdin; Bitdefender; Checkpoint; Cisco; ESET; Fortinet; Juniper; PAN; Rapid7; SonicWall; Trustwave; Zscaler. Has Finjan received permission from these parties to produce documents that may contain their confidential materials?

Regarding transcripts from the prior litigations, we have received some deposition transcripts, specifically from cases involving the following: Bitdefender; Blue Coat; Cisco; ESET; Juniper; McAfee; Proofpoint; Secure Computing; Sophos; Symantec; Websense. We cannot determine whether we have received all deposition transcripts for these cases and in some instances, we are missing exhibits; please confirm whether all deposition transcripts have been produced from these cases and produce any deposition exhibits that have not yet been produced. Further, there are a number of cases for which we have not received deposition transcripts (e.g., cases involving Aladdin; Avast; Barracuda; Bullguard; Carbon Black; Checkpoint; F5; FireEye; Fortinet; F-Secure; Hillstone; HP; Lavasoft; PAN; Rapid7; SonicWall; Trustwave; Watchguard; Zscaler). Based on this, it appears that Finjan's representation that a "majority" of the deposition transcripts have been produced is inaccurate. Also, please confirm whether there are trial transcripts and trial exhibits that are not yet produced. For example, we have not received the transcripts from the first few days of the ESET trial

Again, it is Finjan (not Qualys) who is in the best position to know what prior litigation documents exist and have not been produced. That said, based on our records, the production of prior litigation documents is incomplete and Finjan appears to be holding back the production of documents that it has been able to produce for over two months. The parties have met and conferred about these prior litigation documents multiple times since February 2020. The fact that we still do not have all of these documents implies that we are at an impasse. If Finjan disagrees, please explain your position.

Regarding Finjan's interrogatory nos. 9-11, Qualys agrees to supplement and respond to these interrogatories, thereby mooted the second issue in Finjan's discovery letter. Qualys, however, reserves the right to object to Finjan's later served interrogatories on the basis that Finjan has exceeded the twenty-five interrogatory limit.

Regards,
Talin

Talin Gordnia | Wilson Sonsini Goodrich & Rosati

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From: Kastens, Kris <KKastens@KRAMERLEVIN.com>

Sent: Monday, June 29, 2020 2:46 PM

To: Gordnia, Talin <tgordnia@wsgr.com>; Smith, Ryan <rsmith@wsgr.com>; Frankel, Aaron <AFrankel@KRAMERLEVIN.com>

Cc: Mays, Christopher <cmays@wsgr.com>; Kim, Olivia <okim@wsgr.com>; Poplawski, Edward <epoplawski@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>

Subject: RE: Finjan/Qualys: Finjan's Letter Brief on Discovery Disputes

[External]

Talin,

With regards to Finjan's response to Interrogatory No. 7, Finjan already agreed to provide a supplemental response, and will do so within a week of its requested source code review. Therefore, the parties are not at an impasse on this issue.

Regarding prior litigation documents, Finjan has already produced the majority of the deposition transcripts of its fact witnesses and is working on preparing the transcripts from the more recent cases. If you have reason to believe that certain specific transcripts are missing, please let us know and we will look into them. Therefore, the parties are not at an impasse on this issue.

For expert reports in other litigations involving the same patents, Finjan has not objected to the production of any tutorial, damages, or invalidity reports. In fact, we have reached out to a number of parties where depositions have concluded for permission to produce this material. You are well aware of this, as we have copied you on these emails and invited you to take part in this process of obtaining permission to produce the documents from the third parties. What is the status of your negotiations with these third parties? Accordingly, the parties are not at an impasse on this issue either. However, we welcome clarification from Qualys on what it is still seeking and believes to be still missing.

Sincerely,
Kris

Kris Kastens
Partner

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From: Gordnia, Talin <tgordnia@wsgr.com>
Sent: Friday, June 26, 2020 4:23 PM
To: Kastens, Kris <KKastens@KRAMERLEVIN.com>; Smith, Ryan <rsmith@wsgr.com>; Frankel, Aaron <AFrankel@KRAMERLEVIN.com>
Cc: Mays, Christopher <cmays@wsgr.com>; Kim, Olivia <okim@wsgr.com>; Poplawski, Edward <epoplawski@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>
Subject: [EXTERNAL] RE: Finjan/Qualys: Finjan's Letter Brief on Discovery Disputes

Dear Counsel,

We are in receipt of Finjan's draft joint discovery letter and will provide Qualys's additions to the letter as soon as feasible. Pursuant to Judge Gonzalez Rogers's Standing Order in Civil Cases, the parties may not file multiple joint letters on the disputes currently at issue. Accordingly, Qualys's additions to the joint discovery letter will address the parties' disputes regarding Qualys's discovery requests. For example, Finjan has not produced documents from its other litigations involving the patents-in-suit (e.g., expert reports, deposition transcripts and exhibits, etc.) and has not supplemented Interrogatory No. 7. *See, e.g.*, February 14, 2020 T. Gordnia email to D. Williams; March 11, 2020 T. Gordnia email to D. Williams; March 25, 2020 T. Gordnia email to D. Williams. The parties met and conferred regarding these issues on February 26, 2020 and March 18, 2020. To date, Finjan has not produced the discovery sought by Qualys and we understand the parties to be at impasse. Please confirm that the parties are at impasse or alternatively produce the requested discovery so that we may avoid burdening the Court with this issue; we would appreciate your response by COB on June 29, 2020.

Regards,
Talin

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From: Kastens, Kris <KKastens@KRAMERLEVIN.com>
Sent: Thursday, June 25, 2020 4:11 PM

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