

# EXHIBIT A

**Elizabeth M. Wilton**

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**From:** Smith, Ryan <rsmith@wsgr.com>  
**Sent:** Monday, November 02, 2020 5:41 PM  
**To:** Ryan O'Connor  
**Cc:** Donna L. Rousseau; Megan O'Meara; WSGR - Qualys/Finjan; Tong, Christina; Jason Wolff; Roger Denning  
**Subject:** Re: Finjan/Qualys: inspection computer / corrupted file

Ryan,

I believe we've complied with the meet and confer requirements. And to be clear, we're not arguing that Finjan violated its duty to meet and confer. Nevertheless, if you or someone else representing Finjan wants to have another meet and confer, I could speak at tomorrow at 10am.

Also, given that you no longer want to file a letter brief, we're not planning to send you our section. If Finjan changes its mind again, please let us know and we will send you our section.

Thank you,

Ryan

Ryan R. Smith | Wilson Sonsini | [650 Page Mill Road, Palo Alto, CA 94304](#) | Direct: [650.849.3345](#) | Cell: [650.269.0822](#) |  
Email: [rsmith@wsgr.com](mailto:rsmith@wsgr.com)

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**From:** Ryan O'Connor <OConnor@fr.com>  
**Date:** Monday, November 2, 2020 at 5:07 PM  
**To:** "Smith, Ryan" <rsmith@wsgr.com>  
**Cc:** "Donna L. Rousseau" <Rousseau@fr.com>, Megan O'Meara <omeara@fr.com>, WSGR - Qualys/Finjan <qualys/finjan@wsgr.com>, "Tong, Christina" <ctong@wsgr.com>, Jason Wolff <wolff@fr.com>, Roger Denning <denning@fr.com>  
**Subject:** RE: Finjan/Qualys: inspection computer / corrupted file

[External]

Following up on this.

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**From:** Ryan O'Connor  
**Sent:** Monday, November 02, 2020 1:15 PM  
**To:** 'Smith, Ryan' <rsmith@wsgr.com>  
**Cc:** Donna L. Rousseau <Rousseau@fr.com>; Megan O'Meara <omeara@fr.com>; WSGR - Qualys/Finjan <qualys/finjan@wsgr.com>; Tong, Christina <ctong@wsgr.com>; Jason Wolff <wolff@fr.com>; Roger Denning <denning@fr.com>  
**Subject:** RE: Finjan/Qualys: inspection computer / corrupted file

Ryan,

Magistrate Judge Hixson's discovery standing order appears to require a meet and confer between lead counsel before requesting a conference. Finjan's lead counsel (Roger Denning; cc'd) is available between now and 1:30, 2-3, and after 3:30 PT. Can you please confirm whether Qualys's lead counsel is available during one of those windows?

Best regards,

**Ryan P. O'Connor** | Fish & Richardson P.C.

858 678 4358 | [oconnor@fr.com](mailto:roconnor@fr.com)

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**From:** Smith, Ryan <[rsmith@wsgr.com](mailto:rsmith@wsgr.com)>

**Sent:** Monday, November 02, 2020 12:10 PM

**To:** Ryan O'Connor <[ROConnor@fr.com](mailto:ROConnor@fr.com)>

**Cc:** Donna L. Rousseau <[Rousseau@fr.com](mailto:Rousseau@fr.com)>; Megan O'Meara <[omeara@fr.com](mailto:omeara@fr.com)>; WSGR - Qualys/Finjan <[qualys/finjan@wsgr.com](mailto:qualys/finjan@wsgr.com)>; Tong, Christina <[ctong@wsgr.com](mailto:ctong@wsgr.com)>; Jason Wolff <[wolff@fr.com](mailto:wolff@fr.com)>

**Subject:** Re: Finjan/Qualys: inspection computer / corrupted file

Ryan,

We disagree that this dispute is necessarily straightforward. Your letter brief include two single-spaced pages of arguments setting forth Finjan's position. That being said, to the extent that you contact Ms. Maher, please copy us. I don't believe we have any immovable conflicts today or tomorrow.

Best regards,

Ryan

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Email: [rsmith@wsgr.com](mailto:rsmith@wsgr.com)

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**From:** Ryan O'Connor <[ROConnor@fr.com](mailto:ROConnor@fr.com)>

**Date:** Monday, November 2, 2020 at 11:07 AM

**To:** "Smith, Ryan" <[rsmith@wsgr.com](mailto:rsmith@wsgr.com)>

**Cc:** "Donna L. Rousseau" <[Rousseau@fr.com](mailto:Rousseau@fr.com)>, Megan O'Meara <[omeara@fr.com](mailto:omeara@fr.com)>, WSGR - Qualys/Finjan <[qualys/finjan@wsgr.com](mailto:qualys/finjan@wsgr.com)>, "Tong, Christina" <[ctong@wsgr.com](mailto:ctong@wsgr.com)>, Jason Wolff <[wolff@fr.com](mailto:wolff@fr.com)>

**Subject:** RE: Finjan/Qualys: inspection computer / corrupted file

[External]

Ryan,

We'd like to contact Judge Hixson's courtroom deputy today to arrange a teleconference regarding this dispute, which we believe is straightforward and can be resolved without the need for briefing. See Judge Hixson's Discovery Standing Order, Option 1. Can you please let us know when you are available this afternoon and tomorrow for the teleconference?

Best regards,

**Ryan P. O'Connor** | Fish & Richardson P.C.

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**From:** Ryan O'Connor  
**Sent:** Thursday, October 29, 2020 2:51 PM  
**To:** 'Smith, Ryan' <[rsmith@wsgr.com](mailto:rsmith@wsgr.com)>  
**Cc:** Donna L. Rousseau <[Rousseau@fr.com](mailto:Rousseau@fr.com)>; Megan O'Meara <[omeara@fr.com](mailto:omeara@fr.com)>; 'WSGR - Qualys/Finjan' <[qualys/finjan@wsgr.com](mailto:qualys/finjan@wsgr.com)>; 'Tong, Christina' <[ctong@wsgr.com](mailto:ctong@wsgr.com)>; Jason Wolff <[wolff@fr.com](mailto:wolff@fr.com)>  
**Subject:** RE: Finjan/Qualys: inspection computer / corrupted file

Please use this version instead.

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**From:** Ryan O'Connor  
**Sent:** Thursday, October 29, 2020 2:06 PM  
**To:** 'Smith, Ryan' <[rsmith@wsgr.com](mailto:rsmith@wsgr.com)>  
**Cc:** Donna L. Rousseau <[Rousseau@fr.com](mailto:Rousseau@fr.com)>; Megan O'Meara <[omeara@fr.com](mailto:omeara@fr.com)>; WSGR - Qualys/Finjan <[qualys/finjan@wsgr.com](mailto:qualys/finjan@wsgr.com)>; Tong, Christina <[ctong@wsgr.com](mailto:ctong@wsgr.com)>; Jason Wolff <[wolff@fr.com](mailto:wolff@fr.com)>  
**Subject:** RE: Finjan/Qualys: inspection computer / corrupted file

Ryan,

Thank you for the meet and confer earlier today. Attached please find a revised draft of the joint discovery statement containing Finjan's position. I understand Qualys will try to provide a draft of the joint discovery statement with its position by COB tomorrow (10/30).

Best regards,

**Ryan P. O'Connor** | Fish & Richardson P.C.  
858 678 4358 | [roconnor@fr.com](mailto:roconnor@fr.com)

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**From:** Smith, Ryan <[rsmith@wsgr.com](mailto:rsmith@wsgr.com)>  
**Sent:** Wednesday, October 28, 2020 2:39 PM  
**To:** Ryan O'Connor <[ROConnor@fr.com](mailto:ROConnor@fr.com)>  
**Cc:** Donna L. Rousseau <[Rousseau@fr.com](mailto:Rousseau@fr.com)>; Megan O'Meara <[omeara@fr.com](mailto:omeara@fr.com)>; WSGR - Qualys/Finjan <[qualys/finjan@wsgr.com](mailto:qualys/finjan@wsgr.com)>; Tong, Christina <[ctong@wsgr.com](mailto:ctong@wsgr.com)>; Jason Wolff <[wolff@fr.com](mailto:wolff@fr.com)>  
**Subject:** Re: Finjan/Qualys: inspection computer / corrupted file

Ryan,

This is a first for me: A party is moving to compel, but won't tell the other side which request(s) are subject to the motion? I cannot see how our meet and confer will be productive. However, I'm available the rest of today and tomorrow after 11am. Feel free to pick a time.

Thank you,

Ryan

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Email: [rsmith@wsgr.com](mailto:rsmith@wsgr.com)

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**From:** Ryan O'Connor <[ROConnor@fr.com](mailto:ROConnor@fr.com)>  
**Date:** Wednesday, October 28, 2020 at 2:17 PM

**To:** "Smith, Ryan" <[rsmith@wsgr.com](mailto:rsmith@wsgr.com)>

**Cc:** "Donna L. Rousseau" <[Rousseau@fr.com](mailto:Rousseau@fr.com)>, Megan O'Meara <[omeara@fr.com](mailto:omeara@fr.com)>, WSGR - Qualys/Finjan <[qualys/finjan@wsgr.com](mailto:qualys/finjan@wsgr.com)>, "Tong, Christina" <[ctong@wsgr.com](mailto:ctong@wsgr.com)>, Jason Wolff <[wolff@fr.com](mailto:wolff@fr.com)>

**Subject:** RE: Finjan/Qualys: inspection computer / corrupted file

[External]

Ryan,

Attached for your review please find a draft of Finjan's letter brief requesting an order compelling Qualys to provide access to its source code review computer. If Qualys does not identify when it is available this week for a meet and confer, then Finjan will file its letter brief on Friday (10/30).

Best regards,

**Ryan P. O'Connor** | Principal | Fish & Richardson P.C.

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**From:** Smith, Ryan <[rsmith@wsgr.com](mailto:rsmith@wsgr.com)>

**Sent:** Tuesday, October 27, 2020 4:54 PM

**To:** Ryan O'Connor <[OConnor@fr.com](mailto:OConnor@fr.com)>

**Cc:** Donna L. Rousseau <[Rousseau@fr.com](mailto:Rousseau@fr.com)>; Megan O'Meara <[omeara@fr.com](mailto:omeara@fr.com)>; WSGR - Qualys/Finjan <[qualys/finjan@wsgr.com](mailto:qualys/finjan@wsgr.com)>; Tong, Christina <[ctong@wsgr.com](mailto:ctong@wsgr.com)>; Jason Wolff <[wolff@fr.com](mailto:wolff@fr.com)>

**Subject:** Re: Finjan/Qualys: inspection computer / corrupted file

Ryan,

In order to have a productive meet and confer, we need to know at least the following: Which discovery requests do you intend to move on? Which accused product does your expert want to inspect? Why does your expert require a new inspection given that the code was available between August 8, 2019 and October 1, 2020?

If Finjan is refusing to provide this basic information, then it is clear that Finjan isn't even attempting to meet and confer in good-faith. Regardless, I would be willing to meet and confer.

Best regards,

Ryan

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Email: [rsmith@wsgr.com](mailto:rsmith@wsgr.com)

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**From:** Ryan O'Connor <[OConnor@fr.com](mailto:OConnor@fr.com)>

**Date:** Monday, October 26, 2020 at 12:57 PM

**To:** "Smith, Ryan" <[rsmith@wsgr.com](mailto:rsmith@wsgr.com)>, Jason Wolff <[wolff@fr.com](mailto:wolff@fr.com)>

**Cc:** "Donna L. Rousseau" <[Rousseau@fr.com](mailto:Rousseau@fr.com)>, Megan O'Meara <[omeara@fr.com](mailto:omeara@fr.com)>, WSGR - Qualys/Finjan <[qualys/finjan@wsgr.com](mailto:qualys/finjan@wsgr.com)>, "Tong, Christina" <[ctong@wsgr.com](mailto:ctong@wsgr.com)>

**Subject:** RE: Finjan/Qualys: inspection computer / corrupted file

[External]

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