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7 *Attorneys for Plaintiff*  
8 FINJAN, INC.

9  
10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
12 **OAKLAND DIVISION**

13 FINJAN, INC., a Delaware Corporation,

14 Plaintiff,

15 v.

16 BLUE COAT SYSTEMS, INC., a Delaware  
17 Corporation,

18 Defendant.

Case No.:

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

1 **COMPLAINT FOR PATENT INFRINGEMENT**

2 Plaintiff Finjan, Inc. (“Finjan”) files this Complaint for Patent Infringement and Jury Demand  
3 against Defendant Blue Coat Systems, Inc. (“Defendant” or “Blue Coat”) and alleges as follows:

4 **THE PARTIES**

5 1. Finjan is a Delaware corporation, with its corporate headquarters at 1313 N. Market  
6 Street, Suite 5100, Wilmington, Delaware 19801. Finjan’s U.S. operating business was previously  
7 headquartered at 2025 Gateway Place, San Jose, California 95110.  
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9 2. Blue Coat is a Delaware corporation with its principal place of business at 420 North  
10 Mary Avenue, Sunnyvale, California 94085.

11 **JURISDICTION AND VENUE**

12 3. This action arises under the Patent Act, 35 U.S.C. § 101 *et seq.* This Court has  
13 original jurisdiction over this controversy pursuant to 28 U.S.C. §§ 1331 and 1338.  
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15 4. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and (c) and/or 1400(b).

16 5. This Court has personal jurisdiction over Defendant. Upon information and belief,  
17 Defendant does business in this District and has, and continues to, infringe and/or induce the  
18 infringement in this District. Defendant also markets its products primarily in and from this District.  
19 In addition, the Court has personal jurisdiction over Defendant because it has established minimum  
20 contacts with the forum and the exercise of jurisdiction would not offend traditional notions of fair  
21 play and substantial justice.  
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23 **INTRADISTRICT ASSIGNMENT**

24 6. Pursuant to Local Rule 3-2(c), Intellectual Property Actions are assigned on a district-  
25 wide basis.  
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**FINJAN’S INNOVATIONS**

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2           7.       Finjan was founded in 1997 as a wholly-owned subsidiary of Finjan Software Ltd., an  
3 Israeli corporation. Finjan was a pioneer in the developing proactive security technologies capable of  
4 detecting previously unknown and emerging online security threats recognized today under the  
5 umbrella of “malware.” These technologies protect networks and endpoints by identifying suspicious  
6 patterns and behaviors of content delivered over the Internet. Finjan has been awarded, and continues  
7 to prosecute, numerous patents in the United States and around the world resulting directly from  
8 Finjan’s more than decade-long research and development efforts, supported by a dozen inventors.

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10           8.       Finjan built and sold software, including APIs, and appliances for network security  
11 using these patented technologies. These products and customers continue to be supported by  
12 Finjan’s licensing partners. At its height, Finjan employed nearly 150 employees around the world  
13 building and selling security products and operating the Malicious Code Research Center through  
14 which it frequently published research regarding network security and current threats on the Internet.  
15 Finjan’s pioneering approach to online security drew equity investments from two major software and  
16 technology companies, the first in 2005, followed by the second in 2006. Through 2009, Finjan has  
17 generated millions of dollars in product sales and related services and support revenues

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19           9.       Finjan’s founder and original investors are still involved with and invested in the  
20 company today, as are a number of other key executives and advisors. Currently, Finjan is a  
21 technology company applying its research, development, knowledge and experience with security  
22 technologies to working with inventors, investing in and/or acquiring other technology companies,  
23 investing in a variety of research organizations, and evaluating strategic partnerships with large  
24 companies.  
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1           10.     On October 12, 2004, U.S. Patent No. 6,804,780 (“the ‘780 Patent”), entitled  
2 SYSTEM AND METHOD FOR PROTECTING A COMPUTER AND A NETWORK FROM  
3 HOSTILE DOWNLOADABLES, was issued to Shlomo Touboul. A true and correct copy of the  
4 ‘780 Patent is attached to this Complaint as Exhibit A and is incorporated by reference herein.

5           11.     All rights, title, and interest in the ‘780 Patent have been assigned to Finjan, who is the  
6 sole owner of the ‘780 Patent. Finjan has been the sole owner of the ‘780 Patent since its issuance.

7           12.     The ‘780 Patent is generally directed towards methods and systems for generating a  
8 Downloadable ID. By generating an identification for each examined Downloadable, the system  
9 allows the Downloadable to be recognized without reevaluation. Such recognition increases  
10 efficiency while also saving valuable resources, such as memory and computing power.

11           13.     On June 6, 2006, U.S. Patent No. 7,058,822 (“the ‘822 Patent”), entitled MALICIOUS  
12 MOBILE CODE RUNTIME MONITORING SYSTEM AND METHODS, was issued to Yigal  
13 Mordechai Edery, Nimrod Itzhak Vered, David R. Kroll and Shlomo Touboul. A true and correct  
14 copy of the ‘822 Patent is attached to this Complaint as Exhibit B and is incorporated by reference  
15 herein.  
16

17           14.     All rights, title, and interest in the ‘822 Patent have been assigned to Finjan, who is the  
18 sole owner of the ‘822 Patent. Finjan has been the sole owner of the ‘822 Patent since its issuance.

19           15.     The ‘822 Patent is generally directed towards computer networks and more  
20 particularly provides a system that protects devices connected to the Internet from undesirable  
21 operations from web-based content. One of the ways this is accomplished is by determining whether  
22 any part of such web-based content can be executed and then trapping such content and neutralizing  
23 possible harmful effects using mobile protection code. Additionally, the system provides a way to  
24 analyze such web-content to determine whether it can be executed.  
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1           16.     On January 12, 2010, U.S. Patent No. 7,647,633 (“the ‘633 Patent”), entitled  
2 MALICIOUS MOBILE CODE RUNTIME MONITORING SYSTEM AND METHODS, was issued  
3 to Yigal Mordechai Edery, Nimrod Itzhak Vered, David R. Kroll and Shlomo Touboul. A true and  
4 correct copy of the ‘633 Patent is attached to this Complaint as Exhibit C and is incorporated by  
5 reference herein.

6           17.     All rights, title, and interest in the ‘633 Patent have been assigned to Finjan, who is the  
7 sole owner of the ‘633 Patent. Finjan has been the sole owner of the ‘633 Patent since its issuance.  
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9           18.     The ‘633 Patent is generally directed towards computer networks, and more  
10 particularly, provides a system that protects devices connected to the Internet from undesirable  
11 operations from web-based content. One of the ways this is accomplished is by determining whether  
12 any part of such web-based content can be executed and then trapping such content and neutralizing  
13 possible harmful effects using mobile protection code.

14           19.     On November 28, 2000, U.S. Patent No. 6,154,844 (“the ‘844 Patent”), entitled  
15 SYSTEM AND METHOD FOR ATTACHING A DOWNLOADABLE SECURITY PROFILE TO  
16 A DOWNLOADABLE, was issued to Shlomo Touboul and Nachshon Gal. A true and correct copy  
17 of the ‘844 Patent is attached to this Complaint as Exhibit D and is incorporated by reference herein.  
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19           20.     All rights, title, and interest in the ‘844 Patent have been assigned to Finjan, who is the  
20 sole owner of the ‘844 Patent. Finjan has been the sole owner of the ‘844 Patent since its issuance.

21           21.     The ‘844 Patent is generally directed towards computer networks, and more  
22 particularly, provides a system that protects devices connected to the Internet from undesirable  
23 operations from web-based content. One of the ways this is accomplished is by linking a security  
24 profile to such web-based content to facilitate the protection of computers and networks from  
25 malicious web-based content.  
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1           22.     On November 15, 2005, U.S. Patent No. 6,965,968 (“the ‘968 Patent”), entitled  
2 POLICY-BASED CACHING, was issued to Shlomo Touboul. A true and correct copy of the ‘968  
3 Patent is attached to this Complaint as Exhibit E and is incorporated by reference herein.

4           23.     All rights, title, and interest in the ‘968 Patent have been assigned to Finjan, who is the  
5 sole owner of the ‘968 Patent. Finjan has been the sole owner of the ‘968 Patent since its issuance.

6           24.     The ‘968 Patent is generally directed towards methods and systems for enabling  
7 policy-based cache management to determine if digital content is allowable relative to a policy. One  
8 of the ways this is accomplished is scanning digital content to derive a content profile and  
9 determining whether the digital content is allowable for a policy based on the content profile.  
10

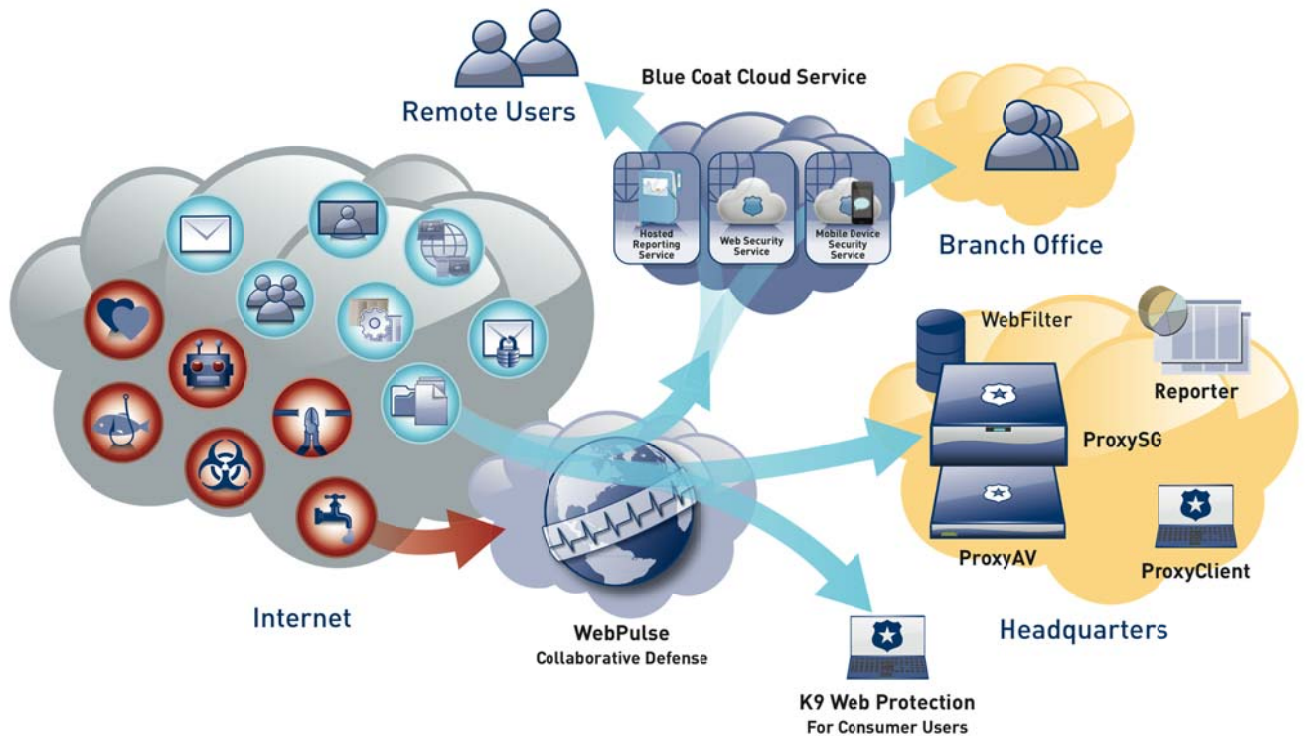
11           25.     On August 26, 2008, U.S. Patent No. 7,418,731 (“the ‘731 Patent”), entitled  
12 METHOD AND SYSTEM FOR CACHING AT SECURE GATEWAYS, was issued to Shlomo  
13 Touboul. A true and correct copy of the ‘731 Patent is attached to this Complaint as Exhibit F and is  
14 incorporated by reference herein.

15           26.     All rights, title, and interest in the ‘731 Patent have been assigned to Finjan, who is the  
16 sole owner of the ‘731 Patent. Finjan has been the sole owner of the ‘731 Patent since its issuance.

17           27.     The ‘731 Patent is generally directed towards methods and systems for enabling  
18 policy-based cache management to determine if digital content is allowable relative to a policy. One  
19 of the ways this is accomplished is scanning digital content to derive a content profile, including at  
20 least one computer command the content would perform, and determining whether the digital content  
21 is allowable for a policy based on the content profile.  
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## BLUE COAT

28. Blue Coat makes, uses, sells, offers for sale, and/or imports into the United States and this District its ProxySG Appliances and Software, ProxyAV Appliances and Software and the WebPulse Cloud Service, shown below:



<http://www.bluecoat.com/documents/download/d84549c4-05f3-4c64-920c-f48cdccad4ae/4e23e1a8-b292-4aff-9271-e2431918dc0f> at 2 (attached as Exhibit G).

29. The Blue Coat ProxySG Appliances and Software are a family of proxy appliances and software placed at the Internet gateway to provide security with respect to Web-based communications and support security, acceleration and policy control features of the appliance. See <http://www.sec.gov/Archives/edgar/data/1095600/000119312511161263/d10k.htm> at 8 (attached as Exhibit H). The ProxySG Appliances and Software include the ProxySG 300, ProxySG 600, ProxySG 900, PrxySG 9000, ProxySG software and Secure Web Gateway Virtual Appliance. See

1 <http://www.bluecoat.com/products/proxysg> (attached as Exhibit I); *see also*

2 [bcs\\_ds\\_SWG\\_VA\\_EN\\_v2a.pdf](#), at 1 (attached as Exhibit J).

3 30. The Blue Coat ProxySG Appliances and Software enforce network policy utilizing the  
4 Blue Coat Content Policy Language (“CPL”) that evaluates every Web request. The Blue Coat  
5 ProxySG implements policy layers by selecting and customizing policy. In this way, CPL is used to  
6 scan HTML and ASX files for active content and remove it or replace it with a customized message  
7 indicating a policy violation. *See* [Content Policy Language Reference Guide.c.pdf](#) at 17-18, 476  
8 (attached as Exhibit K). CPL is also used to detect and remove executables with hidden file types.  
9 *See* [Preventing Malware with Blue Coat Proxies 2.pdf](#) at 3-4 (attached as Exhibit L).

11 31. The Blue Coat ProxySG Appliances and Software replace active content such as Script  
12 Tags, JavaScript Entities, JavaScript Strings, JavaScript Events, Embed Tags and Object Tags. *See*  
13 [SGOS 6.3.x Visual Policy Manager Reference.d.pdf](#) at Ch. 4, 201-03 (attached as Exhibit M).

14 32. CPL includes the “define active\_content” rule for removing or replacing active content  
15 in HTML or ASX documents. This definition is invoked by a transform action in a define action  
16 definition block, and that block in turn enables an action as a result of policy evaluation. *See*  
17 [Content Policy Language Reference Guide.c.pdf](#) at 476 (attached as Exhibit N).

19 33. The Blue Coat ProxySG Appliances and Software are able to cache an object each  
20 time a request is received and check its object store for a cached copy.  
21 [Preventing Malware with Blue Coat Proxies.pdf](#) at 7 (attached as Exhibit K).

23 34. The Blue Coat ProxyAV Appliances and Software are designed for use with ProxySG  
24 Appliances and Software and provide inline threat protection and malware scanning of Web content  
25 at the Internet gateway. The ProxyAV Appliances and Software work in conjunction with BlueCoat  
26 WebPulse and WebFilter to prevent entry of viruses, Trojans, worms and other forms of malicious  
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1 content into the end user's network. *See*

2 <http://www.sec.gov/Archives/edgar/data/1095600/000119312511161263/d10k.htm> at 9 (attached as

3 Exhibit H). The ProxyAV Appliances and Software include the ProxyAV 510, ProxyAV 1200,

4 ProxyAV 1400, ProxyAV 2400 and ProxyAV software. *See*

5 <http://www.bluecoat.com/products/proxyav> (attached as Exhibit O).

6 35. The Blue Coat ProxyAV Appliances and Software scan objects such as webpages and  
7 create a secure hash fingerprint of the file's content and compare its contents to a database of hashes  
8 from previously scanned objects. *See*

9 [Integrating the ProxySG and ProxyAV Appliances \(SGOS 5.4\).e.pdf](#) at 14 (attached as Exhibit  
10 P).

11 36. The Blue Coat WebPulse service is a cloud-based infrastructure utilizing multiple  
12 technologies to analyze URL requests and can be used with the ProxySG Appliances and Software,  
13 ProxyAV Appliances and Software, Blue Coat WebThreat Blade, Blue Coat WebFilter and Blue Coat  
14 Web Security Service. WebPulse includes Dynamic Real-Time Rating ("DRTR") to analyze  
15 unknown content in real-time. DRTR looks for characteristics of the content that may indicate  
16 danger. Access to suspicious content triggers a response from the real-time malware detection  
17 modules indicating a category for the content to be blocked immediately. *See*

18 [Bcs WebPulse Tech Overview wp\\_v1b.pdf](#) at 7-8 (attached as Exhibit Q); *see also*

19 [bcs\\_ds Web Security Service EN v5a.pdf](#) at 1 (attached as Exhibit R).

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22 **BLUE COAT'S INFRINGEMENT OF FINJAN'S PATENTS**

23 37. Defendant has been and is now infringing the '780 Patent, the '822 Patent, the '633  
24 Patent, the '844 Patent, the '968 Patent and the '731 Patent (collectively "the Patents-In-Suit") in this  
25 judicial District, and elsewhere in the United States by, among other things, making, using,  
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1 importing, selling, and/or offering for sale the claimed system and methods on the Blue Coat  
2 ProxySG Appliances and Software, ProxyAV Appliances and Software and WebPulse.

3 38. In addition to directly infringing the Patents-In-Suit pursuant to 35 U.S.C. § 271(a)  
4 either literally or under the doctrine of equivalents, Defendant indirectly infringes the Patents-In-Suit  
5 pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including its users  
6 and developers, to perform all or some of the steps of the method claims, either literally or under the  
7 doctrine of equivalents, of the Patents-In-Suit.

8  
9 39. In addition to directly infringing the '822 Patent and '633 Patent pursuant to 35 U.S.C.  
10 § 271(a) either literally or under the doctrine of equivalents, Defendant indirectly infringes the '822  
11 Patent and the '633 Patent pursuant to 35 U.S.C. § 271(c) by selling a material component of a  
12 patented machine or apparatus for use in practicing the claims of the '822 Patent and '633 Patent,  
13 either literally or under the doctrine of equivalents, by its customers, users and developers, and  
14 especially adapted for use in an infringement of the '822 Patent and '633 Patent.

15  
16 **COUNT I**  
**(Direct Infringement of the '780 Patent pursuant to 35 U.S.C. § 271(a))**

17 40. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the  
18 allegations of the preceding paragraphs, as set forth above.

19  
20 41. Defendant has infringed and continues to infringe one or more claims of the '780  
21 Patent in violation of 35 U.S.C. § 271(a).

22 42. Defendant's infringement is based upon literal infringement or, in the alternative,  
23 infringement under the doctrine of equivalents.

24 43. Defendant's acts of making, using, importing, selling, and/or offering for sale infringing  
25 products and services have been without the permission, consent, authorization or license of Finjan.  
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1 44. Defendant's infringement includes, but is not limited to, the manufacture, use, sale,  
2 importation and/or offer for sale of Defendant's products and services, including, but not limited to,  
3 the ProxyAV Appliances and Software, which embody the patented invention of the '780 Patent.

4 45. As a result of Defendant's unlawful activities, Finjan has suffered and will continue to  
5 suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Finjan is entitled  
6 to preliminary and/or permanent injunctive relief.

7  
8 46. Defendant's infringement of the '780 Patent has injured and continues to injure Finjan  
9 in an amount to be proven at trial.

10 **COUNT II**  
11 **(Indirect Infringement of the '780 Patent pursuant to 35 U.S.C. § 271(b))**

12 47. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the  
13 allegations of the preceding paragraphs, as set forth above.

14 48. Defendant has induced and continues to induce infringement of at least claims 1-8 and  
15 16 of the '780 Patent under 35 U.S.C. § 271(b).

16 49. In addition to directly infringing the '780 Patent, Defendant indirectly infringes the  
17 '780 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others,  
18 including, but not limited to, its customers, users and developers, to perform all or some of the steps  
19 of the method claims, either literally or under the doctrine of equivalents, of the '780 Patent, where  
20 all the steps of the method claims are performed by either Blue Coat or its customers, users or  
21 developers, or some combination thereof. Defendant knew or was willfully blind to the fact that it  
22 was inducing others, including customers, users and developers, to infringe by practicing, either  
23 themselves or in conjunction with Defendant, one or more method claims of the '780 Patent.  
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25 50. Defendant knowingly and actively aided and abetted the direct infringement of the  
26 '780 Patent by instructing and encouraging its customers, users and developers to use the Blue Coat  
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1 ProxyAV Appliances and Software. Such instructions and encouragement include, but are not  
2 limited to, advising third parties to use the Blue Coat ProxyAV Appliances and Software in an  
3 infringing manner, providing a mechanism through which third parties may infringe the '780 Patent,  
4 specifically through the use of the Blue Coat ProxyAV Appliances and Software, advertising and  
5 promoting the use of the Blue Coat ProxyAV Appliances and Software in an infringing manner, and  
6 distributing guidelines and instructions to third parties on how to use the Blue Coat ProxyAV  
7 Appliances and Software in an infringing manner.  
8

9 51. Blue Coat regularly updates and maintains the Blue Coat website  
10 (<http://www.bluecoat.com>) and the BlueTouch Online website (<https://bto.bluecoat.com> and  
11 <https://kb.bluecoat.com>) to provide demonstration, instruction, and technical assistance to users to  
12 help them use the Blue Coat ProxyAV Appliances and Software, including:

- 13 • Blue Coat® Systems ProxyAV® Appliance: Configuration and Management Guide (*see e.g.*,  
14 <http://bto.bluecoat.com/doc/19366>, attached as Exhibit S, directs users in the use and  
15 management of the Blue Coat ProxyAV Appliances and states that “it is vital to dedicate more  
16 attention to securing Web traffic.”);
- 17 • Blue Coat ProxyAV 1200/1400/2400 Datasheet (*see e.g.*,  
18 [bcs\\_ds\\_proxyav\\_1200\\_1400\\_2400\\_EN-v7a.pdf](#), attached as Exhibit T, states that “ProxyAV  
19 appliances also provide in-line threat protection and malware scanning of web content at the  
20 gateway.”);
- 21 • Security Empowers Business (*see e.g.*, [bcs\\_wp\\_Security\\_Empowers\\_Business\\_EN\\_2.3.pdf](#),  
22 attached as Exhibit U, states that “Implemented and used properly, security is about  
23 empowerment. It’s about boosting efficiency, driving productivity, accelerating innovation,  
24 increasing collaboration, optimizing user experiences, and expanding the awesome power of  
25 technology”);
- 26 • Unified Web Security Solutions (*see e.g.*, [bcs\\_wp\\_Unified\\_Security\\_EN\\_v2b.pdf](#), attached as  
27 Exhibit V, states that “IT and security professionals must be able to manage and enforce  
28 consistent policies throughout the entire work force”).

29 52. Blue Coat instructs users, including employees, to use and test the ProxyAV  
30 Appliances and Software. For example, Blue Coat has the BlueTouch Training Services that provide  
31 a technical expert to assist users in installing, configuring, and troubleshooting Blue Coat products.  
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1 Blue Coat has training centers with courses and certification related to the Blue Coat products. *See*  
2 <http://www.bluecoat.com/support/training/bluetouch-training-services> (attached as Exhibit W).

3 53. Blue Coat provides value added resellers, system integrators and distributors with the  
4 Blue Coat Channel Advantage Program to encourage and expand use of the Blue Coat ProxyAV  
5 Appliances and Software. The Blue Coat Channel Advantage Program offers “compelling top- and  
6 bottom-line growth opportunities to Blue Coat partners.” The Blue Coat Channel Advantage  
7 Program also offers several partner level tiers to further encourage and expand the use of the Blue  
8 Coat ProxyAV Appliances and Software. *See* [http://www.bluecoat.com/partners/channel-advantage-](http://www.bluecoat.com/partners/channel-advantage-program)  
9 [program](http://www.bluecoat.com/partners/channel-advantage-program) (attached as Exhibit X).

11 54. Blue Coat regularly updates and maintains the Blue Coat website and BlueTouch  
12 Online to provide demonstration, instruction, and technical assistance to users to help them use the  
13 Blue Coat ProxyAV Appliances and Software. (<http://bluecoat.com/support/technical-support>,  
14 <https://bto.bluecoat.com/> and <https://kb.bluecoat.com>).

15 55. Defendant has had knowledge of the '780 Patent at least as of the time it learned of  
16 this action for infringement and, by continuing the actions described above, has had the specific intent  
17 to or was willfully blind to the fact that its actions would induce infringement of the '780 Patent.

18 56. Blue Coat actively and intentionally maintains its website to promote the Blue Coat  
19 ProxyAV Appliances and Software and to encourage potential customers, users and developers to use  
20 the Blue Coat ProxyAV Appliances and Software in the manner described by Finjan.  
21 (<http://bluecoat.com/support/technical-support>, <https://bto.bluecoat.com/> and  
22 <https://kb.bluecoat.com>).

23 57. Blue Coat actively updates its websites, including Blue Coat’s BlueTouch Online  
24 information center, to promote the Blue Coat ProxyAV Appliances and Software, including the  
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1 Content Policy Language, to encourage customers, users and developers to practice the methods  
2 taught in the '780 Patent. (<http://bluecoat.com/support/technical-support>, <https://bto.bluecoat.com>  
3 and <https://kb.bluecoat.com>).

4 **COUNT III**

5 **(Direct Infringement of the '822 Patent pursuant to 35 U.S.C. § 271(a))**

6 58. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the  
7 allegations of the preceding paragraphs, as set forth above.

8 59. Defendant has infringed and continues to infringe one or more claims of the '822  
9 Patent in violation of 35 U.S.C. § 271(a).

10 60. Defendant's infringement is based upon literal infringement or, in the alternative,  
11 infringement under the doctrine of equivalents.

12 61. Defendant's acts of making, using, importing, selling, and/or offering for sale infringing  
13 products and services have been without the permission, consent, authorization or license of Finjan.

14 62. Defendant's infringement includes, but is not limited to, the manufacture, use, sale,  
15 importation and/or offer for sale of Defendant's products and services, including but not limited to  
16 the ProxySG Appliances and Software, which embody the patented invention of the '822 Patent.

17 63. As a result of Defendant's unlawful activities, Finjan has suffered and will continue to  
18 suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Finjan is entitled  
19 to preliminary and/or permanent injunctive relief.

20 64. Defendant's infringement of the '822 Patent has injured and continues to injure Finjan  
21 in an amount to be proven at trial.

22 **COUNT IV**

23 **(Indirect Infringement of the '822 Patent pursuant to 35 U.S.C. §§ 271(b)-(c))**

24 65. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the  
25 allegations of the preceding paragraphs, as set forth above.  
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1           66. Defendant has induced and continues to induce infringement of at least claims 1, 4, 6  
2 and 8 of the '822 Patent under 35 U.S.C. § 271(b).

3           67. In addition to directly infringing the '822 Patent, Defendant indirectly infringes the  
4 '822 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including  
5 but not limited to its customers, users and developers, to perform all or some of the steps of the  
6 method claims, either literally or under the doctrine of equivalents, of the '822 Patent, where all the  
7 steps of the method claims are performed by either Blue Coat or its customers, users or developers, or  
8 some combinations thereof. Defendant knew or was willfully blind to the fact that it was inducing  
9 others, including customers, users and developers, to infringe by practicing, either themselves or in  
10 conjunction with Defendant, one or more method claims of the '822 Patent.

12           68. Defendant has contributorily infringed and continues to contributorily infringe at least  
13 claims 1, 2, 4, 9, 10, 12, 15, 28, 31, 33, 34 and 35 of the '822 Patent under 35 U.S.C. § 271(c).

14           69. In addition to directly infringing the '822 Patent, Defendant indirectly infringes the  
15 '822 Patent pursuant to 35 U.S.C. § 271(c) by selling the ProxySG Appliances and Software, a  
16 material component of a patented machine or apparatus for use in practicing the claims of the '822  
17 Patent by its customers, users and developers, and especially adapted for use in an infringement of the  
18 '822 Patent. The ProxySG Appliances and Software are not a staple article or commodity of  
19 commerce suitable for substantial non-infringing use. Defendant knew or was willfully blind to the  
20 fact that it contributed to the direct infringement of one or more claims of the '822 Patent by others,  
21 either literally or under the doctrine of equivalents, including customers, users and developers.  
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23           70. Defendant knowingly and actively aided and abetted the direct infringement of the  
24 '822 Patent by instructing and encouraging its customers, users and developers to use the Blue Coat  
25 ProxySG Appliance and Software. Such instructions and encouragement include, but are not limited  
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1 to, advising third parties to use the Blue Coat ProxySG Appliances and Software in an infringing  
2 manner; providing a mechanism through which third parties may infringe the '822 Patent, specifically  
3 through the use of the Blue Coat ProxySG Appliances and Software, advertising and promoting the  
4 use of the Blue Coat ProxySG Appliances and Software in an infringing manner, and distributing  
5 guidelines and instructions to third parties on how to use the Blue Coat ProxySG Appliances and  
6 Software in an infringing manner.

7  
8 71. Blue Coat regularly updates and maintains the Blue Coat website  
9 (<http://www.bluecoat.com>) and the BlueTouch Online website (<https://bto.bluecoat.com> and  
10 <https://kb.bluecoat.com>) to provide demonstration, instruction, and technical assistance to users to  
11 help them use the Blue Coat ProxySG Appliances and Software, including:

- 12 • Blue Coat® Systems ProxySG® Appliance Content Policy Language Reference (*see e.g.*,  
13 <https://bto.bluecoat.com/doc/19587>, attached as Exhibit K, directs the user in the use and  
14 syntax of CPL, stating that “[t]he Blue Coat® Content Policy Language (CPL) is a  
programming language with its own concepts and rules that you must follow.”);
- 15 • Blue Coat® Systems SGOS Administration Guide (*see e.g.*,  
16 <https://bto.bluecoat.com/doc/19615>, attached as Exhibit Y, states that it “provides procedures  
17 for accessing the ProxySG so that you can perform administrative tasks using the Management  
Console and/or the command-line interface.”);
- 18 • Web Application Policy Engine – Solution Brief (*see e.g.*,  
19 [bcs\\_sb Web Action Controls EN v3a.pdf](#), attached as Exhibit Z, states that “your  
20 organization needs the ability to identify, monitor, report on, and implement granular controls  
over web-based applications.”);
- 21 • Security Empowers Business (*see e.g.*, [bcs\\_wp Security Empowers Business EN 2.3.pdf](#),  
22 attached as Exhibit U, states that “Implemented and used properly, security is about  
23 empowerment. It’s about boosting efficiency, driving productivity, accelerating innovation,  
increasing collaboration, optimizing user experiences, and expanding the awesome power of  
technology”);
- 24 • Unified Web Security Solutions (*see e.g.*, [bcs\\_wp Unified Security EN v2b.pdf](#), attached as  
25 Exhibit V, states that “IT and security professionals must be able to manage and enforce  
26 consistent policies throughout the entire work force”).



1 72. Blue Coat instructs users, including employees, to use and test the ProxySG  
2 Appliances and Software. For example, Blue Coat has the BlueTouch Training Services that  
3 provides a technical expert to assist users in installing, configuring, and troubleshooting Blue Coat  
4 products. Blue Coat has training centers with courses and certification related to the Blue Coat  
5 products. See <http://www.bluecoat.com/support/training/bluetouch-training-services> (attached as  
6 Exhibit W).

7  
8 73. Blue Coat provides value added resellers, system integrators and distributors with the  
9 Blue Coat Channel Advantage Program to encourage and expand use of the Blue Coat ProxySG  
10 Appliances and Software. The Blue Coat Channel Advantage Program offers “compelling top- and  
11 bottom-line growth opportunities to Blue Coat partners.” The Blue Coat Channel Advantage  
12 Program also offers several partner level tiers to further encourage and expand the use of the Blue  
13 Coat ProxySG Appliances and Software. See [http://www.bluecoat.com/partners/channel-advantage-](http://www.bluecoat.com/partners/channel-advantage-program)  
14 [program](http://www.bluecoat.com/partners/channel-advantage-program) (attached as Exhibit X).

15  
16 74. Blue Coat regularly updates and maintains the Blue Coat website and BlueTouch  
17 Online to provide demonstration, instruction, and technical assistance to users to help them use the  
18 Blue Coat ProxySG Appliances and Software. (<http://bluecoat.com/support/technical-support>,  
19 <https://bto.bluecoat.com/> and <https://kb.bluecoat.com>).

20 75. Defendant has had knowledge of the '822 Patent at least as of the time it learned of  
21 this action for infringement and, by continuing the actions described above, has had the specific intent  
22 to or was willfully blind to the fact that its actions would induce infringement of the '822 Patent.

23  
24 76. Blue Coat actively and intentionally maintains its website to promote the Blue Coat  
25 ProxySG Appliances and Software and to encourage potential customers, users and developers to use  
26 the Blue Coat ProxySG Appliances and Software in the manner described by Finjan.

1 (<http://bluecoat.com/support/technical-support>, <https://bto.bluecoat.com/> and  
2 <https://kb.bluecoat.com>).

3 77. Blue Coat actively updates its websites, including Blue Coat's BlueTouch Online  
4 information center, to promote the Blue Coat ProxySG Appliances and Software, including the  
5 Content Policy Language, to encourage customers, users and developers to practice the methods  
6 taught in the '822 Patent. (<http://bluecoat.com/support/technical-support>, <https://bto.bluecoat.com/>  
7 and <https://kb.bluecoat.com>).

8  
9 **COUNT V**

10 **(Direct Infringement of the '633 Patent pursuant to 35 U.S.C. § 271(a))**

11 78. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the  
12 allegations of the preceding paragraphs, as set forth above.

13 79. Defendant has infringed and continues to infringe one or more claims of the '633  
14 Patent in violation of 35 U.S.C. § 271(a).

15 80. Defendant's infringement is based upon literal infringement or, in the alternative,  
16 infringement under the doctrine of equivalents.

17 81. Defendant's acts of making, using, importing, selling, and/or offering for sale infringing  
18 products and services have been without the permission, consent, authorization or license of Finjan.

19 82. Defendant's infringement includes, but is not limited to, the manufacture, use, sale,  
20 importation and/or offer for sale of Defendant's products and services, including but not limited to  
21 the ProxySG Appliances and Software, which embody the patented invention of the '633 Patent.

22 83. As a result of Defendant's unlawful activities, Finjan has suffered and will continue to  
23 suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Finjan is entitled  
24 to preliminary and/or permanent injunctive relief.  
25  
26  
27  
28



1 fact that it was contributed to the direct infringement of the '633 Patent by others, either literally or  
2 under the doctrine of equivalents, including customers, users and developers, to infringe by  
3 practicing, either themselves or in conjunction with Defendant, one or more claims of the '633 Patent.

4 90. Defendant knowingly and actively aided and abetted the direct infringement of the  
5 '633 Patent by instructing and encouraging its customers, users and developers to use the Blue Coat  
6 ProxySG Appliance and Software. Such instructions and encouragement include, but are not limited  
7 to, advising third parties to use the Blue Coat ProxySG Appliances and Software in an infringing  
8 manner; providing a mechanism through which third parties may infringe the '633 Patent, specifically  
9 through the use of the Blue Coat ProxySG Appliances and Software, advertising and promoting the  
10 use of the Blue Coat ProxySG Appliances and Software in an infringing manner and distributing  
11 guidelines and instructions to third parties on how to use the Blue Coat ProxySG Appliances and  
12 Software in an infringing manner.  
13

14 91. Blue Coat regularly updates and maintains the Blue Coat website  
15 (<http://www.bluecoat.com>) and the BlueTouch Online website (<https://bto.bluecoat.com> and  
16 <https://kb.bluecoat.com>) to provide demonstration, instruction, and technical assistance to users to  
17 help them use the Blue Coat ProxySG Appliances and Software, including:  
18

- 19 • Blue Coat® Systems ProxySG® Appliance Content Policy Language Reference (*see e.g.*,  
20 <https://bto.bluecoat.com/doc/19587>, attached as Exhibit K, directs the user in the use and  
21 syntax of CPL, stating that “[t]he Blue Coat® Content Policy Language (CPL) is a  
programming language with its own concepts and rules that you must follow.”);
- 22 • Blue Coat® Systems SGOS Administration Guide (*see e.g.*,  
23 <https://bto.bluecoat.com/doc/19615>, attached as Exhibit Y, states that it “provides procedures  
24 for accessing the ProxySG so that you can perform administrative tasks using the Management  
Console and/or the command-line interface.”);
- 25 • Web Application Policy Engine – Solution Brief (*see e.g.*,  
26 [bcs\\_sb\\_Web\\_Action\\_Controls\\_EN\\_v3a.pdf](#), attached as Exhibit Z, states that “your  
27 organization needs the ability to identify, monitor, report on, and implement granular controls  
28 over web-based applications.”);

- 1 • Security Empowers Business (*see e.g., bcs wp Security Empowers Business EN 2.3.pdf*,  
2 attached as Exhibit U, states that “Implemented and used properly, security is about  
3 empowerment. It’s about boosting efficiency, driving productivity, accelerating innovation,  
4 increasing collaboration, optimizing user experiences, and expanding the awesome power of  
5 technology”);
- 6 • Unified Web Security Solutions (*see e.g., bcs wp Unified Security EN v2b.pdf*, attached as  
7 Exhibit V, states that “IT and security professionals must be able to manage and enforce  
8 consistent policies throughout the entire work force”).

9 92. Blue Coat instructs users, including employees, to use and test the ProxySG  
10 Appliances and Software. For example, Blue Coat has the BlueTouch Training Services that  
11 provides a technical expert to assist users in installing, configuring, and troubleshooting Blue Coat  
12 products. Blue Coat has training centers with courses and certification related to the Blue Coat  
13 products. *See* <http://www.bluecoat.com/support/training/bluetouch-training-services> (attached as  
14 Exhibit W).

15 93. Blue Coat provides value added resellers, system integrators and distributors with the  
16 Blue Coat Channel Advantage Program to encourage and expand use of the Blue Coat ProxySG  
17 Appliances and Software. The Blue Coat Channel Advantage Program offers “compelling top- and  
18 bottom-line growth opportunities to Blue Coat partners.” The Blue Coat Channel Advantage  
19 Program also offers several partner level tiers to further encourage and expand the use of the Blue  
20 Coat ProxySG Appliances and Software. *See* [http://www.bluecoat.com/partners/channel-advantage-](http://www.bluecoat.com/partners/channel-advantage-program)  
21 [program](http://www.bluecoat.com/partners/channel-advantage-program) (attached as Exhibit X).

22 94. Blue Coat regularly updates and maintains the Blue Coat website and BlueTouch  
23 Online to provide demonstration, instruction, and technical assistance to users to help them use the  
24 Blue Coat ProxySG Appliances and Software. (<http://bluecoat.com/support/technical-support>,  
25 <https://bto.bluecoat.com/> and <https://kb.bluecoat.com>).





1 WebPulse Service. Such instructions and encouragement include but are not limited to, advising  
2 third parties to use the Blue Coat WebPulse Service in an infringing manner, providing a mechanism  
3 through which third parties may infringe the '844 Patent, specifically through the use of the Blue  
4 Coat WebPulse Service, advertising and promoting the use of the Blue Coat WebPulse Service in an  
5 infringing manner and distributing guidelines and instructions to third parties on how to use the Blue  
6 Coat WebPulse Service in an infringing manner.

7  
8 109. Blue Coat regularly updates and maintains the Blue Coat website  
9 (<http://www.bluecoat.com>) and the BlueTouch Online website (<https://bto.bluecoat.com> and  
10 <https://kb.bluecoat.com>) to provide demonstration, instruction, and technical assistance to users to  
11 help them use the Blue Coat WebPulse Service, including:

- 12 • Blue Coat WebPulse > Technical Overview of the WebPulse Collaborative Defense (*see e.g.*,  
13 [bcs\\_WebPulse\\_Tech\\_Overview\\_wp\\_v1b.pdf](#), attached as Exhibit Q, states that “it is critical  
14 that web security solutions provide accurate site ratings, global diverse coverage, and real-time  
ratings of new URLs.”);
- 15 • How does Blue Coat WebPulse work with Blue Coat WebFilter? (*see e.g.*,  
16 <https://kb.bluecoat.com/index?page=content&id=KB3400>, attached as Exhibit AA, states that  
17 “[c]ustomers that have used DRTR over several years note that it provides a 4-6% higher  
categorization rate than not using it.”);
- 18 • Security Empowers Business (*see e.g.*, [bcs\\_wp\\_Security\\_Empowers\\_Business\\_EN\\_2.3.pdf](#),  
19 attached as Exhibit U, states that “Implemented and used properly, security is about  
20 empowerment. It’s about boosting efficiency, driving productivity, accelerating innovation,  
increasing collaboration, optimizing user experiences, and expanding the awesome power of  
21 technology”);
- 22 • Unified Web Security Solutions (*see e.g.*, [bcs\\_wp\\_Unified\\_Security\\_EN\\_v2b.pdf](#), attached as  
23 Exhibit V, states that “IT and security professionals must be able to manage and enforce  
consistent policies throughout the entire work force”).

24 110. Blue Coat instructs users, including employees, to use and test the WebPulse Service.  
25 For example, Blue Coat has the BlueTouch Training Services that provides a technical expert to assist  
26 users in installing, configuring, and troubleshooting Blue Coat products. Blue Coat has training  
27  
28



1 centers with courses and certification related to the Blue Coat products. *See*

2 <http://www.bluecoat.com/support/training/bluetouch-training-services> (attached as Exhibit W).

3 111. Blue Coat provides value added resellers, system integrators and distributors with the  
4 Blue Coat Channel Advantage Program to encourage and expand use of the Blue Coat WebPulse  
5 Service. The Blue Coat Channel Advantage Program offers “compelling top- and bottom-line growth  
6 opportunities to Blue Coat partners.” The Blue Coat Channel Advantage Program also offers several  
7 partner level tiers to further encourage and expand the use of the Blue Coat WebPulse Service. *See*  
8 <http://www.bluecoat.com/partners/channel-advantage-program> (attached as Exhibit X).

10 112. Blue Coat regularly updates and maintains the Blue Coat website and BlueTouch  
11 Online to provide demonstration, instruction, and technical assistance to users to help them use the  
12 Blue Coat WebPulse Service. (<http://bluecoat.com/support/technical-support>,  
13 <https://bto.bluecoat.com/> and <https://kb.bluecoat.com>).

15 113. Defendant has had knowledge of the ‘844 Patent at least as of the time it learned of  
16 this action for infringement and by continuing the actions described above has had the specific intent  
17 to or was willfully blind to the fact that its actions would induce infringement of the ‘844 Patent.

18 114. Blue Coat actively and intentionally maintains its website to promote the Blue Coat  
19 WebPulse Service and to encourage potential customers, users and developers to use the Blue Coat  
20 WebPulse Service in the manner described by Finjan. (<http://bluecoat.com/support/technical-support>,  
21 <https://bto.bluecoat.com/> and <https://kb.bluecoat.com>).

22 115. Blue Coat actively updates its websites, including Blue Coat’s BlueTouch Online  
23 information center, to promote the Blue Coat WebPulse Service to encourage customers, users and  
24 developers to practice the methods taught in the ‘844 Patent. ([http://bluecoat.com/support/technical-](http://bluecoat.com/support/technical-support)  
25 [support](http://bluecoat.com/support/technical-support), <https://bto.bluecoat.com/> and <https://kb.bluecoat.com>).

**COUNT IX**

**(Direct Infringement of the '968 Patent pursuant to 35 U.S.C. § 271(a))**

1  
2 116. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the  
3 allegations of the preceding paragraphs, as set forth above.

4  
5 117. Defendant has infringed and continues to infringe one or more claims of the '968  
6 Patent in violation of 35 U.S.C. § 271(a).

7  
8 118. Defendant's infringement is based upon literal infringement or, in the alternative,  
9 infringement under the doctrine of equivalents.

10  
11 119. Defendant's acts of making, using, importing, selling, and/or offering for sale infringing  
12 products and services have been without the permission, consent, authorization or license of Finjan.

13  
14 120. Defendant's infringement includes, but is not limited to, the manufacture, use, sale,  
15 importation and/or offer for sale of Defendant's products and services, including but not limited to,  
16 the ProxySG Appliances and Software and WebPulse Service, which embody the patented invention  
17 of the '968 Patent.

18  
19 121. As a result of Defendant's unlawful activities, Finjan has suffered and will continue to  
20 suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Finjan is entitled  
21 to preliminary and/or permanent injunctive relief.

22  
23 122. Defendant's infringement of the '968 Patent has injured and continues to injure Finjan  
24 in an amount to be proven at trial.

**COUNT X**

**(Indirect Infringement of the '968 Patent pursuant to 35 U.S.C. § 271(b))**

25  
26 123. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the  
27 allegations of the preceding paragraphs, as set forth above.

28  
124. Defendant has induced and continues to induce infringement of at least claims 13-16,  
20-21 and 26 of the '968 Patent under 35 U.S.C. § 271(b).

1           125. In addition to directly infringing the '968 Patent, Defendant indirectly infringes the  
2 '968 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including  
3 but not limited to its customers, users and developers, to perform all or some of the steps of the  
4 method claims, either literally or under the doctrine of equivalents, of the '968 Patent, where all the  
5 steps of the method claims are performed by either Blue Coat or its customers, users or developers, or  
6 some combinations thereof. Defendant knew or was willfully blind to the fact that it was inducing  
7 others, including customers, users and developers, to infringe by practicing, either themselves or in  
8 conjunction with Defendant, one or more method claims of the '968 Patent.  
9

10           126. Defendant knowingly and actively aided and abetted the direct infringement of the  
11 '968 Patent by instructing and encouraging its customers, users and developers to use the Blue Coat  
12 ProxySG Appliance and Software and WebPulse Service. Such instructions and encouragement  
13 include but are not limited to, advising third parties to use the Blue Coat ProxySG Appliances and  
14 Software and WebPulse Service in an infringing manner, providing a mechanism through which third  
15 parties may infringe the '968 Patent, specifically through the use of the Blue Coat ProxySG  
16 Appliances and Software and WebPulse Service, advertising and promoting the use of the Blue Coat  
17 ProxySG Appliances and Software and WebPulse Service in an infringing manner and distributing  
18 guidelines and instructions to third parties on how to use the Blue Coat ProxySG Appliances and  
19 Software and WebPulse Service in an infringing manner.  
20

21           127. Blue Coat regularly updates and maintains the Blue Coat website  
22 (<http://www.bluecoat.com>) and the BlueTouch Online website (<https://bto.bluecoat.com> and  
23 <https://kb.bluecoat.com>) to provide demonstration, instruction, and technical assistance to users to  
24 help them use the Blue Coat ProxySG Appliances and Software and WebPulse Service, including:  
25

- 26 • Blue Coat® Systems ProxySG® Appliance Content Policy Language Reference (*see e.g.*,  
27 <https://bto.bluecoat.com/doc/19587>, attached as Exhibit K, directs the user in the use and  
28

1 syntax of CPL, stating that “[t]he Blue Coat® Content Policy Language (CPL) is a  
2 programming language with its own concepts and rules that you must follow.”);

- 3 • Blue Coat® Systems SGOS Administration Guide (*see e.g.*,  
4 <https://bto.bluecoat.com/doc/19615>, attached as Exhibit Y, states that it “provides procedures  
5 for accessing the ProxySG so that you can perform administrative tasks using the Management  
6 Console and/or the command-line interface.”);
- 7 • Web Application Policy Engine – Solution Brief (*see e.g.*,  
8 [bcs\\_sb\\_Web\\_Action\\_Controls\\_EN\\_v3a.pdf](#), attached as Exhibit Z, states that “your  
9 organization needs the ability to identify, monitor, report on, and implement granular controls  
10 over web-based applications.”);
- 11 • Blue Coat WebPulse > Technical Overview of the WebPulse Collaborative Defense (*see e.g.*,  
12 [bcs\\_WebPulse\\_Tech\\_Overview\\_wp\\_v1b.pdf](#), attached as Exhibit Q, states that “it is critical  
13 that web security solutions provide accurate site ratings, global diverse coverage, and real-time  
14 ratings of new URLs.”);
- 15 • How does Blue Coat WebPulse work with Blue Coat WebFilter? (*see e.g.*,  
16 <https://kb.bluecoat.com/index?page=content&id=KB3400>, attached as Exhibit AA, states that  
17 “[c]ustomers that have used DRTR over several years not that it provides a 4-6% higher  
18 categorization rate than not using it.”);
- 19 • Security Empowers Business (*see e.g.*, [bcs\\_wp\\_Security\\_Empowers\\_Business\\_EN\\_2.3.pdf](#),  
20 attached as Exhibit U, states that “Implemented and used properly, security is about  
21 empowerment. It’s about boosting efficiency, driving productivity, accelerating innovation,  
22 increasing collaboration, optimizing user experiences, and expanding the awesome power of  
23 technology”);
- 24 • Unified Web Security Solutions (*See e.g.*, [bcs\\_wp\\_Unified\\_Security\\_EN\\_v2b.pdf](#), attached as  
25 Exhibit V, states that “IT and security professionals must be able to manage and enforce  
26 consistent policies throughout the entire work force”).

128. Blue Coat instructs users, including employees, to use and test the ProxySG  
27 Appliances and Software and WebPulse Service. For example, Blue Coat has the BlueTouch  
28 Training Services that provides a technical expert to assist users in installing, configuring, and  
troubleshooting Blue Coat products. Blue Coat has training centers with courses and certification  
related to the Blue Coat products. *See* [http://www.bluecoat.com/support/training/bluetouch-training-  
services](http://www.bluecoat.com/support/training/bluetouch-training-services) (attached as Exhibit W).

1 129. Blue Coat provides value added resellers, system integrators and distributors with the  
2 Blue Coat Channel Advantage Program to encourage and expand use of the Blue Coat ProxySG  
3 Appliances and Software and WebPulse Service. The Blue Coat Channel Advantage Program offers  
4 “compelling top- and bottom-line growth opportunities to Blue Coat partners.” The Blue Coat  
5 Channel Advantage Program also offers several partner level tiers to further encourage and expand  
6 the use of the Blue Coat ProxySG Appliances and Software and WebPulse Service. *See*  
7 <http://www.bluecoat.com/partners/channel-advantage-program> (attached as Exhibit X).  
8

9 130. Blue Coat regularly updates and maintains the Blue Coat website and BlueTouch  
10 Online to provide demonstration, instruction, and technical assistance to users to help them use the  
11 Blue Coat ProxySG Appliances and Software and WebPulse Service.  
12 (<http://bluecoat.com/support/technical-support>, <https://bto.bluecoat.com/> and  
13 <https://kb.bluecoat.com>).

14 131. Defendant has had knowledge of the ‘968 Patent at least as of the time it learned of  
15 this action for infringement and, by continuing the actions described above, has had the specific intent  
16 to or was willfully blind to the fact that its actions would induce infringement of the ‘968 Patent.

17 132. Blue Coat actively and intentionally maintains its website to promote the Blue Coat  
18 ProxySG Appliances and Software and WebPulse Service and to encourage potential customers,  
19 users and developers to use the Blue Coat ProxySG Appliances and Software and WebPulse Service  
20 in the manner described by Finjan. (<http://bluecoat.com/support/technical-support>,  
21 <https://bto.bluecoat.com/> and <https://kb.bluecoat.com>).

22 133. Blue Coat actively updates its websites, including Blue Coat’s BlueTouch Online  
23 information center, to promote the Blue Coat ProxySG Appliances and Software, including the  
24 Content Policy Language, and the WebPulse Service to encourage customers, users and developers to  
25  
26  
27  
28

1 practice the methods taught in the '968 Patent. (<http://bluecoat.com/support/technical-support>,  
2 <https://bto.bluecoat.com/> and <https://kb.bluecoat.com>).

3 **COUNT XI**

4 **(Direct Infringement of the '731 Patent pursuant to 35 U.S.C. § 271(a))**

5 134. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the  
6 allegations of the preceding paragraphs, as set forth above.

7 135. Defendant has infringed and continues to infringe one or more claims of the '731  
8 Patent in violation of 35 U.S.C. § 271(a).

9 136. Defendant's infringement is based upon literal infringement or, in the alternative,  
10 infringement under the doctrine of equivalents.

11 137. Defendant's acts of making, using, importing, selling, and/or offering for sale infringing  
12 products and services have been without the permission, consent, authorization or license of Finjan.

13 138. Defendant's infringement includes, but is not limited to, the manufacture, use, sale,  
14 importation and/or offer for sale of Defendant's products and services, including but not limited to,  
15 the Blue Coat ProxySG Appliances and Software, ProxyAV Appliances and Software and WebPulse  
16 Service, which embody the patented invention of the '731 Patent.

17 139. As a result of Defendant's unlawful activities, Finjan has suffered and will continue to  
18 suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Finjan is entitled  
19 to preliminary and/or permanent injunctive relief.

20 140. Defendant's infringement of the '731 Patent has injured and continues to injure Finjan  
21 in an amount to be proven at trial.

22 **COUNT XII**

23 **(Indirect Infringement of the '731 Patent pursuant to 35 U.S.C. § 271(b))**

24 141. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the  
25 allegations of the preceding paragraphs, as set forth above.  
26  
27  
28

1           142. Defendant has induced and continues to induce infringement of at least claims 7-9, 11,  
2 and 14-16 of the '731 Patent under 35 U.S.C. § 271(b).

3           143. In addition to directly infringing the '731 Patent, Defendant indirectly infringes the  
4 '731 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including  
5 but not limited to, its customers, users and developers, to perform all or some of the steps of the  
6 method claims, either literally or under the doctrine of equivalents, of the '731 Patent, where all the  
7 steps of the method claims are performed by either Blue Coat or its customers, users or developers, or  
8 some combinations thereof. Defendant knew or was willfully blind to the fact that it was inducing  
9 others, including customers, users and developers, to infringe by practicing, either themselves or in  
10 conjunction with Defendant, one or more method claims of the '731 Patent.

12           144. Defendant knowingly and actively aided and abetted the direct infringement of the  
13 '731 Patent by instructing and encouraging its customers, users and developers to use the Blue Coat  
14 ProxySG Appliance and Software, Blue Coat ProxyAV Appliance and Software and WebPulse  
15 Service. Such instructions and encouragement include but are not limited to, advising third parties to  
16 use the Blue Coat ProxySG Appliances and Software, ProxyAV Appliances and Software and  
17 WebPulse Service in an infringing manner, providing a mechanism through which third parties may  
18 infringe the '731 Patent, specifically through the use of the Blue Coat ProxySG Appliances and  
19 Software, ProxyAV Appliances and Software and WebPulse Service, advertising and promoting the  
20 use of the Blue Coat ProxySG Appliances and Software, ProxyAV Appliances and Software and  
21 WebPulse Service in an infringing manner, and distributing guidelines and instructions to third  
22 parties on how to use the Blue Coat ProxySG Appliances and Software, ProxyAV Appliances and  
23 Software and WebPulse Service in an infringing manner.

1 145. Blue Coat regularly updates and maintains the Blue Coat website  
2 (<http://www.bluecoat.com>) and the BlueTouch Online website (<https://bto.bluecoat.com> and  
3 <https://kb.bluecoat.com>) to provide demonstration, instruction, and technical assistance to users to  
4 help them use the Blue Coat ProxySG Appliances and Software, ProxyAV Appliances and Software  
5 and WebPulse Service, including:

- 6 • Blue Coat® Systems ProxySG® Appliance Content Policy Language Reference (*see e.g.*,  
7 <https://bto.bluecoat.com/doc/19587>, attached as Exhibit K, directs the user in the use and  
8 syntax of CPL, stating that “[t]he Blue Coat® Content Policy Language (CPL) is a  
9 programming language with its own concepts and rules that you must follow.”);
- 10 • Blue Coat® Systems SGOS Administration Guide (*see e.g.*,  
11 <https://bto.bluecoat.com/doc/19615>, attached as Exhibit Y, states that it “provides procedures  
12 for accessing the ProxySG so that you can perform administrative tasks using the Management  
13 Console and/or the command-line interface.”);
- 14 • Blue Coat® Systems ProxyAV® Appliance: Configuration and Management Guide (*see e.g.*,  
15 <http://bto.bluecoat.com/doc/19366>, attached as Exhibit S, directs users in the use and  
16 management of the Blue Coat ProxyAV Appliances and states that “it is vital to dedicate more  
17 attention to securing Web traffic.”);
- 18 • Blue Coat ProxyAV 1200/1400/2400 Datasheet (*see e.g.*,  
19 [bcs\\_ds\\_proxyav\\_1200\\_1400\\_2400\\_EN-v7a.pdf](#), attached as Exhibit T, states that “ProxyAV  
20 appliances also provide in-line threat protection and malware scanning of web content at the  
21 gateway.”);
- 22 • Web Application Policy Engine – Solution Brief (*see e.g.*,  
23 [bcs\\_sb\\_Web\\_Action\\_Controls\\_EN\\_v3a.pdf](#), attached as Exhibit Z, states that “your  
24 organization needs the ability to identify, monitor, report on, and implement granular controls  
25 over web-based applications.”);
- 26 • Blue Coat WebPulse > Technical Overview of the WebPulse Collaborative Defense (*see e.g.*,  
27 [bcs\\_WebPulse\\_Tech\\_Overview\\_wp\\_v1b.pdf](#), attached as Exhibit Q, states that “it is critical  
28 that web security solutions provide accurate site ratings, global diverse coverage, and real-time  
ratings of new URLs.”);
- How does Blue Coat WebPulse work with Blue Coat WebFilter? (*see e.g.*,  
<https://kb.bluecoat.com/index?page=content&id=KB3400>, attached as Exhibit AA, states that  
“[c]ustomers that have used DRTR over several years not that it provides a 4-6% higher  
categorization rate than not using it.”);
- Security Empowers Business (*see e.g.*, [bcs\\_wp\\_Security\\_Empowers\\_Business\\_EN\\_2.3.pdf](#),  
attached as Exhibit U, states that “Implemented and used properly, security is about



1 empowerment. It's about boosting efficiency, driving productivity, accelerating innovation,  
2 increasing collaboration, optimizing user experiences, and expanding the awesome power of  
3 technology”);

- 4 • Unified Web Security Solutions (*see e.g., bcs\_wp\_Uniformed\_Security\_EN\_v2b.pdf*, attached as  
5 Exhibit V, states that “IT and security professionals must be able to manage and enforce  
6 consistent policies throughout the entire work force”).

7 146. Blue Coat instructs users, including employees, to use and test the Blue Coat ProxySG  
8 Appliances and Software, ProxyAV Appliances and Software and WebPulse Service. For example,  
9 Blue Coat has the BlueTouch Training Services that provides a technical expert to assist users in  
10 installing, configuring, and troubleshooting Blue Coat products. Blue Coat has training centers with  
11 courses and certification related to the Blue Coat products. *See*  
12 <http://www.bluecoat.com/support/training/bluetouch-training-services> (attached as Exhibit W).

13 147. Blue Coat provides value added resellers, system integrators and distributors with the  
14 Blue Coat Channel Advantage Program to encourage and expand use of the Blue Coat ProxySG  
15 Appliances and Software, ProxyAV Appliances and Software and WebPulse Service. The Blue Coat  
16 Channel Advantage Program offers “compelling top- and bottom-line growth opportunities to Blue  
17 Coat partners.” The Blue Coat Channel Advantage Program also offers several partner level tiers to  
18 further encourage and expand the use of the Blue Coat ProxySG Appliances and Software, ProxyAV  
19 Appliances and Software and WebPulse Service. *See* [http://www.bluecoat.com/partners/channel-](http://www.bluecoat.com/partners/channel-advantage-program)  
20 [advantage-program](http://www.bluecoat.com/partners/channel-advantage-program) (attached as Exhibit X).

21 148. Blue Coat regularly updates and maintains the Blue Coat website and BlueTouch  
22 Online to provide demonstration, instruction, and technical assistance to users to help them use the  
23 Blue Coat ProxySG Appliances and Software, ProxyAV Appliances and Software and WebPulse  
24 Service. (<http://bluecoat.com/support/technical-support>, <https://bto.bluecoat.com/> and  
25 <https://kb.bluecoat.com>).



1 '968 Patent and the '731 Patent and for all further and proper injunctive relief pursuant to 35 U.S.C.  
2 § 283;

3 C. An award to Finjan of such damages as it shall prove at trial against Defendant that is  
4 adequate to fully compensate Finjan for Defendant's infringement of the '780 Patent, the '822 Patent,  
5 the '633 Patent, the '844 Patent, the '968 Patent and the '731 Patent said damages to be no less than a  
6 reasonable royalty;

7  
8 D. A finding that this case is "exceptional" and an award to Finjan of its costs and  
9 reasonable attorney's fees, as provided by 35 U.S.C. § 285.

10 E. An accounting of all infringing sales and revenues, together with postjudgment interest  
11 and prejudgment interest from the first date of infringement of the '780 Patent, the '822 Patent, the  
12 '633 Patent, the '844 Patent, the '968 Patent and the '731 Patent; and

13 F. Such further and other relief as the Court may deem proper and just.

14  
15 Respectfully submitted,

16 Dated: August 28, 2013

17 By:                   /s/ Paul J. Andre                  

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FINJAN, INC.

**DEMAND FOR JURY TRIAL**

Finjan demands a jury trial on all issues so triable.

Respectfully submitted,

Dated: August 28, 2013

By:                   /s/ Paul J. Andre                  

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