

1 PAUL J. ANDRE (State Bar No. 196585)
pandre@kramerlevin.com
2 LISA KOBIALKA (State Bar No. 191404)
lkobialka@kramerlevin.com
3 JAMES HANNAH (State Bar No. 237978)
jhannah@kramerlevin.com
4 KRAMER LEVIN NAFTALIS & FRANKEL LLP
990 Marsh Road
5 Menlo Park, CA 94025
Telephone: (650) 752-1700
6 Facsimile: (650) 752-1800

7 *Attorneys for Plaintiff*
8 FINJAN, INC.

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

13 FINJAN, INC., a Delaware Corporation,
14 Plaintiff,
15 v.
16 SYMANTEC CORP., a Delaware Corporation,
17 Defendant.

Case No.: 3:14-cv-02998-RS

**FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

1
2 Plaintiff Finjan, Inc. (“Finjan”) files this First Amended Complaint for Patent Infringement
3 and Jury Demand against Defendant Symantec Corporation. (“Defendant” or “Symantec”) and
4 alleges as follows:

THE PARTIES

5
6 1. Finjan is a Delaware corporation, with its principal place of business at 333
7 Middlefield Road, Suite 110, Menlo Park, CA 94025. Finjan’s U.S. operating business was
8 previously headquartered at 2025 Gateway Place, San Jose, California 95110.
9

10 2. Symantec is a Delaware corporation with its corporate headquarters at 350 Ellis Street,
11 Mountain View, California 94043.

JURISDICTION AND VENUE

12
13 3. This action arises under the Patent Act, 35 U.S.C. § 101 *et seq.* This Court has
14 original jurisdiction over this controversy pursuant to 28 U.S.C. §§ 1331 and 1338.
15

16 4. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and (c) and/or 1400(b).

17 5. This Court has personal jurisdiction over Defendant. Upon information and belief,
18 Defendant does business in this District and has, and continues to, infringe and/or induce the
19 infringement in this District. Currently, Symantec is availing itself of the jurisdiction of Northern
20 California in the *Symantec v. RPost Holdings, Inc. et. al*, 3:14-cv-00238, case. In addition, the Court
21 has personal jurisdiction over Defendant because it has established minimum contacts with the forum
22 and the exercise of jurisdiction would not offend traditional notions of fair play and substantial
23 justice.
24

FINJAN'S INNOVATIONS

1
2 6. Finjan was founded in 1997 as a wholly-owned subsidiary of Finjan Software Ltd., an
3 Israeli corporation. Finjan was a pioneer in 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.
9

10 7. 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.
18

19 8. 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.
25
26
27
28

1 9. On November 28, 2000, U.S. Patent No. 6,154,844 (“the ‘844 Patent”), entitled
2 SYSTEM AND METHOD FOR ATTACHING A DOWNLOADABLE SECURITY PROFILE TO
3 A DOWNLOADABLE, was issued to Shlomo Touboul and Nachshon Gal. A true and correct copy
4 of the ‘844 Patent is attached hereto as Exhibit 1 and is incorporated by reference herein.

5 10. All rights, title, and interest in the ‘844 Patent have been assigned to Finjan, who is the
6 sole owner of the ‘844 Patent. Finjan has been the sole owner of the ‘844 Patent since its issuance.

7 11. The ‘844 Patent is generally directed towards computer networks, and more
8 particularly, provides a system that protects devices connected to the Internet from undesirable
9 operations from web-based content. One of the ways this is accomplished is by linking a security
10 profile to such web-based content to facilitate the protection of computers and networks from
11 malicious web-based content.

12 12. On November 3, 2009, U.S. Patent No. 7,613,926 (“the ‘926 Patent”), entitled
13 METHOD AND SYSTEM FOR PROTECTING A COMPUTER AND A NETWORK FROM
14 HOSTILE DOWNLOADABLES, was issued to Yigal Mordechai Edery, Nimrod Itzhak Vered,
15 David R. Kroll and Shlomo Touboul. A true and correct copy of the ‘926 Patent is attached hereto as
16 Exhibit 2 and is incorporated by reference herein.

17 13. All rights, title, and interest in the ‘926 Patent have been assigned to Finjan, which is
18 the sole owner of the ‘926 Patent. Finjan has been the sole owner of the ‘926 Patent since its
19 issuance.

20 14. The ‘926 Patent generally covers a method and system for protecting a computer and a
21 network from hostile downloadables. The claims generally cover performing hashing on a
22 downloadable in order to generate a downloadable ID, retrieving security profile data, and
23 transmitting an appended downloadable.
24
25
26
27
28

1 15. On July 13, 2010, U.S. Patent No. 7,756,996 (“the ‘996 Patent”), entitled
2 EMBEDDING MANAGEMENT DATA WITHIN HTTP MESSAGES, was issued to Shlomo
3 Touboul. A true and correct copy of the ‘996 Patent is attached hereto as Exhibit 3 and is
4 incorporated by reference herein.

5 16. All rights, title, and interest in the ‘996 Patent have been assigned to Finjan, who is
6 the sole owner of the ‘996 Patent. Finjan has been the sole owner of the ‘996 Patent since its
7 issuance.
8

9 17. The ‘996 Patent generally covers a system and method for embedding messages
10 within HTTP streams. The claims generally cover inserting non-HTTP management data from a
11 management server, which is intended for at least one client computer, and sending that non-HTTP
12 management data embedded within an HTTP message through a gateway (or proxy) computer to at
13 least one client computer.

14 18. On July 13, 2010, U.S. Patent No. 7,757,289 (“the ‘289 Patent”), entitled SYSTEM
15 AND METHOD FOR INSPECTING DYNAMICALLY GENERATED EXECUTABLE CODE, was
16 issued to David Gruzman and Yuval Ben-Itzhak. A true and correct copy of the ‘289 Patent is
17 attached hereto as Exhibit 4 and is incorporated by reference herein.
18

19 19. All rights, title, and interest in the ‘289 Patent have been assigned to Finjan, who is the
20 sole owner of the ‘289 Patent. Finjan has been the sole owner of the ‘289 Patent since its issuance.

21 20. The ‘289 Patent generally covers a system and method for inspecting dynamically
22 generated executable code. The claims generally cover receiving content with an original call
23 function and replacing the original call function with a substitute call function, and then determining
24 whether it is safe to invoke the original call function.
25
26
27
28

1 21. On April 19, 2011, U.S. Patent No. 7,930,299 (“the ‘299 Patent”), entitled SYSTEM
2 AND METHOD FOR APPENDING SECURITY INFORMATION TO SEARCH ENGINE
3 RESULTS, was issued to Yuval Ben-Itzhak and Limor Elbaz. A true and correct copy of the ‘299
4 Patent is attached hereto as Exhibit 5 and is incorporated by reference herein.

5 22. All rights, title, and interest in the ‘299 Patent have been assigned to Finjan, who is the
6 sole owner of the ‘299 Patent. Finjan has been the sole owner of the ‘299 Patent since its issuance.

7 23. The ‘299 Patent generally covers a system and method for appending security
8 information to search engine results. The claims generally cover a search request generating results
9 for which a content scanner assesses potential security risks, resulting in a combined security and
10 results summary.

11 24. On September 6, 2011, U.S. Patent No. 8,015,182 (“the ‘182 Patent”), entitled
12 SYSTEM AND METHOD FOR APPENDING SECURITY INFORMATION TO SEARCH
13 ENGINE RESULTS, was issued to Yuval Ben-Itzhak and Limor Elbaz. A true and correct copy of
14 the ‘182 Patent is attached hereto as Exhibit 6 and is incorporated by reference herein.

15 25. All rights, title, and interest in the ‘182 Patent have been assigned to Finjan, who is the
16 sole owner of the ‘182 Patent. Finjan has been the sole owner of the ‘182 Patent since its issuance.

17 26. The ‘182 Patent generally covers a system for appending security information to
18 search engine results. The claims generally require a search engine for locating web content, a client
19 computer for issuing a search request, and a content security scanner to assess potential security
20 risks.
21

22 27. On March 20, 2012, U.S. Patent No. 8,141,154 (“the ‘154 Patent”), entitled SYSTEM
23 AND METHOD FOR INSPECTING DYNAMICALLY GENERATED EXECUTABLE CODE, was
24

1 issued to David Gruzman and Yuval Ben-Itzhak. A true and correct copy of the '154 Patent is
2 attached hereto as Exhibit 7 and is incorporated by reference herein.

3 28. All rights, title, and interest in the '154 Patent have been assigned to Finjan, who is the
4 sole owner of the '154 Patent. Finjan has been the sole owner of the '154 Patent since its issuance.

5 29. The '154 Patent is generally directed towards a gateway computer for protecting a
6 client computer from dynamically generated malicious content. One way this is accomplished is to
7 use a content processor to process a first function and invoke a second function if a security computer
8 indicates that it is safe to invoke the second function.
9

10 30. On March 18, 2014, U.S. Patent No. 8,677,494 ("the '494 Patent"), entitled
11 MALICIOUS MOBILE CODE RUNTIME MONITORING SYSTEM AND METHODS, was issued
12 to Yigal Mordechai Edery, Nimrod Itzhak Vered, David R. Kroll and Shlomo Touboul. A true and
13 correct copy of the '494 Patent is attached hereto as Exhibit 8 and is incorporated by reference herein.
14

15 31. All rights, title, and interest in the '494 Patent have been assigned to Finjan, who is the
16 sole owner of the '494 Patent. Finjan has been the sole owner of the '494 Patent since its issuance.

17 32. The '494 Patent is generally directed towards a method and system for deriving
18 security profiles and storing the security profiles. The claims generally cover deriving a security
19 profile for a downloadable, which includes a list of suspicious computer operations, and storing the
20 security profile in a database.
21
22
23
24
25
26
27
28

Symantec

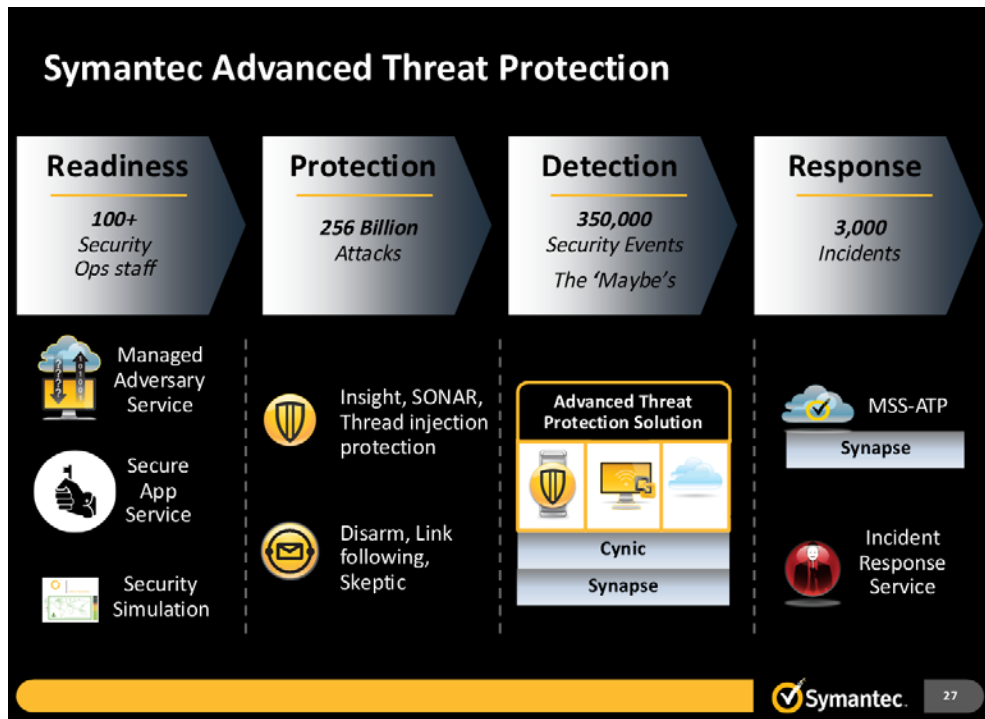
1
2 33. Symantec makes, uses, sells, offers for sale, and/or imports into the United States and
3 this District products and services that utilize SONAR with Insight, Disarm, Norton Safe Web,
4 Norton Safe Search, Symantec Protection Engine, Next Generation anti-malware engine, Managed
5 Security Services, and Symantec Endpoint Protection Manager, including without limitation on
6 Symantec Endpoint Protection, Symantec Endpoint Protection Small Business Edition, Network
7 Access Control, Norton Internet Security, Norton Anti-Virus, Norton 360, Safe-Web Lite, Managed
8 Security Services-Advance Threat Protection, Advanced Threat Protection Solution, Symantec
9 Protection Engine for Cloud Services, Symantec Protection Engine for Network Attached Storage,
10 Symantec Mail Security for Domino, Symantec Mail Security for Microsoft Exchange, Symantec
11 Scan Engine for Windows, Web Security.cloud, Messaging Gateway, Messaging Gateway for
12 Service Providers, Messaging Gateway Small Business Edition, Email Security.cloud,
13 AntiVirus/Filtering for Domino, AntiVirus for Linux, Mail Security for SMTP, Scan Engine for
14 Linux/Solaris, AntiVirus for Caching/Messaging/NAS for Linux/Solaris, Protection Engine for
15 Linux/Solaris, AntiVirus for Caching/Messaging/NAS for Windows, Web Gateway and Norton
16 Security.
17
18

19 34. Symantec operates roughly in three segments, which are: User Productivity &
20 Protection, Information Security, and Information Management. Symantec's User Productivity &
21 Protection segment sells products that are under the "Norton" brand name and are directed towards
22 individuals and home businesses. Symantec's User Productivity & Protection segment also sells
23 under the Symantec brand name, which is directed mainly toward enterprise and small/medium
24 business customers. Symantec's Information Security segment sells products that provide SSL
25 certificates, mail and web security, data center security, data loss prevention and information security
26
27
28

1 services offerings. Symantec's Information Management segment focuses on backup, recovery and
 2 electronic discovery.

3 Advanced Threat Protection Solution

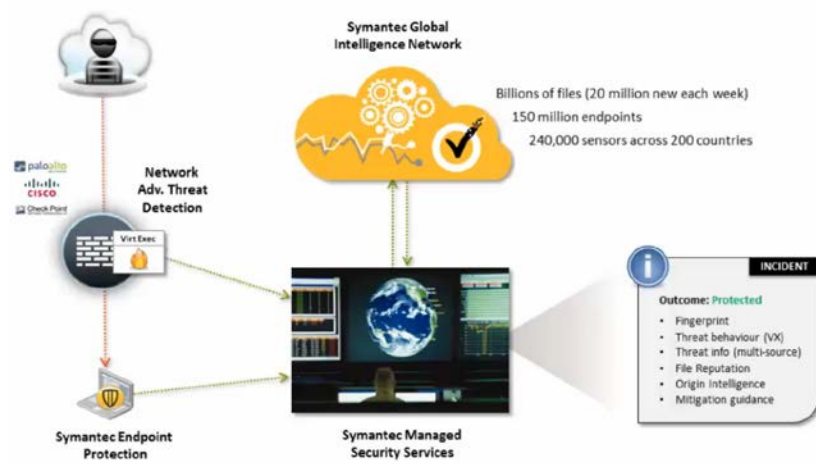
4 35. Symantec Advanced Threat Protection Solution provides Symantec customers with
 5 critical detection and response capabilities across the endpoint, email and gateway. Advanced Threat
 6 Protection Solution uses two Symantec technologies, Dynamic Malware Analysis Service, a cloud-
 7 based sandbox environment where behavioral analysis of active content can be used for threat
 8 identification, and Synapse, which enables communication between the endpoint, email and gateway.
 9 See http://www.symantec.com/about/news/release/article.jsp?prid=20140505_01, a true and correct
 10 copy of which is attached hereto as Exhibit 9. Below is a description of Symantec Advanced Threat
 11 Protection:
 12



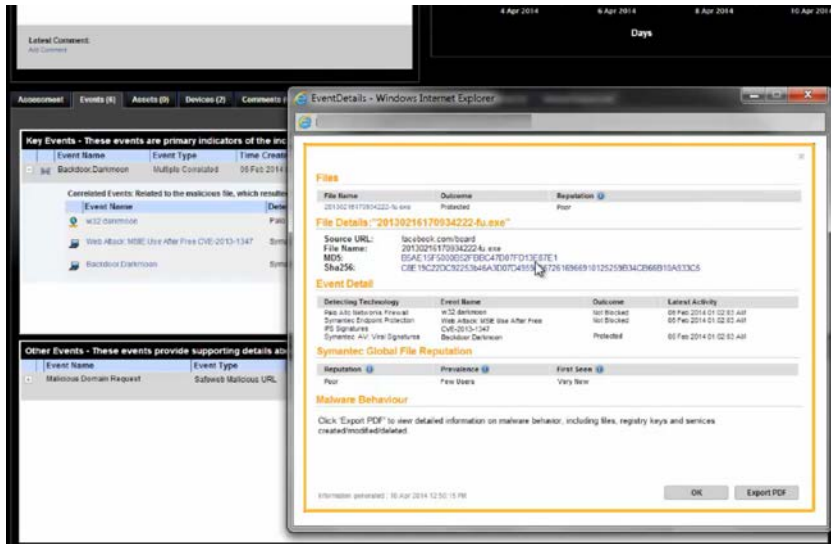
25 See [http://www.symantec.com/connect/events/getting-beyond-standalone-antivirus-advanced-threat-](http://www.symantec.com/connect/events/getting-beyond-standalone-antivirus-advanced-threat-protection)
 26 [protection](http://www.symantec.com/connect/events/getting-beyond-standalone-antivirus-advanced-threat-protection), a true and correct copy of which is attached hereto as Exhibit 10.

Managed Security Services - Advanced Threat Protection

36. Symantec’s Managed Security Services – Advanced Threat Protection integrates the customer’s different information sources (such as the endpoint, Symantec’s own malware analysis in the cloud, and firewall appliance) and correlates security information making it available to the customer. Some of the information that Managed Security Services makes available to the customer is malware details including the event name, event type, correlated events, detection type, hash values, behavior information (such as files, registry keys and services created, modified, and/or deleted) and Symantec Global File Reputation. Below is a depiction from Symantec’s website of Symantec’s Managed Security Services – Advanced Threat Protection:



Incident ID	Category	Classification	Source IP	Last Updated Date	Severity
872042	Malicious Code	Reported Malware Download: Endpoint Protected	172.38.88.77	08 Apr 2014 05:38:27 AM	High
872041	Scans/Probes/Attempted Access	Inbound Network Reconnaissance	49.228.108.14	08 Apr 2014 05:38:30 AM	Medium
872040	Scans/Probes/Attempted Access	Server Attack: Web Server	87.32.83.115	08 Apr 2014 05:38:30 AM	High
872039	Scans/Probes/Attempted Access	Server Attack: Web Server	192.158.51.23	08 Apr 2014 05:38:30 AM	High
871791	Investigation	Internal Login Failure: Possible Misconfiguration	192.158.51.24	03 Apr 2014 04:50:07 PM	Medium
871790	Scans/Probes/Attempted Access	Unauthorized Vulnerability Scan - External	80.80.204.243	03 Apr 2014 04:50:07 PM	Medium
871789	Scans/Probes/Attempted Access	Server Attack: Web Server	35.182.138.09	03 Apr 2014 04:50:07 PM	High
871787	Investigation	Internal Login Failure: Possible Misconfiguration	192.158.51.27	03 Apr 2014 04:50:07 PM	Medium
871948	Investigation	Internal Login Failure: Possible Misconfiguration	192.158.51.28	03 Apr 2014 04:50:07 PM	Medium
871947	Investigation	Internal Login Failure: Possible Misconfiguration	192.158.51.29	03 Apr 2014 04:50:07 PM	Medium
871941	Authorized Scanning/Remediation	Analysis Testing Traffic	192.158.51.30	03 Apr 2014 04:50:07 PM	Medium
871940	Scans/Probes/Attempted Access	Inbound Network Reconnaissance	82.221.105.7	03 Apr 2014 04:50:07 PM	Medium
871804	Daily Summary	Activity Summary - Accepted Inbound Port Scans Multiple		30 Mar 2014 12:05:51 AM	Low
871857	Malicious Code	Worm Infection (Mass Mailer Traffic Profile)	192.158.51.33	28 Mar 2014 08:56:48 PM	High
871856	Malicious Code	W32.Downadup/Conficker Infection	192.158.51.34	28 Mar 2014 08:56:48 PM	High
871803	Scans/Probes/Attempted Access	Server Attack: Web Server	46.33.52.140	28 Mar 2014 08:56:41 PM	High
871802	Investigation	Internal Login Failure: Possible Misconfiguration	192.158.51.35	28 Mar 2014 08:56:41 PM	Medium
871855	Scans/Probes/Attempted Access	Server Attack: Web Server	81.125.214.130	28 Mar 2014 08:56:40 PM	High
871856	Daily Summary	Activity Summary - Accepted Inbound Port Scans Multiple		28 Mar 2014 08:56:40 PM	Low



See http://www.symantec.com/content/en/us/enterprise/fact_sheets/b-overview-solution-mss-advanced-threat-protection-21332713.pdf, a true and correct copy of which is attached hereto as Exhibit 11; see also <http://www.symantec.com/managed-security-services>, a true and correct copy of which is attached hereto as Exhibit 12.

Web Gateway

37. Symantec Web Gateway protects organizations against multiple types of malware using either a virtual appliance or physical hardware. Symantec Web Gateway now integrates with Symantec Insight in versions 5.0 and later, which uses proactive technology to detect threats as they are created. Below is a description from Symantec's website of Symantec Web Gateway:

Key features and benefits

Protection

- Backed by the Symantec Global Intelligence Network with real time updates to bolster protection.
- Integrates Symantec's award-winning AntiVirus engine.
- Powered by Insight and providing proactive protection against new, targeted, or mutating threats:
 - Detects threats as they are created.
 - Uses context to reduce false positives and cut management overhead.
 - Powered by the collective wisdom of over 210 million systems.
 - Infected client detection allows for easy identification of infected users and enables remediation.
 - Botnet identification and remediation capabilities helps ensure users aren't unknowingly or knowingly sending sensitive data out of the organization.
 - Multiple layers of malware protection.

See http://www.symantec.com/content/en/us/enterprise/fact_sheets/b-symantec-web-gateway-52-DS-21197723.en-us.pdf, a true and correct copy of which is attached hereto as Exhibit 13; *see also* <http://www.symantec.com/web-gateway>., a true and correct copy of which is attached hereto as Exhibit 14.

Symantec Protection Engine

38. Symantec gateway products include the Symantec Protection Engine which is enabled by the next generation malware detection engine to detect unknown, recent, and new threat through dynamic categorization and advanced heuristics. Symantec Protection Engine can be found in all enterprise gateway products.

Symantec Protection Engine, formerly marketed as Symantec Scan Engine, is a carrier-class content-scanning engine. The scan engine features all of the key content-scanning technologies that are available in the complete line of Symantec enterprise security products. The scan engine provides content-scanning capabilities to any application on an IP network, regardless of platform. Any application can pass files to the scan engine for scanning. The scan engine accepts scan requests from the client applications that use the following protocols:

Show all

See <http://www.symantec.com/business/support/index?page=content&id=TECH83878>, a true and correct copy of which is attached hereto as Exhibit 15.

1 **New Features**

- 2 • Symantec Insight™ reputation protection technology.
- 3 • The next generation malware detection engine enables Protection Engine to detect unknown, recent, and new threats through dynamic categorization and advanced heuristics.
- 4 • Provides flexible and powerful control over files that cannot be accurately scanned, including encrypted files or malformed containers.
- 5 • Integration with Microsoft Active Directory® for authentication with Protection Engine console.
- 6

7 See <http://www.symantec.com/protection-engine-for-cloud-services>, a true and correct copy of which
8 is attached hereto as Exhibit 16.

9 **Insight with SONAR**

10

11 39. Symantec Insight, also known as Cloud Scan, uses reputation technology to track
12 many files from numerous systems to identify new threats as they are created. Insight analyzes the
13 source of files, the age of files, and other security metrics such as how the file may be associated with
14 malware and changing encryption and mutating code. Symantec products leverage Insight to make
15 decisions about files and applications. Malware, Virus and Spyware Protection includes a feature
16 called Download Insight, which relies on the Insight information to make decisions about files.
17 Download Insight is an Auto-Protect feature which examines files that users try to download through
18 Web browsers, text messaging clients and other portals.

19

20 40. Symantec Online Network for Advanced Response (SONAR) 4.0 and later proactively
21 detects new threats based on their behaviors. SONAR examines programs as they run, potentially
22 injecting code into applications. SONAR leverages Insight in order to address Advanced Persistent
23 Threats, which operate through drive-by downloads and malware: Below is a description from a fact
24 sheet available on Symantec’s website of Symantec Insight and SONAR:

25

26

27



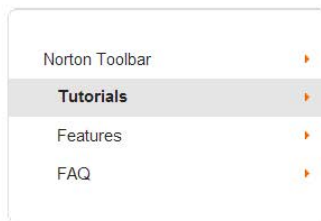
1
2
3
4
5
6
7
8
9 See http://www.symantec.com/connect/sites/default/files/Insight_and_SONAR_factsheet_US.pdf, a
10 true and correct copy of which is attached hereto as Exhibit 17.

11 **Norton Safe Web / Safe Search**

12 41. Norton Safe Web checks whether a website is malicious before one visits the website
13 and rates it. In order to rate websites, Norton Safe Web performs analysis using signature-based file
14 scanning, intrusion detection engines, behavioral detection and install/uninstall analysis to identify
15 security risks such as phishing sites, malicious downloads, browser exploits and links to unsafe
16 external sites. Norton's Safe Web will annotate search results from Google, Yahoo and Bing.
17 Norton's Safe Web product also has an element called Safe Search that is in the Norton Tool Bar.
18 Safe Search uses the ask.com search engine to deliver search results in a custom search environment
19 created by Norton while also appending the search results as is done with Safe Web. Over 40 million
20 computer desktops use Norton Safe Web. Below is a depiction from Symantec's Norton website of
21 Norton Safe Web:
22
23
24
25
26
27
28


[Products & Services](#)
[Security Center](#)
[Support](#)
[Downloads](#)
[Communi](#)
[Norton.com](#) > [Products & Services](#) > [Norton Toolbar](#) > - Tutorials

How to use the Norton Toolbar



The screenshot shows a browser window with search results for 'Wikipedia, the free encyclopedia'. A Norton Site Safety overlay is positioned over the results, indicating that the site is safe. The overlay includes a green checkmark icon, the text 'Site is Safe', and a 'Full Report' button. The background page shows search results for 'Wikipedia, the free encyclopedia' with various links and a 'Donate/en' button.

See <http://us.norton.com/products/toolbar/tutorials/tutorials.jsp?pvid=n360v3>, a true and correct copy of which is attached hereto as Exhibit 18.

Disarm

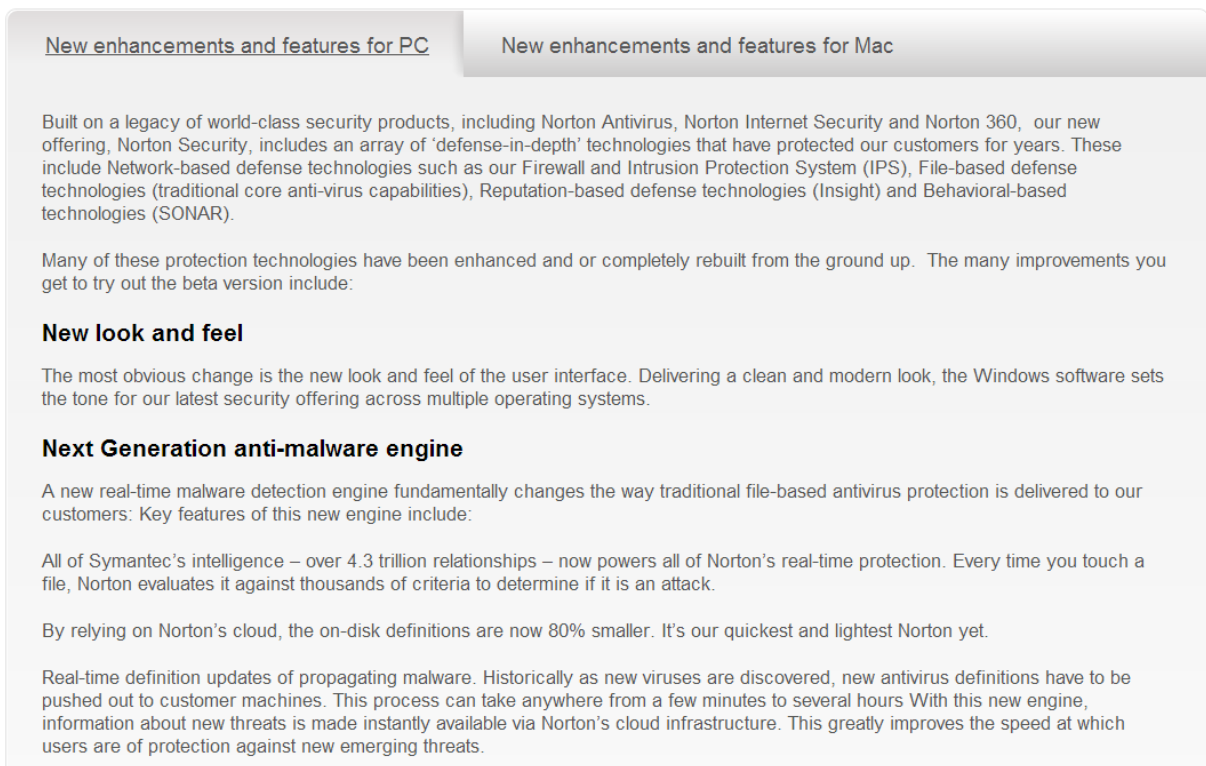
42. Disarm is a Symantec Messaging Gateway technology that locates and removes potentially malicious content from email attachments. Disarm scans both inbound and outbound messages for Microsoft Office and Adobe PDF attachments that may contain malicious content. Malicious content includes macros, scripts, Flash content, and other exploitable content. Disarm will deconstruct the attachment, remove any potentially malicious content and reconstruct the documents. Disarm is implemented as an extension of Symantec's Messaging Gateway's day-zero detection feature.

Symantec Endpoint Protection Manager

43. Symantec Endpoint Protection Manger communicates with endpoint clients in order to establish and enforce security policies, manage the deployment and configuration of antivirus protection, manage the updating and reporting of antivirus, and manage the endpoint intrusion prevention and firewall protection.

Norton Security

44. Norton Security utilizes Symantec’s Insight with SONAR and a next generation anti-malware engine to provide reputational and behavioral based protection. Norton Security uses Norton’s cloud to provide instant protection from new and emerging threats to customer’s computers.



See <http://us.norton.com/ns-beta>, a true and correct copy of which is attached hereto as Exhibit 19.

SYMANTEC'S INFRINGEMENT OF FINJAN'S PATENTS

1
2 45. Defendant has been and is now infringing, literally or under the doctrine of
3 equivalents, the '844 Patent, the '926 Patent, the '996 Patent, the '289 Patent, the '299 Patent, the
4 '182 Patent, the '154 Patent, and the '494 Patent, (collectively "the Patents-In-Suit") in this judicial
5 District, and elsewhere in the United States by, among other things, making, using, importing, selling,
6 and/or offering for sale the claimed systems and methods that utilize SONAR with Insight, Disarm,
7 Norton Safe Web, Norton Safe Search, Symantec Protection Engine, Next Generation anti-malware
8 engine, Managed Security Services, and Symantec Endpoint Protection Manager, including without
9 limitation on Symantec Endpoint Protection, Symantec Endpoint Protection Small Business Edition,
10 Network Access Control, Norton Internet Security, Norton Anti-Virus, Norton 360, Safe-Web Lite,
11 Managed Security Services-Advance Threat Protection, Advanced Threat Protection Solution,
12 Symantec Protection Engine for Cloud Services, Symantec Protection Engine for Network Attached
13 Storage, Symantec Mail Security for Domino, Symantec Mail Security for Microsoft Exchange,
14 Symantec Scan Engine for Windows, Web Security.cloud, Messaging Gateway, Messaging Gateway
15 for Service Providers, Messaging Gateway Small Business Edition, Email Security.cloud,
16 AntiVirus/Filtering for Domino, AntiVirus for Linux, Mail Security for SMTP, Scan Engine for
17 Linux/Solaris, AntiVirus for Caching/Messaging/NAS for Linux/Solaris, Protection Engine for
18 Linux/Solaris, AntiVirus for Caching/Messaging/NAS for Windows, Web Gateway and Norton
19 Security.
20
21

22 46. In addition to directly infringing the Patents-In-Suit pursuant to 35 U.S.C. § 271(a),
23 either literally or under the doctrine of equivalents, Defendant indirectly infringes '844 Patent, the
24 '926 Patent, the '996 Patent, the '289 Patent, the '299 Patent, and the '494 Patent pursuant to 35
25 U.S.C. § 271(b) by instructing, directing and/or requiring others, including its customers, users and
26
27
28

1 developers, to perform the steps of the method claims of these patents, either literally or under the
2 doctrine of equivalents.

3 47. In addition to directly infringing the '182 Patent pursuant to 35 U.S.C. § 271(a), either
4 literally or under the doctrine of equivalents, Defendant indirectly infringes the '182 Patent pursuant
5 to 35 U.S.C. § 271(c) by selling a material component of a patented machine or apparatus for use in
6 practicing the claims of the '182 Patent, either literally or under the doctrine of equivalents, by its
7 customers, users and developers, and especially adapted for use in an infringement of the '182 Patent.
8

9 **COUNT I**

10 **(Direct Infringement of the '844 Patent pursuant to 35 U.S.C. § 271(a))**

11 48. 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 49. Defendant has infringed and continues to infringe one or more claims of the '844
14 Patent in violation of 35 U.S.C. § 271(a).

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

17 51. 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 52. 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 Next Generation anti-malware engine in Norton's Cloud, which embodies the patented invention
22 of the '844 Patent.
23

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

1 54. Defendant's infringement of the '844 Patent has injured and continues to injure Finjan
2 in an amount to be proven at trial.

3 55. Defendant is well aware of Finjan's patents and has continued its infringing activity
4 despite this knowledge. On at least two separate occasions, Finjan has met with Defendant regarding
5 Finjan's patent portfolio. Additionally, Defendant's patents cite various Finjan patents as prior art
6 before the United States Patent and Trademark Office. Further, Defendant is aware of two lawsuits
7 involving Finjan's patent portfolio. As such, Defendant has continued to willfully, wantonly, and
8 deliberately engage in acts of infringement of the '844 Patent, justifying an award to Finjan of
9 increased damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. §
10 285.
11

12 **COUNT II**
13 **(Indirect Infringement of the '844 Patent pursuant to 35 U.S.C. § 271(b))**

14 56. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the
15 allegations of the preceding paragraphs, as set forth above.

16 57. Defendant has induced and continues to induce infringement of at least claims 1, 3-8,
17 11, 14 and 23-27 of the '844 Patent under 35 U.S.C. § 271(b).

18 58. In addition to directly infringing the '844 Patent, Defendant indirectly infringes the
19 '844 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including
20 but not limited to its customers, users and developers, to perform the method claims of the '844
21 Patent, either literally or under the doctrine of equivalents. Defendant knew or was willfully blind to
22 the fact that it was inducing others, including customers, users and developers, to infringe by
23 practicing one or more method claims of the '844 Patent.
24

25 59. Defendant knowingly and actively aided and abetted the direct infringement of the
26 '844 Patent by instructing and encouraging its customers, users and developers to use Next
27

1 Generation anti-malware engine in Norton's Cloud. Such instructions and encouragement include but
2 are not limited to, advising third parties to use Next Generation anti-malware engine in Norton's
3 Cloud in an infringing manner, providing a mechanism through which third parties may infringe the
4 '844 Patent, specifically through the use Next Generation anti-malware engine in Norton's Cloud,
5 advertising and promoting the use of Next Generation anti-malware engine in Norton's Cloud in an
6 infringing manner and distributing guidelines and instructions to third parties on how to use Next
7 Generation anti-malware engine in Norton's Cloud in an infringing manner.
8

9 60. Symantec provides articles, videos and downloads which cover in depth aspects of
10 operating Symantec's offerings. See <http://www.symantec.com/business/support/index?page=home>,
11 a true and correct copy of which is attached hereto as Exhibit 20.

12 61. Symantec updates and maintains an FTP site with Symantec's quick start guides,
13 administration guides, user guides, and operating instructions which cover in depth aspects of
14 operating Symantec's offerings. See ftp://ftp.symantec.com/public/english_us_canada/, a true and
15 correct copy of which is attached hereto as Exhibit 21.
16

17 62. Symantec maintains and updates a streaming video channel called Symantec TV and a
18 YouTube channel where training and informational videos are posted in order to promote the use of
19 Symantec products. See <http://www.symantec.com/tv/>, a true and correct copy of which is attached
20 hereto as Exhibit 22; see also <https://www.youtube.com/user/symantec>, a true and correct copy of
21 which is attached hereto as Exhibit 23.
22

23 63. Symantec hosts training sessions, webcasts and meetings with customers on the
24 <https://symantecmeetingcenter.webex.com/> website where Symantec describes how to use Symantec
25 products and promotes the use of Symantec Products. See
26
27
28

1 <https://symantecmeetingcenter.webex.com/>, a true and correct copy of which is attached hereto as
2 Exhibit 24.

3 64. Symantec provides a database of supported products which provides documentation,
4 release notes and technical solutions to Symantec products. *See*
5 http://www.symantec.com/business/support/index?page=products&inid=us_ghp_cont2_support_allpr
6 [oducts](#), a true and correct copy of which is attached hereto as Exhibit 25.

7
8 65. Defendant has had knowledge of the '844 Patent at least as of the time it learned of
9 this First Amended Complaint for infringement and by continuing the actions described above has
10 had the specific intent to or was willfully blind to the fact that its actions would induce infringement
11 of the '844 Patent.

12 66. On information and belief, Defendant had knowledge of the '844 Patent because
13 Defendant is involved in a lawsuit involving United States Patent No. 6,092,194 and Patent No.
14 6,480,962, also owned by Finjan. On information and belief, Defendant had knowledge of the '844
15 Patent at least as of the time it learned of this action for infringement, in which Defendant has been
16 accused of infringing other patents also owned by Finjan. On information and belief, Defendant had
17 knowledge of the '844 Patent because Finjan's United States Patent No. 6,092,194, which shares the
18 same inventor as the '844 Patent, was cited in Symantec's U.S. Patent Nos: 7,975,303; 7,895,654;
19 7,861,304; 7,739,278; 7,546,638; 7,509,680; 6,785,818; 7,293,290; 7,367,056; 7,469,419; 7,337,471;
20 7,373,667; 7,565,686; 7,260,847; 7,203,959; 7,130,981; 7,249,187; 7,246,227; 7,483,993; 7,484,094;
21 and 7,818,807.
22

23
24 67. Symantec actively and intentionally maintains and updates websites, including
25 Symantec's support pages, to promote Next Generation anti-malware engine in Norton's Cloud and
26 to encourage potential customers, users and developers to use Next Generation anti-malware engine
27

1 in Norton's Cloud in the manner described by Finjan and thereby practice the methods taught in the
2 '844 Patent.

3 **COUNT III**
4 **(Direct Infringement of the '926 Patent pursuant to 35 U.S.C. § 271(a))**

5 68. 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 69. Defendant has infringed and continues to infringe one or more claims of the '926
8 Patent in violation of 35 U.S.C. § 271(a).

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

11 71. 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 72. 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 Managed Security Services – Advanced Threat Protection, which embody the patented invention
16 of the '926 Patent.

17 73. 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 74. Defendant's infringement of the '926 Patent has injured and continues to injure Finjan
21 in an amount to be proven at trial.

22 75. Defendant is well aware of Finjan's patents and has continued its infringing activity
23 despite this knowledge. On at least two separate occasions, Finjan has met with Defendant regarding
24 Finjan's patent portfolio. Additionally, Defendant's patents cite various Finjan patents as prior art
25
26
27

1 before the United States Patent and Trademark Office. Further, Defendant is aware of two lawsuits
2 involving Finjan's patent portfolio. As such, Defendant has continued to willfully, wantonly, and
3 deliberately engage in acts of infringement of the '926 Patent, justifying an award to Finjan of
4 increased damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. §
5 285.

6 COUNT IV

7 **(Indirect Infringement of the '926 Patent pursuant to 35 U.S.C. § 271(b))**

8 76. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the
9 allegations of the preceding paragraphs, as set forth above.

10 77. Defendant has induced and continues to induce infringement of at least claims 1-7 and
11 15-21, of the '926 Patent under 35 U.S.C. § 271(b).

12 78. In addition to directly infringing the '926 Patent, Defendant indirectly infringes the
13 '926 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including
14 but not limited to its customers, users and developers, to perform the method claims of the '926
15 Patent, either literally or under the doctrine of equivalents. Defendant knew or was willfully blind to
16 the fact that it was inducing others, including customers, users and developers, to infringe by
17 practicing one or more method claims of the '926 Patent.

18 79. Defendant knowingly and actively aided and abetted the direct infringement of the
19 '926 Patent by instructing and encouraging its customers, users and developers to use Managed
20 Security Services – Advanced Threat Protection. Such instructions and encouragement include but
21 are not limited to, advising third parties to use Managed Security Services – Advanced Threat
22 Protection in an infringing manner, providing a mechanism through which third parties may infringe
23 the '926 Patent, specifically through the use of Managed Security Services – Advanced Threat
24 Protection, advertising and promoting the use Managed Security Services – Advanced Threat
25
26
27

1 Protection in an infringing manner, and distributing guidelines and instructions to third parties on
2 how to use Managed Security Services – Advanced Threat Protection in an infringing manner.

3 80. Symantec promotes the use of Managed Security Services – Advanced Threat
4 Protection on its website, which includes instructional videos and press releases on Managed Security
5 Services – Advanced Threat Protection. See <http://www.symantec.com/managed-security-services>, a
6 true and correct copy of which is attached hereto as Exhibit 12.

7
8 81. Symantec provides articles, videos and downloads which cover in depth aspects of
9 operating Symantec’s offerings. See <http://www.symantec.com/business/support/index?page=home>,
10 a true and correct copy of which is attached hereto as Exhibit 20.

11 82. Symantec updates and maintains an FTP site with Symantec’s quick start guides,
12 administration guides, user guides, and operating instructions which cover in depth aspects of
13 operating Symantec’s offerings. See ftp://ftp.symantec.com/public/english_us_canada/, a true and
14 correct copy of which is attached hereto as Exhibit 21.

15
16 83. Symantec hosts training sessions, webcasts and meetings with customers on the
17 <https://symantecmeetingcenter.webex.com/> website where Symantec describes how to use Symantec
18 products and promotes the use of Symantec Products. See
19 <https://symantecmeetingcenter.webex.com/>, a true and correct copy of which is attached hereto as
20 Exhibit 24.

21 84. Symantec maintains and updates a streaming video channel called Symantec TV and a
22 YouTube channel where training and informational videos are posted in order to promote the use of
23 Symantec products. See <http://www.symantec.com/tv/>, a true and correct copy of which is attached
24 hereto as Exhibit 22; see also <https://www.youtube.com/user/symantec>, a true and correct copy of
25 which is attached hereto as Exhibit 23.
26
27
28

1 85. Symantec provides a database of supported products which provides documentation,
2 release notes and technical solutions to Symantec products. *See*
3 http://www.symantec.com/business/support/index?page=products&inid=us_ghp_cont2_support_allpr
4 [oducts](#), a true and correct copy of which is attached hereto as Exhibit 25.

5 86. Defendant has had knowledge of the '926 Patent at least as of the time it learned of
6 this First Amended Complaint for infringement and by continuing the actions described above, has
7 had the specific intent to or was willfully blind to the fact that its actions would induce infringement
8 of the '926 Patent.

9 87. On information and belief, Defendant had knowledge of the '926 Patent because
10 Defendant is involved in a lawsuit involving United States Patent No. 6,092,194 and Patent No.
11 6,480,962, also owned by Finjan. On information and belief, Defendant had knowledge of the '926
12 Patent at least as of the time it learned of this action for infringement, in which Defendant has been
13 accused of infringing other patents also owned by Finjan. On information and belief, Defendant had
14 knowledge of the '926 Patent because Finjan's United States Patent No. 6,092,194, which shares the
15 same inventor as the '926 Patent, was cited in Symantec's U.S. Patent Nos: 7,975,303; 7,895,654;
16 7,861,304; 7,739,278; 7,546,638; 7,509,680; 6,785,818; 7,293,290; 7,367,056; 7,469,419; 7,337,471;
17 7,373,667; 7,565,686; 7,260,847; 7,203,959; 7,130,981; 7,249,187; 7,246,227; 7,483,993; 7,484,094;
18 and 7,818,807.

19 88. Symantec actively and intentionally maintains and updates websites, including
20 Symantec's support pages, to promote Managed Security Services – Advanced Threat Protection and
21 to encourage potential customers, users and developers to use Managed Security Services –
22 Advanced Threat Protection in the manner described by Finjan and thereby practice the methods
23 taught in the '926 Patent.
24
25
26
27
28

COUNT V

(Direct Infringement of the '996 Patent pursuant to 35 U.S.C. § 271(a))

1
2 89. 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 90. Defendant has infringed and continues to infringe one or more claims of the '996
6 Patent in violation of 35 U.S.C. § 271(a).

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

10
11 92. 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 93. 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 Symantec Endpoint Protection Manager, which embodies the patented invention of the '996 Patent.

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

21
22 95. Defendant's infringement of the '996 Patent has injured and continues to injure Finjan
23 in an amount to be proven at trial.

24
25 96. Defendant is well aware of Finjan's patents and has continued its infringing activity
26 despite this knowledge. On at least two separate occasions, Finjan has met with Defendant regarding
27 Finjan's patent portfolio. Additionally, Defendant's patents cite various Finjan patents as prior art
28 before the United States Patent and Trademark Office. Further, Defendant is aware of two lawsuits
involving Finjan's patent portfolio. As such, Defendant has continued to willfully, wantonly, and
deliberately engage in acts of infringement of the '996 Patent, justifying an award to Finjan of

1 increased damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. §
2 285.

3 **COUNT VI**
4 **(Indirect Infringement of the '996 Patent pursuant to 35 U.S.C. § 271(b))**

5 97. 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 98. Defendant has induced and continues to induce infringement of at least claims 4-6 of
8 the '996 Patent under 35 U.S.C. § 271(b).

9 99. In addition to directly infringing the '996 Patent, Defendant indirectly infringes the
10 '996 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including
11 but not limited to its customers, users and developers, to perform the method claims of the '996
12 Patent, either literally or under the doctrine of equivalents. Defendant knew or was willfully blind to
13 the fact that it was inducing others, including customers, users and developers, to infringe by
14 practicing one or more method claims of the '996 Patent.

15 100. Defendant knowingly and actively aided and abetted the direct infringement of the
16 '996 Patent by instructing and encouraging its customers, users and developers to use Symantec
17 Endpoint Protection Manager. Such instructions and encouragement include but are not limited to,
18 advising third parties to use the Symantec Endpoint Protection Manager in an infringing manner,
19 providing a mechanism through which third parties may infringe the '996 Patent, specifically through
20 the use of the Symantec Endpoint Protection Manager, advertising and promoting the use of the
21 Symantec Endpoint Protection Manager in an infringing manner, and distributing guidelines and
22 instructions to third parties on how to use the Symantec Endpoint Protection Manager in an infringing
23 manner.
24
25
26
27
28

1 101. Symantec regularly updates and maintains the Technical Support & Symantec Connect
2 webpages to provide demonstration, instructions, and technical assistance to users to help them use
3 the Symantec Endpoint Protection Manager, including:

- 4 • Providing troubleshooting for issues involving Symantec Endpoint Protection Manager. *See*
5 <http://www.symantec.com/business/support/index?page=content&id=TECH160964>, a true and
6 correct copy of which is attached hereto as Exhibit 26;
- 7 • Providing instruction on using and updating Symantec Endpoint Protection Manager. *See*
8 <http://www.symantec.com/business/support/index?page=content&id=TECH214866>, a true and
9 correct copy of which is attached hereto as Exhibit 27;
- 10 • Informing users on the best practices to apply and learn about Symantec Endpoint Protection
11 Manager. *See*
12 http://www.symantec.com/business/support/index?page=content&id=TECH134367&actp=search&viewlocale=en_US&searchid=1400713321997, a true and correct copy of which is
13 attached hereto as Exhibit 28.

14 102. Symantec provides articles, videos and downloads which cover in depth aspects of
15 operating Symantec's offerings. *See* <http://www.symantec.com/business/support/index?page=home>,
16 a true and correct copy of which is attached hereto as Exhibit 20.

17 103. Symantec updates and maintains an FTP site with Symantec's quick start guides,
18 administration guides, user guides, and operating instructions which cover in depth aspects of
19 operating Symantec's offerings. *See* ftp://ftp.symantec.com/public/english_us_canada/, a true and
20 correct copy of which is attached hereto as Exhibit 21.

21 104. Symantec maintains and updates a streaming video channel called Symantec TV and a
22 YouTube channel where training and informational videos are posted in order to promote the use of
23 Symantec products. *See* <http://www.symantec.com/tv/>, a true and correct copy of which is attached
24 hereto as Exhibit 22; *see also* <https://www.youtube.com/user/symantec>, a true and correct copy of
25 which is attached hereto as Exhibit 23.

26 105. Symantec hosts training sessions, webcasts and meetings with customers on the
27 <https://symantecmeetingcenter.webex.com/> website where Symantec describes how to use Symantec
28

1 products and promotes the use of Symantec Products. *See*

2 <https://symantecmeetingcenter.webex.com/>, a true and correct copy of which is attached hereto as
3 Exhibit 24.

4 106. Symantec maintains and promotes the Symantec Partner Program to encourage and
5 expand use of the Symantec Endpoint Protection Manager by offering up-to-date training and
6 certification enabled by a full curriculum of courses in order to increase skills and competency with
7 reselling the Symantec products. *See* [http://partnetnet.symantec.com/portal/faces/programs?_adf.ctrl-](http://partnetnet.symantec.com/portal/faces/programs?_adf.ctrl-state=1a6rp36yws_4&_afLoop=1322002563102000)
8 [state=1a6rp36yws_4&_afLoop=1322002563102000](http://partnetnet.symantec.com/portal/faces/programs?_adf.ctrl-state=1a6rp36yws_4&_afLoop=1322002563102000), a true and correct copy of which is attached
9 hereto as Exhibit 29.

11 107. Symantec maintains and promotes the Symantec University for Partners which offers
12 training, credentials and certification programs for the Symantec products. *See*
13 [http://partnetnet.symantec.com/portal/faces/training?_adf.ctrl-](http://partnetnet.symantec.com/portal/faces/training?_adf.ctrl-state=1a6rp36yws_4&_afLoop=1322106092053000)
14 [state=1a6rp36yws_4&_afLoop=1322106092053000](http://partnetnet.symantec.com/portal/faces/training?_adf.ctrl-state=1a6rp36yws_4&_afLoop=1322106092053000), a true and correct copy of which is attached
15 hereto as Exhibit 30.

17 108. Symantec provides a database of supported products which provides documentation,
18 release notes and technical solutions to Symantec products. *See*
19 http://www.symantec.com/business/support/index?page=products&inid=us_ghp_cont2_support_allpr
20 [oducts](http://www.symantec.com/business/support/index?page=products&inid=us_ghp_cont2_support_allpr), a true and correct copy of which is attached hereto as Exhibit 25.

21 109. Defendant has had knowledge of the '996 Patent at least as of the time it learned of
22 this action for infringement and by continuing the actions described above, has had the specific intent
23 to or was willfully blind to the fact that its actions would induce infringement of the '996 Patent.

24 110. On information and belief, Defendant had knowledge of the '996 Patent because
25 Defendant is involved in a lawsuit involving United States Patent No. 6,092,194 and Patent No.
26

1 6,480,962, also owned by Finjan. On information and belief, Defendant had knowledge of the '996
2 Patent because Finjan's United States Patent No. 6,092,194, which shares the same inventor as the
3 '996 Patent, was cited in Symantec's U.S. Patent Nos: 7,975,303; 7,895,654; 7,861,304; 7,739,278;
4 7,546,638; 7,509,680; 6,785,818; 7,293,290; 7,367,056; 7,469,419; 7,337,471; 7,373,667; 7,565,686;
5 7,260,847; 7,203,959; 7,130,981; 7,249,187; 7,246,227; 7,483,993; 7,484,094; and 7,818,807.

6 111. Symantec actively and intentionally maintains and updates websites, including
7 Symantec's support pages, to promote Symantec Endpoint Protection Manager, including Symantec
8 Endpoint Protection, and to encourage potential customers, users and developers to use Symantec
9 Endpoint Protection Manager in the manner described by Finjan and thereby practice the methods
10 taught in the '996 Patent.
11

12 **COUNT VII**

13 **(Direct Infringement of the '289 Patent pursuant to 35 U.S.C. § 271(a))**

14 112. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the
15 allegations of the preceding paragraphs, as set forth above.

16 113. Defendant has infringed and continues to infringe one or more claims of the '289
17 Patent in violation of 35 U.S.C. § 271(a).

18 114. Defendant's infringement is based upon literal infringement or, in the alternative,
19 infringement under the doctrine of equivalents.
20

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

23 116. Defendant's infringement includes, but is not limited to, the manufacture, use, sale,
24 importation and/or offer for sale of Defendant's products and services, including but not limited to
25 Disarm, which embody the patented invention of the '289 Patent.
26
27
28

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

4 118. Defendant's infringement of the '289 Patent has injured and continues to injure Finjan
5 in an amount to be proven at trial.

6 119. Defendant is well aware of Finjan's patents and has continued its infringing activity
7 despite this knowledge. On at least two separate occasions, Finjan has met with Defendant regarding
8 Finjan's patent portfolio. Additionally, Defendant's patents cite various Finjan patents as prior art
9 before the United States Patent and Trademark Office. Further, Defendant is aware of two lawsuits
10 involving Finjan's patent portfolio. As such, Defendant has continued to willfully, wantonly, and
11 deliberately engage in acts of infringement of the '289 Patent, justifying an award to Finjan of
12 increased damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. §
13 285.
14

15
16 **COUNT VIII**
(Indirect Infringement of the '289 Patent pursuant to 35 U.S.C. § 271(b))

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

19 121. Defendant has induced and continues to induce infringement of at least claims 1-9, 19-
20 21, 25-28, and 35-39 of the '289 Patent under 35 U.S.C. § 271(b).

21 122. In addition to directly infringing the '289 Patent, Defendant indirectly infringes the
22 '289 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including
23 but not limited to its customers, users and developers, to perform the steps of the method claims of
24 the '289 Patent, either literally or under the doctrine of equivalents. Defendant knew or was willfully
25
26
27
28

1 blind to the fact that it was inducing others, including customers, users and developers, to infringe by
2 practicing one or more method claims of the '289 Patent.

3 123. Defendant knowingly and actively aided and abetted the direct infringement of the
4 '289 Patent by instructing and encouraging its customers, users and developers to use Disarm. Such
5 instructions and encouragement include but are not limited to, advising third parties to use Disarm in
6 an infringing manner, providing a mechanism through which third parties may infringe the '289
7 Patent, specifically through the use of Disarm, advertising and promoting the use of Disarm in an
8 infringing manner, and distributing guidelines and instructions to third parties on how to use Disarm
9 in an infringing manner.
10

11 124. Symantec regularly updates and maintains the Technical Support & Symantec Connect
12 webpages to provide demonstration, instructions, and technical assistance to users to help them use
13 the Disarm, including:
14

- 15 • Providing a Disarm whitepaper, detailing the functionalities of Disarm. *See*
16 <http://www.symantec.com/business/support/index?page=content&id=TECH211412>, a true and
correct copy of which is attached hereto as Exhibit 31;
- 17 • Giving instructions on the interactions of Disarm and other Symantec features, which includes
18 functionalities which Disarm can be used for. *See*
19 <http://www.symantec.com/business/support/index?page=content&id=HOWTO93093>, a true
and correct copy of which is attached hereto as Exhibit 32;
- 20 • Informing users about the dangers of zero-day exploits which Disarm protects against. *See*
21 [http://www.symantec.com/connect/blogs/disarm-advanced-persistent-threats-symantec-
messaging-gateway](http://www.symantec.com/connect/blogs/disarm-advanced-persistent-threats-symantec-messaging-gateway), a true and correct copy of which is attached hereto as Exhibit 33;
- 22 • Providing Disarm as a solution to customer problems. *See*
23 [http://www.symantec.com/connect/forums/any-solution-mitigate-recent-microsoft-word-
vulnerability-microsoft-security-advisory-2953095](http://www.symantec.com/connect/forums/any-solution-mitigate-recent-microsoft-word-vulnerability-microsoft-security-advisory-2953095), a true and correct copy of which is attached
24 hereto as Exhibit 34.

25 125. Symantec provides articles, videos and downloads which cover in depth aspects of
26 operating Symantec's offerings. *See* <http://www.symantec.com/business/support/index?page=home>,
27 a true and correct copy of which is attached hereto as Exhibit 20.
28

1 126. Symantec updates and maintains an FTP site with Symantec's quick start guides,
2 administration guides, user guides, and operating instructions which cover in depth aspects of
3 operating Symantec's offerings. See ftp://ftp.symantec.com/public/english_us_canada/, a true and
4 correct copy of which is attached hereto as Exhibit 21.

5 127. Symantec maintains and updates a streaming video channel called Symantec TV and a
6 YouTube channel where training and informational videos are posted in order to promote the use of
7 Symantec products. See <http://www.symantec.com/tv/>, a true and correct copy of which is attached
8 hereto as Exhibit 22; see also <https://www.youtube.com/user/symantec>, a true and correct copy of
9 which is attached hereto as Exhibit 23.

11 128. Symantec hosts training sessions, webcasts and meetings with customers on the
12 <https://symantecmeetingcenter.webex.com/> website where Symantec describes how to use Symantec
13 products and promotes the use of Symantec Products. See
14 <https://symantecmeetingcenter.webex.com/>, a true and correct copy of which is attached hereto as
15 Exhibit 24.

17 129. Symantec maintains and promotes the Symantec Partner Program to encourage and
18 expand use of Disarm by offering up-to-date training and certification enabled by a full curriculum of
19 courses in order to increase skills and competency with reselling the Symantec products. See
20 [http://partnet.symantec.com/portal/faces/programs?_adf.ctrl-](http://partnet.symantec.com/portal/faces/programs?_adf.ctrl-state=1a6rp36yws_4&_afLoop=1322002563102000)
21 [state=1a6rp36yws_4&_afLoop=1322002563102000](http://partnet.symantec.com/portal/faces/programs?_adf.ctrl-state=1a6rp36yws_4&_afLoop=1322002563102000), a true and correct copy of which is attached
22 hereto as Exhibit 29.

24 130. Symantec maintains and promotes the Symantec University for Partners which offers
25 training, credentials and certification programs for the Symantec products. See
26 http://partnet.symantec.com/portal/faces/training?_adf.ctrl-

1 [state=1a6rp36yws_4&_afLoop=1322106092053000](#), a true and correct copy of which is attached
2 hereto as Exhibit 30.

3 131. Symantec provides a database of supported products which provides documentation,
4 release notes and technical solutions to Symantec products. *See*
5 http://www.symantec.com/business/support/index?page=products&inid=us_ghp_cont2_support_allpr
6 [oducts](#), a true and correct copy of which is attached hereto as Exhibit 25.

7
8 132. Defendant has had knowledge of the '289 Patent at least as of the time it learned of
9 this action for infringement and by continuing the actions described above, has had the specific intent
10 to or was willfully blind to the fact that its actions would induce infringement of the '289 Patent.

11 133. On information and belief, Defendant had knowledge of the '289 Patent because the
12 '289 Patent was cited as a reference in the Defendant's United States Patent Application No.
13 2004/0158729. On information and belief, Defendant had knowledge of the '289 Patent because
14 Defendant is involved in a lawsuit involving United States Patent No. 6,092,194 and Patent No.
15 6,480,962, also owned by Finjan.
16

17 134. Symantec actively and intentionally maintains and updates websites, including
18 Symantec's support pages, to promote Disarm, including Messaging Gateway, Message Gateway for
19 Service Providers, Message Gateway Small Business Edition, and to encourage potential customers,
20 users and developers to use Disarm in the manner described by Finjan and thereby practice the
21 methods taught in the '289 Patent.
22

23 **COUNT IX**

24 **(Direct Infringement of the '299 Patent pursuant to 35 U.S.C. § 271(a))**

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

1 136. Defendant has infringed and continues to infringe one or more claims of the ‘299
2 Patent in violation of 35 U.S.C. § 271(a).

3 137. Defendant’s infringement is based upon literal infringement or, in the alternative,
4 infringement under the doctrine of equivalents.

5 138. Defendant’s acts of making, using, importing, selling, and/or offering for sale infringing
6 products and services have been without the permission, consent, authorization or license of Finjan.

7 139. Defendant’s infringement includes, but is not limited to, the manufacture, use, sale,
8 importation and/or offer for sale of Defendant’s products and services, including but not limited to
9 Norton Safe Web, which embodies the patented invention of the ‘299 Patent.

10 140. As a result of Defendant’s unlawful activities, Finjan has suffered and will continue to
11 suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Finjan is entitled
12 to preliminary and/or permanent injunctive relief.

13 141. Defendant’s infringement of the ‘299 Patent has injured and continues to injure Finjan
14 in an amount to be proven at trial.

15 142. Defendant is well aware of Finjan’s patents and has continued its infringing activity
16 despite this knowledge. On at least two separate occasions, Finjan has met with Defendant regarding
17 Finjan’s patent portfolio. Additionally, Defendant’s patents cite various Finjan patents as prior art
18 before the United States Patent and Trademark Office. Further, Defendant is aware of two lawsuits
19 involving Finjan’s patent portfolio. As such, Defendant has continued to willfully, wantonly, and
20 deliberately engage in acts of infringement of the ‘299 Patent, justifying an award to Finjan of
21 increased damages under 35 U.S.C. § 284, and attorneys’ fees and costs incurred under 35 U.S.C. §
22 285.
23
24
25
26
27
28

COUNT X

(Indirect Infringement of the ‘299 Patent pursuant to 35 U.S.C. § 271(b))

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

4 144. Defendant has induced and continues to induce infringement of at least claims 1-12
5 and 21 of the ‘299 Patent under 35 U.S.C. § 271(b).

6
7 145. In addition to directly infringing the ‘299 Patent, Defendant indirectly infringes the
8 ‘299 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including
9 but not limited to its customers, users and developers, to perform the steps of the method claims of
10 the ‘299 Patent, either literally or under the doctrine of equivalents. Defendant knew or was willfully
11 blind to the fact that it was inducing others, including customers, users and developers, to infringe by
12 practicing one or more method claims of the ‘299 Patent.

13
14 146. Defendant knowingly and actively aided and abetted the direct infringement of the
15 ‘299 Patent by instructing and encouraging its customers, users and developers to use Norton Safe
16 Web. Such instructions and encouragement include but are not limited to, advising third parties to
17 use Norton Safe Web in an infringing manner, providing a mechanism through which third parties
18 may infringe the ‘299 Patent, specifically through the use of Norton Safe Web, advertising and
19 promoting the use of Norton Safe Web in an infringing manner, and distributing guidelines and
20 instructions to third parties on how to use Norton Safe Web in an infringing manner.

21
22 147. Symantec regularly updates and maintains the Norton Safe Web site to provide
23 demonstration, instructions, and technical assistance to users to help them use Norton Safe Web,
24 including:

- 25
- 26 • Providing an overview of Norton Safe Web and promoting its use. *See*
27 <https://safeweb.norton.com/about>, a true and correct copy of which is attached hereto as Exhibit
28 35;

- 1 • Maintaining and promoting a Community Buzz area for Norton Safe Web in order to promote
2 the use and spread the network effects of users. See <https://safeweb.norton.com/buzz>, a true
and correct copy of which is attached hereto as Exhibit 36;
- 3 • Providing users with information on the types of threats which Norton Safe Web can provide
4 reports on. See <https://safeweb.norton.com/safety>, a true and correct copy of which is attached
hereto as Exhibit 37;
- 5 • Publishing, maintaining, and promoting the use of Community Forums in order to assist in the
6 use of Norton Safe Web. See
7 <http://community.norton.com/t5/forums/searchpage/tab/message?filter=labels&q=safe+web>, a
true and correct copy of which is attached hereto as Exhibit 38.
- 8 • Proving a tutorial on how to use Norton Safe Web. See
9 <http://us.norton.com/products/toolbar/tutorials/tutorials.jsp?pvid=n360v3>, a true and correct
copy of which is attached hereto as Exhibit 18.

10 148. Symantec provides articles, videos and downloads which cover in depth aspects of
11 operating Symantec's offerings. See <http://www.symantec.com/business/support/index?page=home>,
12 a true and correct copy of which is attached hereto as Exhibit 20.

13
14 149. Symantec updates and maintains an FTP site with Symantec's quick start guides,
15 administration guides, user guides, and operating instructions which cover in depth aspects of
16 operating Symantec's offerings. See ftp://ftp.symantec.com/public/english_us_canada/, a true and
17 correct copy of which is attached hereto as Exhibit 21.

18
19 150. Symantec maintains and updates a streaming video channel called Symantec TV and a
20 YouTube channel where training and informational videos are posted in order to promote the use of
21 Symantec products. See <http://www.symantec.com/tv/>, a true and correct copy of which is attached
22 hereto as Exhibit 22; see also <https://www.youtube.com/user/symantec>, a true and correct copy of
23 which is attached hereto as Exhibit 23.

24 151. Symantec maintains and promotes the Symantec Partner Program to encourage and
25 expand use of Norton Safe Web by offering up-to-date training and certification enabled by a full
26 curriculum of courses in order to increase skills and competency with reselling the Symantec
27

1 products. *See* [http://partnet.symantec.com/portal/faces/programs?_adf.ctrl-](http://partnet.symantec.com/portal/faces/programs?_adf.ctrl-state=1a6rp36yws_4&_afLoop=1322002563102000)
2 [state=1a6rp36yws_4&_afLoop=1322002563102000](http://partnet.symantec.com/portal/faces/programs?_adf.ctrl-state=1a6rp36yws_4&_afLoop=1322002563102000), a true and correct copy of which is attached
3 hereto as Exhibit 29.

4 152. Symantec hosts training sessions, webcasts and meetings with customers on the
5 <https://symantecmeetingcenter.webex.com/> website where Symantec describes how to use Symantec
6 products and promotes the use of Symantec Products. *See*
7 <https://symantecmeetingcenter.webex.com/>, a true and correct copy of which is attached hereto as
8 Exhibit 24.

9 153. Symantec maintains and promotes the Symantec University for Partners which offers
10 training, credentials and certification programs for the Symantec products. *See*
11 [http://partnet.symantec.com/portal/faces/training?_adf.ctrl-](http://partnet.symantec.com/portal/faces/training?_adf.ctrl-state=1a6rp36yws_4&_afLoop=1322106092053000)
12 [state=1a6rp36yws_4&_afLoop=1322106092053000](http://partnet.symantec.com/portal/faces/training?_adf.ctrl-state=1a6rp36yws_4&_afLoop=1322106092053000), a true and correct copy of which is attached
13 hereto as Exhibit 30.

14 154. Symantec provides a database of supported products which provides documentation,
15 release notes and technical solutions to Symantec products. *See*
16 http://www.symantec.com/business/support/index?page=products&inid=us_ghp_cont2_support_allpr
17 [oducts](http://www.symantec.com/business/support/index?page=products&inid=us_ghp_cont2_support_allpr), a true and correct copy of which is attached hereto as Exhibit 25.

18 155. Defendant has had knowledge of the '299 Patent at least as of the time it learned of
19 this action for infringement and by continuing the actions described above, has had the specific intent
20 to or was willfully blind to the fact that its actions would induce infringement of the '299 Patent.

21 156. On information and belief, Defendant had knowledge of the '299 Patent because
22 Defendant is involved in a lawsuit involving United States Patent No. 6,092,194 and Patent No.
23 6,480,962, also owned by Finjan.
24
25
26
27
28

1 157. Symantec actively and intentionally maintains and updates websites, including
2 Symantec's support pages, to promote Norton Safe Web, including Norton Anti-Virus, Norton
3 Internet Security, Norton 360, Norton Security and Safe-Web Lite, and to encourage potential
4 customers, users and developers to use Norton Safe Web in the manner described by Finjan and
5 thereby practice the methods taught in the '299 Patent.

6 **COUNT XI**

7 **(Direct Infringement of the '182 Patent pursuant to 35 U.S.C. § 271(a))**

8 158. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the
9 allegations of the preceding paragraphs, as set forth above.

10 159. Defendant has infringed and continues to infringe one or more claims of the '182
11 Patent in violation of 35 U.S.C. § 271(a).

12 160. Defendant's infringement is based upon literal infringement or, in the alternative,
13 infringement under the doctrine of equivalents.

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

17 162. Defendant's infringement includes, but is not limited to, the manufacture, use, sale,
18 importation and/or offer for sale of Defendant's products and services, including but not limited to
19 Norton Safe Web, which embody the patented invention of the '182 Patent.

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

23 164. Defendant's infringement of the '182 Patent has injured and continues to injure Finjan
24 in an amount to be proven at trial.

1 165. Defendant is well aware of Finjan's patents and has continued its infringing activity
2 despite this knowledge. On at least two separate occasions, Finjan has met with Defendant regarding
3 Finjan's patent portfolio. Additionally, Defendant's patents cite various Finjan patents as prior art
4 before the United States Patent and Trademark Office. Further, Defendant is aware of two lawsuits
5 involving Finjan's patent portfolio. As such, Defendant has continued to willfully, wantonly, and
6 deliberately engage in acts of infringement of the '182 Patent, justifying an award to Finjan of
7 increased damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. §
8 285.
9

10 **COUNT XII**

11 **(Indirect Infringement of the '182 Patent pursuant to 35 U.S.C. § 271(c))**

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

14 167. Defendant has contributorily infringed and continues to contributorily infringe at least
15 claims 1-21 of the '182 Patent under 35 U.S.C. § 271(c).

16 168. In addition to directly infringing the '182 Patent, Defendant indirectly infringes the
17 '182 Patent pursuant to 35 U.S.C. § 271(c) by selling Norton Safe Web, a material component of a
18 patented machine or apparatus for use in practicing the claims of the '182 Patent by its customers,
19 users and developers, and especially adapted for use in an infringement of the '182 Patent. Norton
20 Safe Web is not a staple article or commodity of commerce suitable for substantial non-infringing
21 use. Defendant has had knowledge of the '182 Patent at least as of the time it learned of this action
22 for infringement and/or was willfully blind to the fact that it contributed to the direct infringement of
23 one or more claims of the '182 Patent by others, either literally or under the doctrine of equivalents,
24 including customers, users and developers. On information and belief, Defendant had knowledge of
25
26
27
28

1 the '182 Patent because Defendant is involved in a lawsuit involving United States Patent No.
2 6,092,194 and Patent No. 6,480,962, also owned by Finjan.

3 **COUNT XIII**
4 **(Direct Infringement of the '154 Patent pursuant to 35 U.S.C. § 271(a))**

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

7 170. Defendant has infringed and continues to infringe one or more claims of the '154
8 Patent in violation of 35 U.S.C. § 271(a).

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

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

14 173. 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 SONAR with Insight and Norton Security, which embody the patented invention of the '154 Patent.

17 174. 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.

20 175. Defendant's infringement of the '154 Patent has injured and continues to injure Finjan
21 in an amount to be proven at trial.

22 176. Defendant is well aware of Finjan's patents and has continued its infringing activity
23 despite this knowledge. On at least two separate occasions, Finjan has met with Defendant regarding
24 Finjan's patent portfolio. Additionally, Defendant's patents cite various Finjan patents as prior art
25
26
27

1 before the United States Patent and Trademark Office. Further, Defendant is aware of two lawsuits
2 involving Finjan's patent portfolio. As such, Defendant has continued to willfully, wantonly, and
3 deliberately engage in acts of infringement of the '154 Patent, justifying an award to Finjan of
4 increased damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. §
5 285.

6 **COUNT XIV**

7 **(Direct Infringement of the '494 Patent pursuant to 35 U.S.C. § 271(a))**

8 177. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the
9 allegations of the preceding paragraphs, as set forth above.

10 178. Defendant has infringed and continues to infringe one or more claims of the '494
11 Patent in violation of 35 U.S.C. § 271(a).

12 179. Defendant's infringement is based upon literal infringement or, in the alternative,
13 infringement under the doctrine of equivalents.

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

16 181. Defendant's infringement includes, but is not limited to, the manufacture, use, sale,
17 importation and/or offer for sale of Defendant's gateway products and services, including but not
18 limited to Symantec Protection Engine, which embodies the patented invention of the '494 Patent.

19 182. 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.

22 183. Defendant's infringement of the '494 Patent has injured and continues to injure Finjan
23 in an amount to be proven at trial.

1 184. Defendant is well aware of Finjan's patents and has continued its infringing activity
2 despite this knowledge. On at least two separate occasions, Finjan has met with Defendant regarding
3 Finjan's patent portfolio. Additionally, Defendant's patents cite various Finjan patents as prior art
4 before the United States Patent and Trademark Office. Further, Defendant is aware of two lawsuits
5 involving Finjan's patent portfolio. As such, Defendant has continued to willfully, wantonly, and
6 deliberately engage in acts of infringement of the '494 Patent, justifying an award to Finjan of
7 increased damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. §
8 285.
9

10 **COUNT XV**

11 **(Indirect Infringement of the '494 Patent pursuant to 35 U.S.C. § 271(b))**

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

14 186. Defendant has induced and continues to induce infringement of at least claims 1-9 of
15 the '494 Patent under 35 U.S.C. § 271(b).

16 187. In addition to directly infringing the '494 Patent, Defendant indirectly infringes the
17 '494 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including
18 but not limited to its customers, users and developers, to perform the steps of the method claims of
19 the '494 Patent, either literally or under the doctrine of equivalents. Defendant knew or was willfully
20 blind to the fact that it was inducing others, including customers, users and developers, to infringe by
21 practicing one or more method claims of the '494 Patent.
22

23 188. Defendant knowingly and actively aided and abetted the direct infringement of the
24 '494 Patent by instructing and encouraging its customers, users and developers to use Symantec
25 Protection Engine. Such instructions and encouragement include but are not limited to, advising third
26 parties to use Symantec Protection Engine in an infringing manner, providing a mechanism through
27
28

1 which third parties may infringe the '494 Patent, specifically through the use of Symantec Protection
2 Engine, advertising and promoting the use of Symantec Protection Engine in an infringing manner,
3 and distributing guidelines and instructions to third parties on how to use Symantec Protection Engine
4 in an infringing manner.

5 189. Symantec provides an explanation of the function, role, and capabilities of the
6 Symantec Protection Engine on its website. *See*
7 <http://www.symantec.com/business/support/index?page=content&id=TECH83878>, a true and correct
8 copy of which is attached hereto as Exhibit 15.
9

10 190. Symantec provides articles, videos and downloads which cover in depth aspects of
11 operating Symantec's offerings. *See* <http://www.symantec.com/business/support/index?page=home>,
12 a true and correct copy of which is attached hereto as Exhibit 20.

13 191. Symantec updates and maintains an FTP site with Symantec's quick start guides,
14 administration guides, user guides, and operating instructions which cover in depth aspects of
15 operating Symantec's offerings. *See* ftp://ftp.symantec.com/public/english_us_canada/, a true and
16 correct copy of which is attached hereto as Exhibit 21.
17

18 192. Symantec maintains and updates a streaming video channel called Symantec TV and a
19 YouTube channel where training and informational videos are posted in order to promote the use of
20 Symantec products. *See* <http://www.symantec.com/tv/>, a true and correct copy of which is attached
21 hereto as Exhibit 22; *see also* <https://www.youtube.com/user/symantec>, a true and correct copy of
22 which is attached hereto as Exhibit 23.
23

24 193. Symantec maintains and promotes the Symantec Partner Program to encourage and
25 expand use of Symantec Protection Engine by offering up-to-date training and certification enabled
26 by a full curriculum of courses in order to increase skills and competency with reselling the Symantec
27
28

1 products. *See* [http://partnet.symantec.com/portal/faces/programs?_adf.ctrl-](http://partnet.symantec.com/portal/faces/programs?_adf.ctrl-state=1a6rp36yws_4&_afLoop=1322002563102000)
2 [state=1a6rp36yws_4&_afLoop=1322002563102000](http://partnet.symantec.com/portal/faces/programs?_adf.ctrl-state=1a6rp36yws_4&_afLoop=1322002563102000), a true and correct copy of which is attached
3 hereto as Exhibit 29.

4 194. Symantec maintains and promotes the Symantec University for Partners which offers
5 training, credentials and certification programs for the Symantec products. *See*
6 [http://partnet.symantec.com/portal/faces/training?_adf.ctrl-](http://partnet.symantec.com/portal/faces/training?_adf.ctrl-state=1a6rp36yws_4&_afLoop=1322106092053000)
7 [state=1a6rp36yws_4&_afLoop=1322106092053000](http://partnet.symantec.com/portal/faces/training?_adf.ctrl-state=1a6rp36yws_4&_afLoop=1322106092053000), a true and correct copy of which is attached
8 hereto as Exhibit 30.

9 195. Symantec hosts training sessions, webcasts and meetings with customers on the
10 <https://symantecmeetingcenter.webex.com/> website where Symantec describes how to use Symantec
11 products and promotes the use of Symantec Products. *See*
12 <https://symantecmeetingcenter.webex.com/>, a true and correct copy of which is attached hereto as
13 Exhibit 24.

14 196. Symantec provides a database of supported products which provides documentation,
15 release notes and technical solutions to Symantec products. *See*
16 http://www.symantec.com/business/support/index?page=products&inid=us_ghp_cont2_support_allpr
17 [oducts](http://www.symantec.com/business/support/index?page=products&inid=us_ghp_cont2_support_allpr), a true and correct copy of which is attached hereto as Exhibit 25.

18 197. Defendant has had knowledge of the '494 Patent at least as of the time it learned of
19 this action for infringement and by continuing the actions described above, has had the specific intent
20 to or was willfully blind to the fact that its actions would induce infringement of the '494 Patent.

21 198. On information and belief, Defendant had knowledge of the '494 Patent because
22 Defendant is involved in a lawsuit involving United States Patent No. 6,092,194 and Patent No.
23 6,480,962, also owned by Finjan.
24
25
26
27
28

1 199. Symantec actively and intentionally maintains and updates websites, including
2 Symantec's support pages, to promote Symantec Protection Engine, including Symantec Protection
3 Engine for Cloud Services, Symantec Protection Engine for Network Attached Storage, Symantec
4 Mail Security for Domino, Symantec Mail Security for Microsoft Exchange, Symantec Scan Engine
5 for Windows, Web Security.cloud, Messaging Gateway, Messaging Gateway for Service Providers,
6 Messaging Gateway Small Business Edition, Email Security.cloud, AntiVirus/Filtering for Domino,
7 AntiVirus for Linux, Mail Security for SMTP, Scan Engine for Linux/Solaris, AntiVirus for
8 Caching/Messaging/NAS for Linux/Solaris, Protection Engine for Linux/Solaris, AntiVirus for
9 Caching/Messaging/NAS for Windows and Web Gateway, and to encourage potential customers,
10 users and developers to use Symantec Protection Engine in the manner described by Finjan and
11 thereby practice the methods taught in the '494 Patent.
12

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Finjan prays for judgment and relief as follows:

15
16 A. An entry of judgment holding that Defendant has infringed and is infringing the '844
17 Patent, the '926 Patent, '996 Patent, the '289 Patent, the '299 Patent, the '182 Patent, the '154 Patent,
18 and the '494 Patent; that Defendant has induced and is inducing infringement of the '844 Patent, the
19 '926 Patent, '996 Patent, the '289 Patent, the '299 Patent, and the '494 Patent; and that Defendant
20 contributorily infringed and continues to contributorily infringe the '182 Patent;

21 B. A preliminary and permanent injunction against Defendant and its officers, employees,
22 agents, servants, attorneys, instrumentalities, and/or those in privity with them, from directly or
23 indirectly infringing the '844 Patent, the '926 Patent, '996 Patent, the '289 Patent, the '299 Patent, the
24 '182 Patent, the '154 Patent, and the '494 Patent, and for all further and proper injunctive relief
25 pursuant to 35 U.S.C. § 283;
26
27
28

1 C. An award to Finjan of such damages as it shall prove at trial against Defendant that is
2 adequate to fully compensate Finjan for Defendant's infringement of the '844 Patent, the '926 Patent,
3 '996 Patent, the '289 Patent, the '299 Patent, the '182 Patent, and the '154 Patent, said damages to be
4 no less than a reasonable royalty;

5 D. A determination that Defendant's infringement has been willful, wanton, and
6 deliberate and that the damages against it be increased up to treble on this basis;

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

9 F. An accounting of all infringing sales and revenues, together with post judgment
10 interest and prejudgment interest from the first date of infringement of the '844 Patent, the '926
11 Patent, '996 Patent, the '289 Patent, the '299 Patent, the '182 Patent, the '154 Patent, and the '494;
12 and
13

14 G. Such further and other relief as the Court may deem proper and just.

15
16 Respectfully submitted,

17 Dated: September 11, 2014

18 By: /s/ Paul J. Andre
19 Paul J. Andre
20 Lisa Kobialka
21 James Hannah
22 KRAMER LEVIN NAFTALIS
23 & FRANKEL LLP
24 990 Marsh Road
25 Menlo Park, CA 94025
26 Telephone: (650) 752-1700
27 Facsimile: (650) 752-1800
28 pandre@kramerlevin.com
lkobialka@kramerlevin.com
jhannah@kramerlevin.com

Attorneys for Plaintiff
FINJAN, INC.

DEMAND FOR JURY TRIAL

Finjan demands a jury trial on all issues so triable.

Respectfully submitted,

Dated: September 11, 2014

By: /s/ Paul J. Andre
Paul J. Andre
Lisa Kobialka
James Hannah
KRAMER LEVIN NAFTALIS
& FRANKEL LLP
990 Marsh Road
Menlo Park, CA 94025
Telephone: (650) 752-1700
Facsimile: (650) 752-1800
pandre@kramerlevin.com
lkobialka@kramerlevin.com
jhannah@kramerlevin.com

Attorneys for Plaintiff
FINJAN, INC.