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12 *Attorneys for Plaintiff*
13 FINJAN, INC.

14
15 **IN THE UNITED STATES DISTRICT COURT**
16
17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
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19 **SAN FRANCISCO DIVISION**

20 FINJAN, INC., a Delaware Corporation,
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22 Plaintiff,
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24 v.
25 SOPHOS, INC., a Massachusetts Corporation,
26
27 Defendant.

28 Case No.: 3:14-cv-01197-WHO

**THIRD AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 **THIRD AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

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

4 **THE PARTIES**

5 1. Finjan is a Delaware corporation, with its principle place of business at 2000
6 University Ave., Ste. 600, East Palo Alto, California 94303.

7
8 2. Sophos is a Massachusetts corporation with its principal place of business in the
9 United States at 3 Van de Graaff Drive, Second Floor, Burlington, Massachusetts 01803.

10 **JURISDICTION AND VENUE**

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

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

14
15 5. This Court has personal jurisdiction over Defendant. Upon information and belief,
16 Defendant does business in this District and has, and continues to, infringe and/or induce the
17 infringement in this District. Sophos operates and maintains an office in this District located at 3945
18 Freedom Circle, Suite 1100, Santa Clara, California 95054. Currently, Sophos is availing itself of the
19 jurisdiction of Northern California in the *Fortinet, Inc. v. Sophos, Inc.*, 5:13-cv-05831, case. In
20 addition, the Court has personal jurisdiction over Defendant because it has established minimum
21 contacts with the forum and the exercise of jurisdiction would not offend traditional notions of fair
22 play and substantial justice.
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FINJAN’S INNOVATIONS

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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.
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1 9. 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 10. All rights, title, and interest in the ‘780 Patent have been assigned to Finjan, which is
6 the sole owner of the ‘780 Patent. Finjan has been the sole owner of the ‘780 Patent since its
7 issuance.

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

12 12. On March 20, 2012, U.S. Patent No. 8,141,154 (“the ‘154 Patent”), entitled SYSTEM
13 AND METHOD FOR INSPECTING DYNAMICALLY GENERATED EXECUTABLE CODE, was
14 issued to David Gruzman and Yuval Ben-Itzhak. A true and correct copy of the ‘154 Patent is
15 attached to this Complaint as Exhibit B and is incorporated by reference herein.

16 13. All rights, title, and interest in the ‘154 Patent have been assigned to Finjan, who is the
17 sole owner of the ‘154 Patent. Finjan has been the sole owner of the ‘154 Patent since its issuance.

18 14. The ‘154 Patent is generally directed towards a gateway computer for protecting a
19 client computer from dynamically generated malicious content. One way this is accomplished is to
20 use a content processor to process a first function and invoke a second function if a security computer
21 indicates that it is safe to invoke the second function.

22 15. On November 3, 2009, U.S. Patent No. 7,613,918 (“the ‘918 Patent”), entitled
23 SYSTEM AND METHOD FOR ENFORCING A SECURITY CONTEXT ON A
24

1 DOWNLOADABLE, was issued to Yuval Ben-Itzhak. A true and correct copy of the '918 Patent is
2 attached to this Complaint as Exhibit C and is incorporated by reference herein.

3 16. All rights, title, and interest in the '918 Patent have been assigned to Finjan, who is the
4 sole owner of the '918 Patent. Finjan has been the sole owner of the '918 Patent since its issuance.

5 17. The '918 Patent is generally directed to a system and method for enforcing a security
6 context on a Downloadable. One way this is accomplished is by making use of security contexts that
7 are associated within certain user/group computer accounts when deriving a profile for code received
8 from the Internet.
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10 18. On July 13, 2010, U.S. Patent No. 7,757,289 ("the '289 Patent"), entitled SYSTEM
11 AND METHOD FOR INSPECTING DYNAMICALLY GENERATED EXECUTABLE CODE, was
12 issued to David Gruzman and Yuval Ben-Itzhak. A true and correct copy of the '289 Patent is
13 attached to this Complaint as Exhibit D and is incorporated by reference herein.

14 19. All rights, title, and interest in the '289 Patent have been assigned to Finjan, which is
15 the sole owner of the '289 Patent. Finjan has been the sole owner of the '289 Patent since its
16 issuance.
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18 20. The '289 Patent generally covers a system and method for inspecting dynamically
19 generated executable code. The claims generally cover receiving content with an original call
20 function and replacing the original call function with a substitute call function, and then determining
21 whether it is safe to invoke the original call function.

22 21. On November 3, 2009, U.S. Patent No. 7,613,926 ("the '926 Patent"), entitled
23 METHOD AND SYSTEM FOR PROTECTING A COMPUTER AND A NETWORK FROM
24 HOSTILE DOWNLOADABLES, was issued to Yigal Mordechai Edery, Nimrod Itzhak Vered,
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1 David R. Kroll and Shlomo Touboul. A true and correct copy of the ‘926 Patent is attached to this
2 Complaint as Exhibit E and is incorporated by reference herein.

3 22. All rights, title, and interest in the ‘926 Patent have been assigned to Finjan, which is
4 the sole owner of the ‘926 Patent. Finjan has been the sole owner of the ‘926 Patent since its
5 issuance.

6 23. The ‘926 Patent generally covers a method and system for protecting a computer and a
7 network from hostile downloadables. The claims generally cover performing hashing on a
8 downloadable in order to generate a downloadable ID, retrieving security profile data, and
9 transmitting an appended downloadable.
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11 24. On November 28, 2000, U.S. Patent No. 6,154,844 (“the ‘844 Patent”), entitled
12 SYSTEM AND METHOD FOR ATTACHING A DOWNLOADABLE SECURITY PROFILE TO
13 A DOWNLOADABLE, was issued to Shlomo Touboul and Nachshon Gal. A true and correct copy
14 of the ‘844 Patent is attached to this Complaint as Exhibit F and is incorporated by reference herein.
15

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

18 26. The ‘844 Patent is generally directed towards a system that protects devices connected
19 to the Internet from undesirable operations from web-based content. One of the ways this is
20 accomplished is by linking a security profile to such web-based content to facilitate the protection of
21 computers and networks from malicious web-based content.
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23 27. On March 18, 2014, U.S. Patent No. 8,677,494 (“the ‘494 Patent”), entitled
24 MALICIOUS MOBILE CODE RUNTIME MONITORING SYSTEM AND METHODS, was issued
25 to Yigal Mordechai Edery, Nimrod Itzhak Vered, David R. Kroll and Shlomo Touboul. A true and
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1 correct copy of the '494 Patent is attached to this Complaint as Exhibit X and is incorporated by
2 reference herein.

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

5 29. The '494 Patent is generally directed towards a method and system for deriving
6 security profiles and storing the security profiles. The claims generally cover deriving a security
7 profile for a downloadable, which includes a list of suspicious computer operations, and storing the
8 security profile in a database.

9 30. On October 22, 2013, U.S. Patent No. 8,566,580 ("the '580 Patent"), entitled
10 SPLITTING AN SSL CONNECTION BETWEEN GATEWAYS, was issued to Yuval Ben-Itzhak,
11 Shay Lang, and Dmitry Rubinstein. A true and correct copy of the '580 Patent is attached to this
12 Complaint as Exhibit Y and is incorporated by reference herein.

13 31. All rights, title, and interest in the '580 Patent have been assigned to Finjan, who is the
14 sole owner of the '580 Patent. Finjan has been the sole owner of the '580 Patent since its issuance.

15 32. The '580 Patent is generally directed towards a system for secure communication.
16 The claims generally cover a system with a first security computer connect to a client computer with
17 an SSL connector, and a second security computer coupled together with the first security computer,
18 where the second security computer is coupled together with a server with an SSL connector.

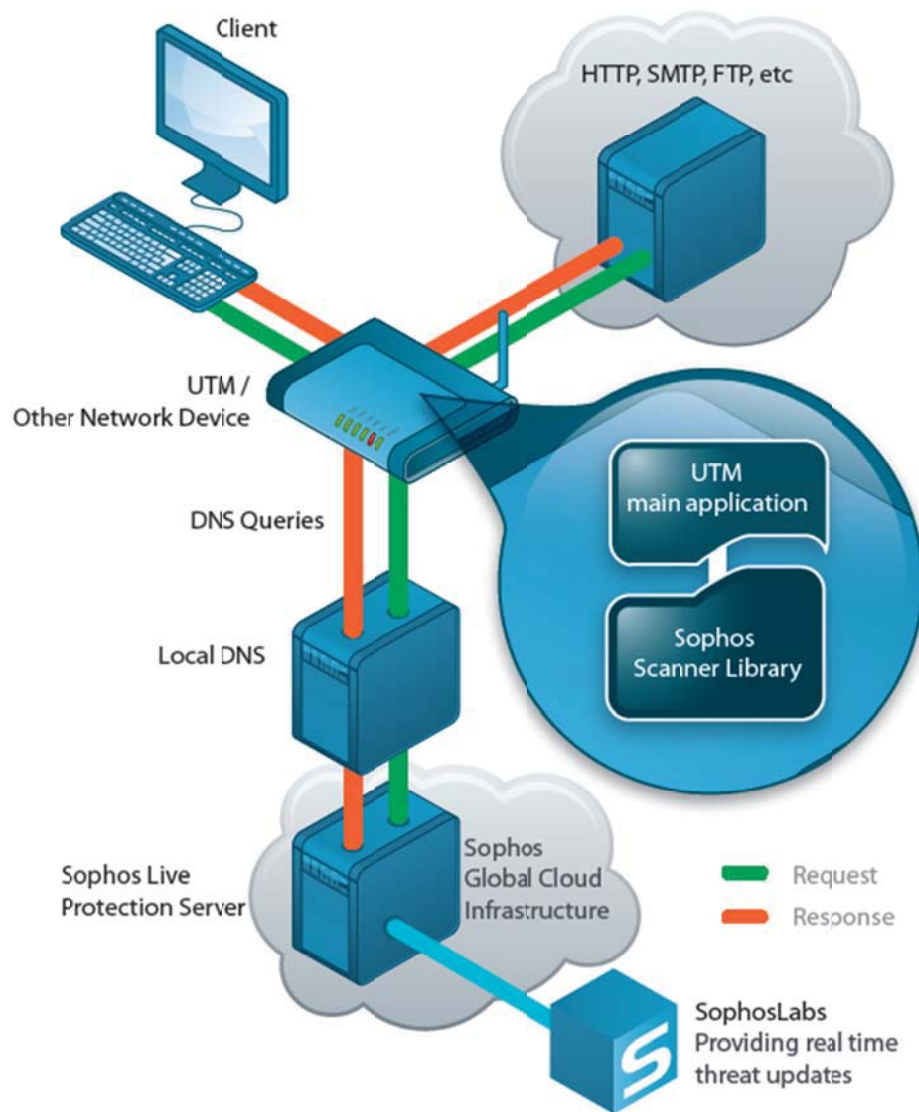
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21 **SOPHOS**

22 33. Sophos makes, uses, sells, offers for sale, and/or imports into the United States and
23 this District products and services that utilize the Sophos Live Protection, Advanced Threat
24 Protection, WebLENS, Behavioral Genotype, and SSL connections, including without limitation on
25 Enduser Protection Suites, Endpoint Antivirus, Endpoint Antivirus - Cloud, Sophos Cloud, Unified
26

1 Threat Management, Next-Gen Firewall, Secure Web Gateway, Secure Email Gateway, Web
2 Application Firewall, Network Storage Antivirus, Virtualization Security, SharePoint Security,
3 Secure VPN, Secure Wi-Fi and Server Security.

4 34. Sophos products are broken down into three broad categories. The first category is
5 Network Security products which are used to protect a network of computer and mobile devices both
6 remotely and locally. The Network Security products generally sit at the gateway between a client
7 device and the Internet. These Network Security products can include firewalls, UTMs, Wi-Fi access
8 points, VPN, web and e-mail protection. The second category is EndUser Protection which generally
9 resides as software on client devices such as personal computers, smart phones, tablets, and laptops.
10 The third category is Server Protection, which generally provides antivirus protection for servers.
11

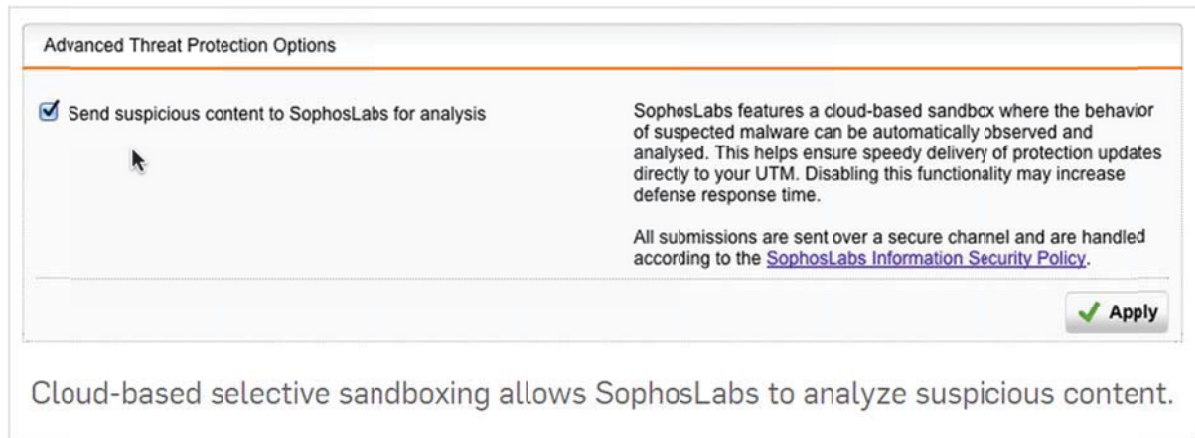
12 35. Sophos Live Protection is offered with Sophos Network Protection products, EndUser
13 Protection products, and Server Protection products. Live Protection will perform instant lookup of
14 suspicious files in the cloud and compare them to the Sophos Labs database. This happens when a
15 file has been identified as suspicious, but locally the determination cannot be made whether it is a
16 safe. If the file is identified as clean or malicious by Sophos Live Protection, the decision is sent back
17 to the endpoint or network device. Live Protection may also be used for cloud lookups of URIs and
18 automatically and dynamically categorize any URIs that have not been visited by a user. Finally,
19 Live Protection will use live cloud lookups for checksum detections in order to stop malware through
20 email attachments, IM and other protocols. The following diagram depicts Live Protection functions:
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See <http://www.sophos.com/en-us/medialibrary/PDFs/partners/sophosliveprotectiondsna.ashx>, a true and correct copy of which is attached hereto as Exhibit G.

36. Recently, Sophos Advanced Threat Protection was introduced and can be found in Sophos Network Protection products. Sophos Advanced Threat Protection is supported with data from the Sophos network of labs and leverages data from the intrusion prevention system and web protection in order to combat Advanced Persistent Threats. Sophos Advanced Threat Protection may

1 also conduct cloud-based selective sandboxing to analyze suspicious content with both web
 2 protection and intrusion prevention. The following shows the cloud based sandboxing features:



1 See [http://blogs.sophos.com/2014/02/26/whats-coming-in-sophos-utm-accelerated-9-2-5-advanced-](http://blogs.sophos.com/2014/02/26/whats-coming-in-sophos-utm-accelerated-9-2-5-advanced-threat-protection-atp/)
 2 [threat-protection-atp/](http://blogs.sophos.com/2014/02/26/whats-coming-in-sophos-utm-accelerated-9-2-5-advanced-threat-protection-atp/), a true and correct copy of which is attached hereto as Exhibit H.

3 37. Sophos WebLENS technology blocks threats using content reassembly with JavaScript
 4 emulation and behavioral analysis. Its purpose is to stop malicious code at the network layer before it
 5 is passed to the browser.
 6

7 38. Sophos Behavioral Genotype is used in all Sophos' web, email, endpoint security and
 8 control, and OEM products. Sophos Behavior Genotype identifies malware by extracting "genes" or
 9 components of behavior. Sophos stores all the genes it has collected from malware within Sophos
 0 Labs. A combination of these genes are what make up a genotype. This combination of genes or
 1 genotype are used to create a score and determine functionality and behavior. Behavioral Genotype
 2 compares the gene information to combinations of genes that appear in malware. The combination of
 3 genes or genotypes database is consistently being updated and changed. Behavioral Genotype
 4 analyzes executables at the pre-execution level at both the web gateway and the endpoint. Though,
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1 Sophos run-time detection technologies will leverage Behavioral Genotype. Below is an example of
2 the gene identification by Behavioral Genotype:

Gene identification

A gene can be recognized by the specific behavior it exhibits. Each gene is known to be associated with malicious software. Only malicious code triggers **all** these genes at once.

Example

Identifying against a banking trojan rule if:

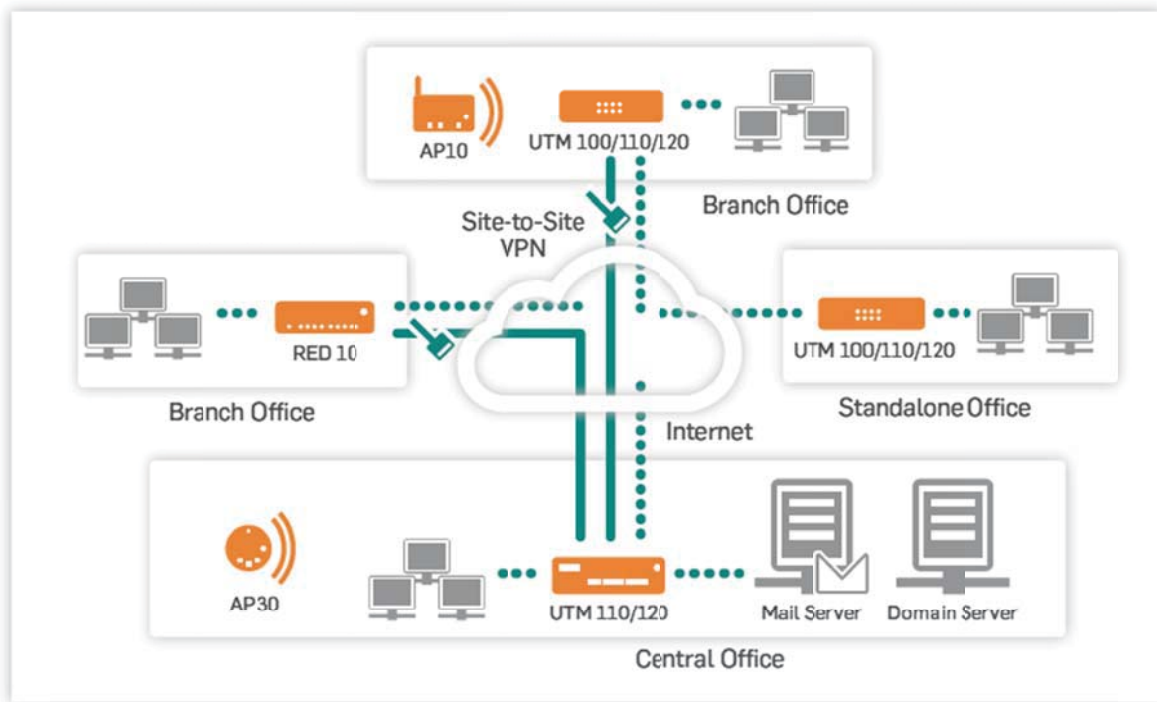
Gene 1: code “language” used=Delphi **AND**

Gene 2: code contains banking urls **AND**

Gene 3: calls to a certain API are made

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4
5
6 See <http://www.sophos.com/fr-fr/medialibrary/PDFs/partners/sophoslabsforoemswpnaupdate.ashx>, a
7 true and correct copy of which is attached hereto as Exhibit Z.

8 39. Sophos networking products are SSL utilizing devices, which include Sophos Remote
9 Ethernet Device (“RED”), Sophos Wi-Fi Access Points, and Sophos Unified Threat Management
0 (“UTM”). Sophos RED is a network appliance that is normally deployed to remote sites and
1 connected through the internet to a UTM device. Sophos UTM appliance networks with other
2 Sophos products such as Sophos Wi-Fi Access Points. The combination of these Sophos products
3 allows a unified security policy and secure networking between multiple locations. The diagrams
4 below depicts one configuration for the networking of these Sophos products:
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Deployment scenario of Sophos UTM 100/110/120

See <http://www.sophos.com/en-us/medialibrary/PDFs/factsheets/sophosutm100110120dsna.pdf>, a true and correct copy of which is attached hereto as Exhibit AA.

SOPHOS’ INFRINGEMENT OF FINJAN’S PATENTS

40. Defendant has been and is now infringing, literally or under the doctrine of equivalents, the ‘780 Patent, the ‘154 Patent, the ‘918 Patent, the ‘289 Patent, the ‘926 Patent, the ‘844 Patent, the ‘494 Patent, and the ‘580 Patent (collectively “the Patents-In-Suit”) in this judicial District, and elsewhere in the United States by, among other things, making, using, importing, selling, and/or offering for sale the claimed system and methods that utilize Sophos Live Protection, Advanced Threat Protection, WebLENS, Behavioral Genotype, and SSL utilizing products, including without limitation on Enduser Protection Suites, Endpoint Antivirus, Endpoint Antivirus - Cloud, Sophos Cloud, Unified Threat Management, Next-Gen Firewall, Secure Web Gateway, Secure Email

1 Gateway, Web Application Firewall, Network Storage Antivirus, Virtualization Security, SharePoint
2 Security, Secure VPN, Secure Wi-Fi and Server Security.

3 41. 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 '780 Patent, the
5 '918 Patent, the '289 Patent, the '926 Patent, the '844 Patent, and the '494 Patent pursuant to 35
6 U.S.C. § 271(b) by instructing, directing and/or requiring others, including its users and developers,
7 to perform all or some of the steps of the method claims of these patents, either literally or under the
8 doctrine of equivalents.
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10 42. In addition to directly infringing the '580 Patent pursuant to 35 U.S.C. § 271(a) either
11 literally or under the doctrine of equivalents, Defendant indirectly infringes the '580 Patent pursuant
12 to 35 U.S.C. § 271(c) by selling a material component of a patented machine or apparatus for use in
13 practicing the claims of the '580 Patent, either literally or under the doctrine of equivalents, by its
14 customers, users and developers, and especially adapted for use in an infringement of the '580 Patent.
15

16 **COUNT I**

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

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

20 44. 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 45. Defendant's infringement is based upon literal infringement or, in the alternative,
23 infringement under the doctrine of equivalents.

24 46. 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.
26

1 47. 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 Sophos Live Protection, which embodies the patented invention of the '780 Patent.

4 48. 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 49. Defendant's infringement of the '780 Patent has injured and continues to injure Finjan
9 in an amount to be proven at trial.

10 50. Defendant has been aware of the '780 Patent since at least as early as June 29, 2007,
11 yet Defendant has continued its infringing activity despite this knowledge. Defendant knew of, was
12 in possession of, analyzed and had used Finjan's Vital Security Web Appliance with the Vital
13 Security ISA Connector by at least June 29, 2007, and Defendant considered it to be similar to
14 Defendant's product. Finjan's Vital Security Web Appliance with the Vital Security ISA Connector
15 supporting documentation provided Defendant notice of the '780 Patent. Despite the awareness of the
16 '780 Patent at least as of June 29, 2007, Defendant has continued to manufacture, use, sell, import
17 and/or offer for sale Defendant's products and services, which embody the patented invention of the
18 '780 Patent. As such, Defendant has acted recklessly and continues to willfully, wantonly, and
19 deliberately engage in acts of infringement of the '780 Patent, warranting an award to Finjan of
20 enhanced damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. §
21 285.
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24 **COUNT II**
(Indirect Infringement of the '780 Patent pursuant to 35 U.S.C. § 271(b))

25 51. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the
26 allegations of the preceding paragraphs, as set forth above.
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1 52. Defendant has induced and continues to induce infringement of at least claims 1-8 of
2 the '780 Patent under 35 U.S.C. § 271(b).

3 53. In addition to directly infringing the '780 Patent, Defendant indirectly infringes the
4 '780 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 some of the steps of the method
6 claims, either literally or under the doctrine of equivalents, of the '780 Patent, where all the steps of
7 the method claims are performed by either Sophos or its customers, users or developers, or some
8 combination thereof. Defendant knew or was willfully blind to the fact that it was inducing others,
9 including customers, users and developers, to infringe by practicing, either themselves or in
10 conjunction with Defendant, one or more method claims of the '780 Patent.

11 54. Defendant knowingly and actively aided and abetted the direct infringement of the
12 '780 Patent by instructing and encouraging its customers, users and developers to use the Sophos
13 Live Protection. Such instructions and encouragement include but are not limited to, advising third
14 parties to use the Sophos Live Protection in an infringing manner, providing a mechanism through
15 which third parties may infringe the '780 Patent, specifically through the use of the Sophos Live
16 Protection, advertising and promoting the use of the Sophos Live Protection in an infringing manner,
17 and distributing guidelines and instructions to third parties on how to use the Sophos Live Protection
18 in an infringing manner.

19 55. Sophos regularly updates and maintains the Sophos Support/Labs to provide
20 demonstration, instructions, and technical assistance to users to help them use the Sophos Live
21 Protection, including:
22

- 23 • Providing an overview of how Live Protections works. See <http://www.sophos.com/en-us/support/knowledgebase/111334.aspx>, a true and correct copy of which is attached hereto as
24 Exhibit I;
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- 1 • Giving step-by-step instructions on how to turn Live Protection on and off, combined with a
2 video demonstration of the functionalities of Live Protection. See [http://www.sophos.com/en-
3 us/support/knowledgebase/116371.aspx](http://www.sophos.com/en-us/support/knowledgebase/116371.aspx), a true and correct copy of which is attached hereto as
4 Exhibit J;
- 5 • Maintaining a list of behavior profiles such as SUS/ZelXor-A, created by Sophos' labs and
6 posted on Sophos' website for download. See [http://www.sophos.com/en-us/threat-
7 center/threat-analyses/suspicious-behavior-and-files/Sus~ZelXor-A.aspx](http://www.sophos.com/en-us/threat-center/threat-analyses/suspicious-behavior-and-files/Sus~ZelXor-A.aspx), a true and correct
8 copy of which is attached hereto as Exhibit K;
- 9 • Maintaining a list of Live Protection errors and suggesting ways of resolving them. See
10 <http://www.sophos.com/en-us/support/knowledgebase/111244.aspx>, a true and correct copy of
11 which is attached hereto as Exhibit L.

12 56. Sophos provides quick start guides, administration guides, user guides, and operating
13 instructions which cover in depth aspects of operating Sophos offerings. See
14 <https://www.sophos.com/en-us/support/documentation.aspx>, a true and correct copy of which is
15 attached hereto as Exhibit M.

16 57. Sophos maintains and updates a YouTube channel where training and informational
17 videos are posted in order to promote the use of Sophos products. See
18 <http://www.youtube.com/user/SophosGlobalSupport?feature=watch>, a true and correct copy of which
19 is attached hereto as Exhibit N.

20 58. Sophos maintains and promotes the Sophos Partner Program to encourage and expand
21 use of the Sophos Live Protection by offering up-to-date training and certification enabled by a full
22 curriculum of courses in order to increase skills and competency. See [http://www.sophos.com/en-
23 us/partners.aspx](http://www.sophos.com/en-us/partners.aspx), a true and correct copy of which is attached hereto as Exhibit O; *see also*
24 <http://www.sophos.com/en-us/medialibrary/PDFs/partners/sophos-partnership-with-sophos-na.pdf>, a
25 true and correct copy of which is attached hereto as Exhibit P.

26 59. Sophos maintains and promotes the Sophos Managed Service Provider program in
27 which Sophos trains IT personnel to support Sophos products. See [http://www.sophos.com/en-
28](http://www.sophos.com/en-)

1 [us/medialibrary/PDFs/partners/sophos_complete_security_msps_dsna.pdf](http://medialibrary/PDFs/partners/sophos_complete_security_msps_dsna.pdf), a true and correct copy of
2 which is attached hereto as Exhibit Q.

3 60. Sophos provides Global System Integrators who provide advisory, solution and deliver
4 services to its customers across all market sections. These services include consulting, systems
5 integration, managed services and full facilities outsourcing. See [http://www.sophos.com/en-](http://www.sophos.com/en-us/partners/global-system-integrators.aspx)
6 [us/partners/global-system-integrators.aspx](http://www.sophos.com/en-us/partners/global-system-integrators.aspx), a true and correct copy of which is attached hereto as
7 Exhibit R.
8

9 61. Sophos maintains and offers Sophos Professional Services. Sophos Professional
10 Services plans the requirements of a client security needs, builds the endpoint and network solutions
11 for the clients, and then manages the Sophos implemented solutions. See [http://www.sophos.com/en-](http://www.sophos.com/en-us/medialibrary/PDFs/professionalservices/sophosprofessionalservicesbrna.pdf)
12 [us/medialibrary/PDFs/professionalservices/sophosprofessionalservicesbrna.pdf](http://www.sophos.com/en-us/medialibrary/PDFs/professionalservices/sophosprofessionalservicesbrna.pdf), a true and correct
13 copy of which is attached hereto as Exhibit S.
14

15 62. 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 63. Sophos actively and intentionally maintains websites, including Sophos' Support, to
19 promote the Sophos Live Protection and to encourage potential customers, users and developers to
20 use the Sophos Live Protection in the manner described by Finjan.

21 64. Sophos actively updates websites, including Sophos' Support, to promote the Sophos
22 Live Protection and Advanced Threat Protection, including the Sophos Unified Threat Management,
23 Next Generation Firewall, Secure Web Gateway, Secure E-mail Gateway, Sophos Cloud, Endpoint
24 Antivirus Cloud, Endpoint Antivirus, Enduser Protection Suites, and Server Security, to encourage
25 users and developers to practice the methods taught in the '780 Patent.
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COUNT III

(Direct Infringement of the ‘154 Patent pursuant to 35 U.S.C. § 271(a))

1
2 65. 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 66. Defendant has infringed and continues to infringe one or more claims of the ‘154
6 Patent in violation of 35 U.S.C. § 271(a).

7 67. Defendant’s infringement is based upon literal infringement or, in the alternative,
8 infringement under the doctrine of equivalents.

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

11 69. Defendant’s infringement includes, but is not limited to, the manufacture, use, sale,
12 importation and/or offer for sale of Defendant’s products and services, including but not limited to
13 Sophos Live Protection and Sophos Advanced Threat Protection, which embody the patented
14 invention of the ‘154 Patent.

15
16 70. As a result of Defendant’s unlawful activities, Finjan has suffered and will continue to
17 suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Finjan is entitled
18 to preliminary and/or permanent injunctive relief.

19
20 71. Defendant’s infringement of the ‘154 Patent has injured and continues to injure Finjan
21 in an amount to be proven at trial.

COUNT IV

(Direct Infringement of the ‘918 Patent pursuant to 35 U.S.C. § 271(a))

22
23 72. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the
24 allegations of the preceding paragraphs, as set forth above.

25
26 73. Defendant has infringed and continues to infringe one or more claims of the ‘918
27 Patent in violation of 35 U.S.C. § 271(a).

1 74. Defendant's infringement is based upon literal infringement or, in the alternative,
2 infringement under the doctrine of equivalents.

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

5 76. Defendant's infringement includes, but is not limited to, the manufacture, use, sale,
6 importation and/or offer for sale of Defendant's products and services, including but not limited to
7 Sophos Live Protection and Sophos Advanced Threat Protection, which embodies the patented
8 invention of the '918 Patent.
9

10 77. 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 78. Defendant's infringement of the '918 Patent has injured and continues to injure Finjan
14 in an amount to be proven at trial.
15

16 **COUNT V**
(Indirect Infringement of the '918 Patent pursuant to 35 U.S.C. § 271(b))

17 79. 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 80. Defendant has induced and continues to induce infringement of at least claims 1-11,
20 22-27, and 34 of the '918 Patent under 35 U.S.C. § 271(b).
21

22 81. In addition to directly infringing the '918 Patent, Defendant indirectly infringes the
23 '918 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including
24 but not limited to its customers, users and developers, to perform some of the steps of the method
25 claims, either literally or under the doctrine of equivalents, of the '918 Patent, where all the steps of
26 the method claims are performed by either Sophos or its customers, users or developers, or some
27
28

1 combination thereof. Defendant knew or was willfully blind to the fact that it was inducing others,
2 including customers, users and developers, to infringe by practicing, either themselves or in
3 conjunction with Defendant, one or more method claims of the '918 Patent.

4 82. Defendant knowingly and actively aided and abetted the direct infringement of the
5 '918 Patent by instructing and encouraging its customers, users and developers to use Sophos Live
6 Protection and Sophos Advanced Threat Protection. Such instructions and encouragement include
7 but are not limited to, advising third parties to use the Sophos Live Protection and Sophos Advanced
8 Threat Protection in an infringing manner, providing a mechanism through which third parties may
9 infringe the '918 Patent, specifically through the use of the Sophos Live Protection and Sophos
10 Advanced Threat Protection, advertising and promoting the use of the Sophos Live Protection and
11 Sophos Advanced Threat Protection in an infringing manner, and distributing guidelines and
12 instructions to third parties on how to use the Sophos Live Protection and Sophos Advanced Threat
13 Protection in an infringing manner.
14

15 83. Sophos regularly updates and maintains the Sophos Support/Labs to provide
16 demonstration, instructions, and technical assistance to users to help them use the Sophos Live
17 Protection and Advanced Threat Protection, including:
18

- 19 • Providing an overview of how Live Protections works. See <http://www.sophos.com/en-us/support/knowledgebase/111334.aspx>, a true and correct copy of which is attached hereto as Exhibit I;
 - 20 • Giving step-by-step instructions on how to turn Live Protection on and off, combined with a video demonstration of the functionalities of Live Protection. See <http://www.sophos.com/en-us/support/knowledgebase/116371.aspx>, a true and correct copy of which is attached hereto as Exhibit J;
 - 21 • Maintaining a list of behavior profiles such as SUS/ZelXor-A, created by Sophos' labs and posted on Sophos' website for download. See <http://www.sophos.com/en-us/threat-center/threat-analyses/suspicious-behavior-and-files/Sus~ZelXor-A.aspx>, a true and correct copy of which is attached hereto as Exhibit T;
- 22
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- 1 • Maintaining a list of Live Protection errors and suggesting ways of resolving them. *See*
2 <http://www.sophos.com/en-us/support/knowledgebase/111244.aspx>, a true and correct copy of
3 which is attached hereto as Exhibit L;
- 4 • Describing what Advanced Threat Protection is used for and how to adjust its settings. *See*
5 [http://blogs.sophos.com/2014/02/26/whats-coming-in-sophos-utm-accelerated-9-2-5-advanced-
7 threat-protection-atp/](http://blogs.sophos.com/2014/02/26/whats-coming-in-sophos-utm-accelerated-9-2-5-advanced-
6 threat-protection-atp/), a true and correct copy of which is attached hereto as Exhibit H;
- 8 • Providing a YouTube video on the new feature of Advanced Threat Protection. *Available at*
9 <http://www.youtube.com/watch?v=qcGV-R1z6io> (last visited April 3, 2014);
- 10 • Providing a written “how to” configure the Advanced Threat Protection. *See*
11 <http://www.sophos.com/en-us/support/knowledgebase/120330.aspx>, a true and correct copy of
12 which is attached hereto as Exhibit U.

13 84. Sophos provides quick start guides, administration guides, user guides, and operating
14 instructions which cover in depth aspects of operating Sophos offerings. *See*
15 <https://www.sophos.com/en-us/support/documentation.aspx>, a true and correct copy of which is
16 attached hereto as Exhibit M.

17 85. Sophos maintains and updates a YouTube channel where training and informational
18 videos are posted in order to promote the use of Sophos products. *See*
19 <http://www.youtube.com/user/SophosGlobalSupport?feature=watch>, a true and correct copy of which
20 is attached hereto as Exhibit N.

21 86. Sophos maintains and promotes the Sophos Partner Program to encourage and expand
22 use of the Sophos Live Protection by offering up-to-date training and certification enabled by a full
23 curriculum of courses in order to increase skills and competency. *See* [http://www.sophos.com/en-
25 us/partners.aspx](http://www.sophos.com/en-
24 us/partners.aspx), a true and correct copy of which is attached hereto as Exhibit O; *see also*
26 <http://www.sophos.com/en-us/medialibrary/PDFs/partners/sophos-partnership-with-sophos-na.pdf>, a
27 true and correct copy of which is attached hereto as Exhibit P.

28 87. Sophos maintains and promotes the Sophos Managed Service Provider program in
which Sophos trains IT personnel to support Sophos products. *See* <http://www.sophos.com/en->

1 [us/medialibrary/PDFs/partners/sophos_complete_security_msps_dsna.pdf](http://medialibrary/PDFs/partners/sophos_complete_security_msps_dsna.pdf), a true and correct copy of
2 which is attached hereto as Exhibit Q.

3 88. Sophos provides Global System Integrators who provide advisory, solution and deliver
4 services to its customers across all market sections. These services include consulting, systems
5 integration, managed services and full facilities outsourcing. See [http://www.sophos.com/en-](http://www.sophos.com/en-us/partners/global-system-integrators.aspx)
6 [us/partners/global-system-integrators.aspx](http://www.sophos.com/en-us/partners/global-system-integrators.aspx), a true and correct copy of which is attached hereto as
7 Exhibit R.

8 89. Sophos maintains and offers Sophos Professional Services. Sophos Professional
9 Services plans the requirements of a client security needs, builds the endpoint and network solutions
10 for the clients, and then manages the Sophos implemented solutions. See [http://www.sophos.com/en-](http://www.sophos.com/en-us/medialibrary/PDFs/professionalservices/sophosprofessionalservicesbrna.pdf)
11 [us/medialibrary/PDFs/professionalservices/sophosprofessionalservicesbrna.pdf](http://www.sophos.com/en-us/medialibrary/PDFs/professionalservices/sophosprofessionalservicesbrna.pdf), a true and correct
12 copy of which is attached hereto as Exhibit S.

13 90. Defendant has had knowledge of the '918 Patent at least as of the time it learned of
14 this action for infringement and by continuing the actions described above has had the specific intent
15 to or was willfully blind to the fact that its actions would induce infringement of the '918 Patent.
16

17 91. Sophos actively and intentionally maintains websites, including Sophos' Support, to
18 promote the Sophos Live Protection and Advanced Threat Protection and to encourage potential users
19 and developers to use the Sophos Live Protection and Advanced Threat Protection in the manner
20 described by Finjan.
21

22 92. Sophos actively updates websites, including Sophos' Support, to promote the Sophos
23 Live Protection and Advanced Threat Protection, including the Sophos Unified Threat Management,
24 Next Generation Firewall, Secure Web Gateway, Secure E-mail Gateway, Sophos Cloud, Endpoint
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1 Antivirus Cloud, Endpoint Antivirus, Enduser Protection Suites, and Server Security, to encourage
2 users and developers to practice the methods taught in the '918 Patent.

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

5 93. 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 94. Defendant has infringed and continues to infringe one or more claims of the '289
8 Patent in violation of 35 U.S.C. § 271(a).

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

11 96. 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 97. 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 Sophos WebLENS and Sophos Advanced Threat Protection, which embody the patented invention of
16 the '289 Patent.

17 98. 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 99. Defendant's infringement of the '289 Patent has injured and continues to injure Finjan
21 in an amount to be proven at trial.

22 **COUNT VII**
23 **(Indirect Infringement of the '289 Patent pursuant to 35 U.S.C. § 271(b))**

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

1 101. Defendant has induced and continues to induce infringement of at least claims 1-9, 19-
2 21, 25-29, and 35-40 of the '289 Patent under 35 U.S.C. § 271(b).

3 102. In addition to directly infringing the '289 Patent, Defendant indirectly infringes the
4 '289 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 some of the steps of the method
6 claims, either literally or under the doctrine of equivalents, of the '289 Patent, where all the steps of
7 the method claims are performed by either Sophos or its customers, users or developers, or some
8 combination thereof. Defendant knew or was willfully blind to the fact that it was inducing others,
9 including customers, users and developers, to infringe by practicing, either themselves or in
10 conjunction with Defendant, one or more method claims of the '289 Patent.

12 103. Defendant knowingly and actively aided and abetted the direct infringement of the
13 '289 Patent by instructing and encouraging its customers, users and developers to use Sophos
14 WebLENS and Sophos Advanced Threat Protection. Such instructions and encouragement include
15 but are not limited to, advising third parties to use the Sophos WebLENS and Sophos Advanced
16 Threat Protection in an infringing manner, providing a mechanism through which third parties may
17 infringe the '289 Patent, specifically through the use of the Sophos WebLENS and Sophos Advanced
18 Threat Protection, advertising and promoting the use of the Sophos WebLENS and Sophos Advanced
19 Threat Protection in an infringing manner, and distributing guidelines and instructions to third parties
20 on how to use the Sophos WebLENS and Sophos Advanced Threat Protection in an infringing
21 manner.
22

23
24 104. Sophos regularly updates and maintains the Sophos Support/Labs to provide
25 demonstration, instructions, and technical assistance to users to help them use the Advanced Threat
26 Protection, including:
27
28

- 1 • Describing what Advanced Threat Protection is used for and how to adjust its settings. *See*
2 [http://blogs.sophos.com/2014/02/26/whats-coming-in-sophos-utm-accelerated-9-2-5-advanced-
threat-protection-atp/](http://blogs.sophos.com/2014/02/26/whats-coming-in-sophos-utm-accelerated-9-2-5-advanced-threat-protection-atp/), a true and correct copy of which is attached hereto as Exhibit H;
- 3 • Providing a YouTube video on the new feature of Advanced Threat Protection. *Available at*
4 <http://www.youtube.com/watch?v=qcGV-R1z6io> (last visited April 3, 2014);
- 5 • Providing a written “how to” configure the Advanced Threat Protection. *See*
6 <http://www.sophos.com/en-us/support/knowledgebase/120330.aspx>, a true and correct copy of
7 which is attached hereto as Exhibit U.

8 105. Sophos Provides quick start guides, administration guides, user guides, and operating
9 instructions which cover in depth aspects of operating Sophos offerings. *See*
10 <https://www.sophos.com/en-us/support/documentation.aspx>, a true and correct copy of which is
11 attached hereto as Exhibit M.

12 106. Sophos maintains and updates a YouTube channel where training and informational
13 videos are posted in order to promote the use of Sophos products. *See*
14 <http://www.youtube.com/user/SophosGlobalSupport?feature=watch>, a true and correct copy of which
15 is attached hereto as Exhibit N.

16 107. Sophos maintains and promotes the Sophos Partner Program to encourage and expand
17 use of the Sophos Live Protection by offering up-to-date training and certification enabled by a full
18 curriculum of courses in order to increase skills and competency. *See* [http://www.sophos.com/en-
20 us/partners.aspx](http://www.sophos.com/en-
19 us/partners.aspx), a true and correct copy of which is attached hereto as Exhibit O; *see also*
21 <http://www.sophos.com/en-us/medialibrary/PDFs/partners/sophos-partnership-with-sophos-na.pdf>, a
22 true and correct copy of which is attached hereto as Exhibit P.

23 108. Sophos maintains and promotes the Sophos Managed Service Provider program in
24 which Sophos trains IT personnel to support Sophos products. *See* [http://www.sophos.com/en-
26 us/medialibrary/PDFs/partners/sophos_complete_security_msps_dsna.pdf](http://www.sophos.com/en-
25 us/medialibrary/PDFs/partners/sophos_complete_security_msps_dsna.pdf), a true and correct copy of
27 which is attached hereto as Exhibit Q.

1 109. Sophos provides Global System Integrators who provide advisory, solution and deliver
2 services to its customers across all market sections. These services include consulting, systems
3 integration, managed services and full facilities outsourcing. See [http://www.sophos.com/en-](http://www.sophos.com/en-us/partners/global-system-integrators.aspx)
4 [us/partners/global-system-integrators.aspx](http://www.sophos.com/en-us/partners/global-system-integrators.aspx), a true and correct copy of which is attached hereto as
5 Exhibit R.

6 110. Sophos maintains and offers Sophos Professional Services. Sophos Professional
7 Services plans the requirements of a client security needs, builds the endpoint and network solutions
8 for the clients, and then manages the Sophos implemented solutions. See [http://www.sophos.com/en-](http://www.sophos.com/en-us/medialibrary/PDFs/professionalservices/sophosprofessionalservicesbrna.pdf)
9 [us/medialibrary/PDFs/professionalservices/sophosprofessionalservicesbrna.pdf](http://www.sophos.com/en-us/medialibrary/PDFs/professionalservices/sophosprofessionalservicesbrna.pdf), a true and correct
10 copy of which is attached hereto as Exhibit S.

11 111. Defendant has had knowledge of the '289 Patent at least as of the time it learned of
12 this action for infringement and by continuing the actions described above has had the specific intent
13 to or was willfully blind to the fact that its actions would induce infringement of the '289 Patent.
14

15 112. Sophos actively and intentionally maintains websites, including Sophos' Support, to
16 promote the Sophos WebLENS and Sophos Advanced Threat Protection and to encourage potential
17 users and developers to use the Sophos WebLENS and Sophos Advanced Threat Protection in the
18 manner described by Finjan.
19

20 113. Sophos actively updates websites, including Sophos' Support, to promote the Sophos
21 WebLENS and Sophos Advanced Threat Protection, including the Sophos Unified Threat
22 Management, Virtual Web Appliance Next Generation Firewall, Secure Web Gateway, and Enduser
23 Protection Suites, to encourage users and developers to practice the methods taught in the '289
24 Patent.
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28

COUNT VIII

(Direct Infringement of the '926 Patent pursuant to 35 U.S.C. § 271(a))

1
2 114. 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
5 115. Defendant has infringed and continues to infringe one or more claims of the '926
6 Patent in violation of 35 U.S.C. § 271(a).

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

10
11 117. 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
14 118. 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 Sophos Live Protection, which embodies the patented invention of the '926 Patent.

17
18 119. 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
22 120. Defendant's infringement of the '926 Patent has injured and continues to injure Finjan
23 in an amount to be proven at trial.

COUNT IX

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

24
25 121. 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
28 122. Defendant has induced and continues to induce infringement of at least claims 1-7 and
15-21 of the '926 Patent under 35 U.S.C. § 271(b).

1 123. In addition to directly infringing the '926 Patent, Defendant indirectly infringes the
2 '926 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 some of the steps of the method
4 claims, either literally or under the doctrine of equivalents, of the '926 Patent, where all the steps of
5 the method claims are performed by either Sophos or its customers, users or developers, or some
6 combination thereof. Defendant knew or was willfully blind to the fact that it was inducing others,
7 including customers, users and developers, to infringe by practicing, either themselves or in
8 conjunction with Defendant, one or more method claims of the '926 Patent.
9

10 124. Defendant knowingly and actively aided and abetted the direct infringement of the
11 '926 Patent by instructing and encouraging its customers, users and developers to use the Sophos
12 Live Protection. Such instructions and encouragement include but are not limited to, advising third
13 parties to use the Sophos Live Protection in an infringing manner, providing a mechanism through
14 which third parties may infringe the '926 Patent, specifically through the use of the Sophos Live
15 Protection, advertising and promoting the use of the Sophos Live Protection in an infringing manner,
16 and distributing guidelines and instructions to third parties on how to use the Sophos Live Protection
17 in an infringing manner.
18

19 125. Sophos regularly updates and maintains the Sophos Support/Labs to provide
20 demonstration, instructions, and technical assistance to users to help them use the Sophos Live
21 Protection, including:

- 22 • Providing an overview of how Live Protections works. See <http://www.sophos.com/en-us/support/knowledgebase/111334.aspx>, a true and correct copy of which is attached hereto as Exhibit I;
- 23 • Giving step-by-step instructions on how to turn Live Protection on and off, combined with a
24 video demonstration of the functionalities of Live Protection. See <http://www.sophos.com/en-us/support/knowledgebase/116371.aspx>, a true and correct copy of which is attached hereto as Exhibit J;
- 25
- 26
- 27

- 1 • Maintaining a list of behavior profiles such as SUS/ZelXor-A, created by Sophos' labs and
2 posted on Sophos' website for download. See <http://www.sophos.com/en-us/threat-center/threat-analyses/suspicious-behavior-and-files/Sus~ZelXor-A.aspx>, a true and correct
3 copy of which is attached hereto as Exhibit V;
- 4 • Maintaining a list of Live Protection errors and suggesting ways of resolving them. See
5 <http://www.sophos.com/en-us/support/knowledgebase/111244.aspx>, a true and correct copy of
6 which is attached hereto as Exhibit L.

7 126. Sophos Provides quick start guides, administration guides, user guides, and operating
8 instructions which cover in depth aspects of operating Sophos offerings. See
9 <https://www.sophos.com/en-us/support/documentation.aspx>, a true and correct copy of which is
10 attached hereto as Exhibit M.

11 127. Sophos maintains and updates a YouTube channel where training and informational
12 videos are posted in order to promote the use of Sophos products. See
13 <http://www.youtube.com/user/SophosGlobalSupport?feature=watch>, a true and correct copy of which
14 is attached hereto as Exhibit N.

15 128. Sophos maintains and promotes the Sophos Partner Program to encourage and expand
16 use of the Sophos Live Protection by offering up-to-date training and certification enabled by a full
17 curriculum of courses in order to increase skills and competency. See [http://www.sophos.com/en-](http://www.sophos.com/en-us/partners.aspx)
18 [us/partners.aspx](http://www.sophos.com/en-us/partners.aspx), a true and correct copy of which is attached hereto as Exhibit O; *see also*
19 <http://www.sophos.com/en-us/medialibrary/PDFs/partners/sophos-partnership-with-sophos-na.pdf>, a
20 true and correct copy of which is attached hereto as Exhibit P.

21 129. Sophos maintains and promotes the Sophos Managed Service Provider program in
22 which Sophos trains IT personnel to support Sophos products. See [http://www.sophos.com/en-](http://www.sophos.com/en-us/medialibrary/PDFs/partners/sophos_complete_security_msps_dsna.pdf)
23 [us/medialibrary/PDFs/partners/sophos_complete_security_msps_dsna.pdf](http://www.sophos.com/en-us/medialibrary/PDFs/partners/sophos_complete_security_msps_dsna.pdf), a true and correct copy of
24 which is attached hereto as Exhibit Q.
25
26
27
28

1 130. Sophos provides Global System Integrators who provide advisory, solution and deliver
2 services to its customers across all market sections. These services include consulting, systems
3 integration, managed services and full facilities outsourcing. See [http://www.sophos.com/en-](http://www.sophos.com/en-us/partners/global-system-integrators.aspx)
4 [us/partners/global-system-integrators.aspx](http://www.sophos.com/en-us/partners/global-system-integrators.aspx), a true and correct copy of which is attached hereto as
5 Exhibit R.

6 131. Sophos maintains and offers Sophos Professional Services. Sophos Professional
7 Services plans the requirements of a client security needs, builds the endpoint and network solutions
8 for the clients, and then manages the Sophos implemented solutions. See [http://www.sophos.com/en-](http://www.sophos.com/en-us/medialibrary/PDFs/professionalservices/sophosprofessionalservicesbrna.pdf)
9 [us/medialibrary/PDFs/professionalservices/sophosprofessionalservicesbrna.pdf](http://www.sophos.com/en-us/medialibrary/PDFs/professionalservices/sophosprofessionalservicesbrna.pdf), a true and correct
10 copy of which is attached hereto as Exhibit S.

11 132. Defendant has had knowledge of the '926 Patent at least as of the time it learned of
12 this action for infringement and by continuing the actions described above has had the specific intent
13 to or was willfully blind to the fact that its actions would induce infringement of the '926 Patent.
14

15 133. Sophos actively and intentionally maintains websites, including Sophos' Support, to
16 promote the Sophos Live Protection and to encourage potential users and developers to use the
17 Sophos Live Protection in the manner described by Finjan.
18

19 134. Sophos actively updates websites, including Sophos' Support, to promote the Sophos
20 Live Protection, including the Sophos Unified Threat Management, Next Generation Firewall, Secure
21 Web Gateway, Secure E-mail Gateway, Sophos Cloud, Endpoint Antivirus Cloud, Endpoint
22 Antivirus, Enduser Protection Suites, and Server Security, to encourage users and developers to
23 practice the methods taught in the '926 Patent.
24

COUNT X

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

1
2 135. 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
5 136. Defendant has infringed and continues to infringe one or more claims of the ‘844
6 Patent in violation of 35 U.S.C. § 271(a).

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

10
11 138. 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
15 139. Defendant’s infringement includes, but is not limited to, the manufacture, use, sale,
16 importation and/or offer for sale of Defendant’s products and services, including but not limited to
17 the Sophos Live Protection and Advanced Threat Protection, which embody the patented invention of
18 the ‘844 Patent.

19
20 140. 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
24 141. Defendant’s infringement of the ‘844 Patent has injured and continues to injure Finjan
25 in an amount to be proven at trial.

26
27 142. Defendant has been aware of the ‘844 Patent since at least as early as June 29, 2007,
28 yet Defendant has continued its infringing activity despite this knowledge. Defendant knew of, was
in possession of, analyzed and had used Finjan’s Vital Security Web Appliance with the Vital
Security ISA Connector by at least June 29, 2007, and Defendant considered it to be similar to

1 **Defendant's product.** Finjan's Vital Security Web Appliance with the Vital Security ISA Connector
2 supporting documentation provided Defendant notice of the '844 Patent. Despite the awareness of
3 the '844 Patent at least as of June 29, 2007, Defendant has continued to manufacture, use, sell, import
4 and/or offer for sale Defendant's products and services, which embody the patented invention of the
5 '844 Patent. As such, Defendant has acted recklessly and continues to willfully, wantonly, and
6 deliberately engage in acts of infringement of the '844 Patent, warranting an award to Finjan of
7 enhanced damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. §
8 285.
9

10 **COUNT XI**

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

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

14 144. Defendant has induced and continues to induce infringement of at least claims 1-14
15 and 22-31 of the '844 Patent under 35 U.S.C. § 271(b).

16 145. In addition to directly infringing the '844 Patent, Defendant indirectly infringes the
17 '844 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including
18 but not limited to its users and developers, to perform some of the steps of the method claims, either
19 literally or under the doctrine of equivalents, of the '844 Patent, where all the steps of the method
20 claims are performed by either Sophos or its customers, users or developers, or some combination
21 thereof. Defendant knew or was willfully blind to the fact that it was inducing others, including
22 customers, users and developers, to infringe by practicing, either themselves or in conjunction with
23 Defendant, one or more method claims of the '844 Patent.
24

25 146. Defendant knowingly and actively aided and abetted the direct infringement of the
26 '844 Patent by instructing and encouraging its users and developers to use the Sophos Live Protection
27

1 and Advanced Threat Protection. Such instructions and encouragement include but are not limited to,
2 advising third parties to use the Sophos Live Protection and Advanced Threat Protection in an
3 infringing manner, providing a mechanism through which third parties may infringe the '844 Patent,
4 specifically through the use of the Sophos Live Protection and Advanced Threat Protection,
5 advertising and promoting the use of the Sophos Live Protection and Advanced Threat Protection in
6 an infringing manner, and distributing guidelines and instructions to third parties on how to use the
7 Sophos Live Protection and Advanced Threat Protection in an infringing manner.
8

9 147. Sophos regularly updates and maintains the Sophos Support/Labs to provide
10 demonstration, instructions, and technical assistance to users to help them use the Sophos Live
11 Protection and Advanced Threat Protection, including:

- 12 • Providing an overview of how Live Protections works. See [http://www.sophos.com/en-](http://www.sophos.com/en-us/support/knowledgebase/111334.aspx)
13 [us/support/knowledgebase/111334.aspx](http://www.sophos.com/en-us/support/knowledgebase/111334.aspx), a true and correct copy of which is attached hereto as
14 Exhibit I;
- 15 • Giving step-by-step instructions on how to turn Live Protection on and off, combined with a
16 video demonstration of the functionalities of Live Protection. See [http://www.sophos.com/en-](http://www.sophos.com/en-us/support/knowledgebase/116371.aspx)
17 [us/support/knowledgebase/116371.aspx](http://www.sophos.com/en-us/support/knowledgebase/116371.aspx), a true and correct copy of which is attached hereto as
18 Exhibit J;
- 19 • Maintaining a list of behavior profiles such as SUS/ZelXor-A, created by Sophos' labs and
20 posted on Sophos' website for download. See [http://www.sophos.com/en-us/threat-](http://www.sophos.com/en-us/threat-center/threat-analyses/suspicious-behavior-and-files/Sus~ZelXor-A.aspx)
21 [center/threat-analyses/suspicious-behavior-and-files/Sus~ZelXor-A.aspx](http://www.sophos.com/en-us/threat-center/threat-analyses/suspicious-behavior-and-files/Sus~ZelXor-A.aspx), a true and correct
22 copy of which is attached hereto as Exhibit W;
- 23 • Maintaining a list of Live Protection errors and suggesting ways of resolving them. See
24 <http://www.sophos.com/en-us/support/knowledgebase/111244.aspx>, a true and correct copy of
25 which is attached hereto as Exhibit L;
- 26 • Describing what Advanced Threat Protection is used for and how to adjust its settings. See
27 [http://blogs.sophos.com/2014/02/26/whats-coming-in-sophos-utm-accelerated-9-2-5-advanced-](http://blogs.sophos.com/2014/02/26/whats-coming-in-sophos-utm-accelerated-9-2-5-advanced-threat-protection-atp/)
28 [threat-protection-atp/](http://blogs.sophos.com/2014/02/26/whats-coming-in-sophos-utm-accelerated-9-2-5-advanced-threat-protection-atp/), a true and correct copy of which is attached hereto as Exhibit H;
- Providing a YouTube video on the new feature of Advanced Threat Protection. Available at
<http://www.youtube.com/watch?v=qcGV-R1z6io> (last visited April 3, 2014);

- Providing a written “how to” configure the Advanced Threat Protection. *See* <http://www.sophos.com/en-us/support/knowledgebase/120330.aspx>, a true and correct copy of which is attached hereto as Exhibit U.

148. Sophos Provides quick start guides, administration guides, user guides, and operating instructions which cover in depth aspects of operating Sophos offerings. *See* <https://www.sophos.com/en-us/support/documentation.aspx>, a true and correct copy of which is attached hereto as Exhibit M.

149. Sophos maintains and updates a YouTube channel where training and informational videos are posted in order to promote the use of Sophos products. *See* <http://www.youtube.com/user/SophosGlobalSupport?feature=watch>, a true and correct copy of which is attached hereto as Exhibit N.

150. Sophos maintains and promotes the Sophos Partner Program to encourage and expand use of the Sophos Live Protection by offering up-to-date training and certification enabled by a full curriculum of courses in order to increase skills and competency. *See* <http://www.sophos.com/en-us/partners.aspx>, a true and correct copy of which is attached hereto as Exhibit O; *see also* <http://www.sophos.com/en-us/medialibrary/PDFs/partners/sophos-partnership-with-sophos-na.pdf>, a true and correct copy of which is attached hereto as Exhibit P.

151. Sophos maintains and promotes the Sophos Managed Service Provider program in which Sophos trains IT personnel to support Sophos products. *See* http://www.sophos.com/en-us/medialibrary/PDFs/partners/sophos_complete_security_msps_dsna.pdf, a true and correct copy of which is attached hereto as Exhibit Q.

152. Sophos provides Global System Integrators who provide advisory, solution and deliver services to its customers across all market sections. These services include consulting, systems integration, managed services and full facilities outsourcing. *See* <http://www.sophos.com/en->

1 [us/partners/global-system-integrators.aspx](http://www.sophos.com/en-us/partners/global-system-integrators.aspx), a true and correct copy of which is attached hereto as
2 Exhibit R.

3 153. Sophos maintains and offers Sophos Professional Services. Sophos Professional
4 Services plans the requirements of a client security needs, builds the endpoint and network solutions
5 for the clients, and then manages the Sophos implemented solutions. See [http://www.sophos.com/en-](http://www.sophos.com/en-us/medialibrary/PDFs/professionalservices/sophosprofessionalservicesbrna.pdf)
6 [us/medialibrary/PDFs/professionalservices/sophosprofessionalservicesbrna.pdf](http://www.sophos.com/en-us/medialibrary/PDFs/professionalservices/sophosprofessionalservicesbrna.pdf), a true and correct
7 copy of which is attached hereto as Exhibit S.
8

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

12 155. Sophos actively and intentionally maintains websites, including Sophos' Support, to
13 promote the Sophos Live Protection and Advanced Threat Protection and to encourage potential users
14 and developers to use the Sophos Live Protection and Advanced Threat Protection in the manner
15 described by Finjan.
16

17 156. Sophos actively updates websites, including Sophos' Support, to promote the Sophos
18 Live Protection and Advanced Threat Protection, including the Sophos Unified Threat Management,
19 Next Generation Firewall, Secure Web Gateway, Secure E-mail Gateway, Sophos Cloud, Endpoint
20 Antivirus Cloud, Endpoint Antivirus, Enduser Protection Suites, and Server Security, to encourage
21 users and developers to practice the methods taught in the '844 Patent.
22

23 **COUNT XII**

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

25 157. 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

1 158. Defendant has infringed and continues to infringe one or more claims of the ‘494
2 Patent in violation of 35 U.S.C. § 271(a).

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

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

8 161. Defendant’s infringement includes, but is not limited to, the manufacture, use, sale,
9 importation and/or offer for sale of Defendant’s products and services, including but not limited to
10 Behavioral Genotype and Sophos Live Protection, which embody the patented invention of the ‘494
11 Patent.

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

15 163. Defendant’s infringement of the ‘494 Patent has injured and continues to injure Finjan
16 in an amount to be proven at trial.

17 **COUNT XIII**

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

19 164. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the
20 allegations of the preceding paragraphs, as set forth above.

21 165. Defendant has induced and continues to induce infringement of at least claims 1-9 of
22 the ‘494 Patent under 35 U.S.C. § 271(b).

23 166. In addition to directly infringing the ‘494 Patent, Defendant indirectly infringes the
24 ‘494 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including
25

1 but not limited to its users and developers, to perform some of the steps of the method claims, either
2 literally or under the doctrine of equivalents, of the '494 Patent, where all the steps of the method
3 claims are performed by either Sophos or its customers, users or developers, or some combination
4 thereof. Defendant knew or was willfully blind to the fact that it was inducing others, including
5 customers, users and developers, to infringe by practicing, either themselves or in conjunction with
6 Defendant, one or more method claims of the '494 Patent.

7
8 167. Defendant knowingly and actively aided and abetted the direct infringement of the
9 '494 Patent by instructing and encouraging its users and developers to use Behavioral Genotype and
10 Sophos Live Protection. Such instructions and encouragement include but are not limited to, advising
11 third parties to use Behavioral Genotype and Sophos Live Protection in an infringing manner,
12 providing a mechanism through which third parties may infringe the '494 Patent, specifically through
13 the use of the Behavioral Genotype and Sophos Live Protection, advertising and promoting the use of
14 the Behavioral Genotype and Sophos Live Protection in an infringing manner, and distributing
15 guidelines and instructions to third parties on how to use the Behavioral Genotype and Sophos Live
16 Protection in an infringing manner.

17
18 168. Sophos regularly updates and maintains the Sophos Support/Labs to provide
19 demonstration, instructions, and technical assistance to users to help them use the Behavioral
20 Genotype and Sophos Live Protection, including:

- 21
- 22 • Providing an overview of how Live Protections works. See <http://www.sophos.com/en-us/support/knowledgebase/111334.aspx>, a true and correct copy of which is attached hereto as Exhibit I;
 - 23
 - 24 • Giving step-by-step instructions on how to turn Live Protection on and off, combined with a video demonstration of the functionalities of Live Protection. See <http://www.sophos.com/en-us/support/knowledgebase/116371.aspx>, a true and correct copy of which is attached hereto as Exhibit J;
 - 25
 - 26
 - 27
 - 28

- 1 • Maintaining a list of Live Protection errors and suggesting ways of resolving them. *See*
2 <http://www.sophos.com/en-us/support/knowledgebase/111244.aspx>, a true and correct copy of
3 which is attached hereto as Exhibit L;
- 4 • Providing an overview of how Behavioral Genotype protection works with links to comparative
5 analysis. *See* <http://www.sophos.com/en-us/support/knowledgebase/17315.aspx>, a true and
6 correct copy of which is attached hereto as Exhibit BB;
- 7 • Publishing and providing a whitepaper on the Sophos proactive protection technologies, which
8 includes a description of Behavioral Genotype protection and why it is superior to other
9 products on the marketplace. *See* [http://www.sophos.com/fr-
10 fr/medialibrary/PDFs/partners/sophoslabsforoemswpnaupdate.ashx](http://www.sophos.com/fr-fr/medialibrary/PDFs/partners/sophoslabsforoemswpnaupdate.ashx), a true and correct copy of
11 which is attached hereto as Exhibit Z;
- 12 • Maintaining a list of behavior profiles such as Sus/ExpApp-A, created by Sophos' labs and
13 posted on Sophos' website for download. *See* [http://www.sophos.com/en-us/threat-
14 center/threat-analyses/suspicious-behavior-and-files/Sus~ExpApp-A/detailed-analysis.aspx](http://www.sophos.com/en-us/threat-center/threat-analyses/suspicious-behavior-and-files/Sus~ExpApp-A/detailed-analysis.aspx), a
15 true and correct copy of which is attached hereto as Exhibit CC;
- 16 • Maintaining a list of behavior profiles such as Sus/Behav-1003, created by Sophos' labs and
17 posted on Sophos' website for download. *See* [http://www.sophos.com/en-us/threat-
18 center/threat-analyses/suspicious-behavior-and-files/Sus~Behav-1003/detailed-analysis.aspx](http://www.sophos.com/en-us/threat-center/threat-analyses/suspicious-behavior-and-files/Sus~Behav-1003/detailed-analysis.aspx). a
19 true and correct copy of which is attached hereto as Exhibit DD;
- 20 • Maintaining a list of behavior profiles such as Sus/20121889-B, created by Sophos' labs and
21 posted on Sophos' website for download. *See* [http://www.sophos.com/en-us/threat-
22 center/threat-analyses/suspicious-behavior-and-files/Sus~20121889-B/detailed-analysis.aspx](http://www.sophos.com/en-us/threat-center/threat-analyses/suspicious-behavior-and-files/Sus~20121889-B/detailed-analysis.aspx), a
23 true and correct copy of which is attached hereto as Exhibit EE.

24 169. Sophos Provides quick start guides, administration guides, user guides, and operating
25 instructions which cover in depth aspects of operating Sophos offerings. *See*
26 <https://www.sophos.com/en-us/support/documentation.aspx>, a true and correct copy of which is
27 attached hereto as Exhibit M.

28 170. Sophos maintains and updates a YouTube channel where training and informational
videos are posted in order to promote the use of Sophos products. *See*
<http://www.youtube.com/user/SophosGlobalSupport?feature=watch>, a true and correct copy of which
is attached hereto as Exhibit N.

1 171. Sophos maintains and promotes the Sophos Partner Program to encourage and expand
2 use of the Behavioral Genotype and Sophos Live Protection by offering up-to-date training and
3 certification enabled by a full curriculum of courses in order to increase skills and competency. *See*
4 <http://www.sophos.com/en-us/partners.aspx>, a true and correct copy of which is attached hereto as
5 Exhibit O; *see also* [http://www.sophos.com/en-us/medialibrary/PDFs/partners/sophos-partnership-](http://www.sophos.com/en-us/medialibrary/PDFs/partners/sophos-partnership-with-sophos-na.pdf)
6 [with-sophos-na.pdf](http://www.sophos.com/en-us/medialibrary/PDFs/partners/sophos-partnership-with-sophos-na.pdf), a true and correct copy of which is attached hereto as Exhibit P.

7
8 172. Sophos maintains and promotes the Sophos Managed Service Provider program in
9 which Sophos trains IT personnel to support Sophos products. *See* [http://www.sophos.com/en-](http://www.sophos.com/en-us/medialibrary/PDFs/partners/sophos_complete_security_msps_dsna.pdf)
10 [us/medialibrary/PDFs/partners/sophos_complete_security_msps_dsna.pdf](http://www.sophos.com/en-us/medialibrary/PDFs/partners/sophos_complete_security_msps_dsna.pdf), a true and correct copy of
11 which is attached hereto as Exhibit Q.

12 173. Sophos provides Global System Integrators who provide advisory, solution and deliver
13 services to its customers across all market sections. These services include consulting, systems
14 integration, managed services and full facilities outsourcing. *See* [http://www.sophos.com/en-](http://www.sophos.com/en-us/partners/global-system-integrators.aspx)
15 [us/partners/global-system-integrators.aspx](http://www.sophos.com/en-us/partners/global-system-integrators.aspx), a true and correct copy of which is attached hereto as
16 Exhibit R.

17
18 174. Sophos maintains and offers Sophos Professional Services. Sophos Professional
19 Services plans the requirements of a client security needs, builds the endpoint and network solutions
20 for the clients, and then manages the Sophos implemented solutions. *See* [http://www.sophos.com/en-](http://www.sophos.com/en-us/medialibrary/PDFs/professionalservices/sophosprofessionalservicesbrna.pdf)
21 [us/medialibrary/PDFs/professionalservices/sophosprofessionalservicesbrna.pdf](http://www.sophos.com/en-us/medialibrary/PDFs/professionalservices/sophosprofessionalservicesbrna.pdf), a true and correct
22 copy of which is attached hereto as Exhibit S.

23
24 175. Defendant has had knowledge of the '494 Patent at least as of the time it learned of
25 this First Amended Complaint for Patent Infringement and by continuing the actions described above
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1 has had the specific intent to or was willfully blind to the fact that its actions would induce
2 infringement of the '494 Patent.

3 176. Sophos actively and intentionally maintains websites, including Sophos' Support, to
4 promote Behavioral Genotype and Sophos Live Protection and to encourage potential users and
5 developers to use Behavioral Genotype and Sophos Live Protection in the manner described by
6 Finjan.

7
8 177. Sophos actively updates websites, including Sophos' Support, to promote Behavioral
9 Genotype and Sophos Live Protection including the Enduser Protection Suites, Endpoint Antivirus,
10 Endpoint Antivirus - Cloud, Sophos Cloud, Unified Threat Management, Next-Gen Firewall, Secure
11 Web Gateway, Secure Email Gateway, Web Application Firewall, Network Storage Antivirus,
12 Virtualization Security, SharePoint Security, and Server Security, to encourage users and developers
13 to practice the methods taught in the '494 Patent.

14
15 **COUNT XIV**

16 **(Direct Infringement of the '580 Patent pursuant to 35 U.S.C. § 271(a))**

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

19 179. Defendant has infringed and continues to infringe one or more claims of the '580
20 Patent in violation of 35 U.S.C. § 271(a).

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

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

1 182. 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 Sophos products which utilize SSL connections, which embody the patented invention of the '580
4 Patent.

5 183. As a result of Defendant's unlawful activities, Finjan has suffered and will continue to
6 suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Finjan is entitled
7 to preliminary and/or permanent injunctive relief.
8

9 184. Defendant's infringement of the '580 Patent has injured and continues to injure Finjan
10 in an amount to be proven at trial.

11 **COUNT XV**
12 **(Indirect Infringement of the '580 Patent pursuant to 35 U.S.C. § 271(c))**

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

15 186. Defendant has contributorily infringed and continues to contributorily infringe at least
16 claims 1-10 of the '580 Patent under 35 U.S.C. § 271(c).

17 187. In addition to directly infringing the '580 Patent, Defendant indirectly infringes the
18 '580 Patent pursuant to 35 U.S.C. § 271(c) by selling UTM, RED, and Wi-Fi access points, each a
19 material component of a patented machine or apparatus for use in practicing the claims of the '580
20 Patent by its customers, users and developers, and especially adapted for use in an infringement of the
21 '580 Patent. The UTM, RED, and Wi-Fi access points are not a staple article or commodity of
22 commerce suitable for substantial non-infringing use. Defendant has had knowledge of the '580
23 Patent at least as of the time it learned of this First Amended Complaint for Patent Infringement
24 and/or was willfully blind to the fact that it contributed to the direct infringement of one or more
25
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1 claims of the '580 Patent by others, either literally or under the doctrine of equivalents, including
2 customers, users and developers.

3 **PRAYER FOR RELIEF**

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

5 A. An entry of judgment holding that Defendant has infringed and is infringing the '780
6 Patent, the '154 Patent, the '918 Patent, the '289 Patent, the '926 Patent, the '844 Patent, the '494
7 Patent, and the '580 Patent; and that Defendant has induced and is inducing infringement of the '780
8 Patent, the '918 Patent, the '289 Patent, the '926 Patent, the '844 Patent, and that the '494 Patent; and
9 Defendant has contributorily infringed and continues to contributorily infringe the '580 Patent;

11 B. A preliminary and permanent injunction against Defendant and its officers, employees,
12 agents, servants, attorneys, instrumentalities, and/or those in privity with them, from infringing, or
13 inducing the infringement of the '780 Patent, the '154 Patent, the '918 Patent, the '289 Patent, the
14 926 Patent, the '844 Patent, the '494 Patent, and the '580 Patent, and for all further and proper
15 injunctive relief pursuant to 35 U.S.C. § 283;

17 C. An award to Finjan of such damages as it shall prove at trial against Defendant that is
18 adequate to fully compensate Finjan for Defendant's infringement the '780 Patent, the '154 Patent,
19 the '918 Patent, the '289 Patent, the 926 Patent, the '844 Patent, the '494 Patent, and the '580 Patent,
20 said damages to be no less than a reasonable royalty;

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

24 E. A determination that Defendant's infringement of '780 Patent and '844 Patent has
25 been willful, wanton, and deliberate and that Finjan is entitled to up to treble damages on this basis;

1 F. An accounting of all infringing sales and revenues, together with post judgment
2 interest and prejudgment interest from the first date of infringement of the '780 Patent, the '154
3 Patent, the '918 Patent, the '289 Patent, the '926 Patent, the '844 Patent, the '494 Patent, and the '580
4 Patent; and

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

6 Respectfully submitted,

7
8 Dated: October 8, 2015

9 By: /s/ Paul J. Andre

10 Paul J. Andre
11 Lisa Kobialka
12 James Hannah
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14 & FRANKEL LLP
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16 Menlo Park, CA 94025
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22 *Attorneys for Plaintiff*
23 FINJAN, INC.

DEMAND FOR JURY TRIAL

Finjan demands a jury trial on all issues so triable.

Respectfully submitted,

Dated: October 8, 2015

By: /s/ Paul J. Andre

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