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7 *Attorneys for Plaintiff*
8 FINJAN, INC.

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

13 FINJAN, INC., a Delaware Corporation,

14 Plaintiff,

15 v.

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

18 Defendant.

Case No.: 15-cv-03295-BLF

**FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 **FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

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

5 **THE PARTIES**

6 1. Finjan is a corporation organized and existing under the laws of Delaware, with its
7 principal place of business at 2000 University Ave., Ste. 600, East Palo Alto, California 94303.

8 2. Blue Coat is a corporation organized and existing under the laws of Delaware, with its
9 principal place of business at 420 North Mary Avenue, Sunnyvale, California 94085.

10 **JURISDICTION AND VENUE**

11 3. This action arises under the Patent Act, 35 U.S.C. § 101 *et seq.* This Court has original
12 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 5. This Court has personal jurisdiction over Defendant. Upon information and belief,
15 Defendant has conducted business in this District and continues to infringe and/or induce the
16 infringement in this District. Defendant also markets its products primarily in and from this District.
17 In addition, the Court has personal jurisdiction over Defendant because it has established minimum
18 contacts with the forum and the exercise of jurisdiction would not offend traditional notions of fair
19 play and substantial justice.
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22 **INTRADISTRICT ASSIGNMENT**

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

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2 7. Finjan was founded in 1997 as a wholly-owned subsidiary of Finjan Software Ltd., an
3 Israeli corporation. Finjan was a pioneer in 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 as a result of Finjan’s more
8 than decade-long research and development efforts, supported by many inventors.
9

10 8. Finjan built and sold software, including application programming interfaces and
11 appliances for network security, using these patented technologies. Finjan’s licensing partners
12 continue to support these products and customers. At its height, Finjan employed nearly 150
13 employees around the world, building and selling security products, while operating the Malicious
14 Code Research Center through which it frequently published research regarding network security and
15 current threats on the Internet. Finjan’s pioneering approach to online security drew equity
16 investments from two major software and technology companies, the first in 2005 and the second in
17 2006.
18

19 9. Finjan generated millions of dollars in product sales and related services and support
20 revenues through 2009, when it spun off certain hardware and technology assets in a merger. Pursuant
21 to this merger, Finjan was bound to a non-compete and confidentiality agreement, under which it could
22 not make or sell a competing product or disclose the existence of the non-compete clause.
23

24 10. Finjan became a publicly traded company in June 2013, capitalized with \$30 million.
25 After Finjan’s obligations under the non-compete and confidentiality agreement expired in March
26 2015, Finjan re-entered the development and production sector of secure products for the consumer
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1 market. On June 16, 2015, Finjan introduced its first Finjan Mobile Secure Browser, which offers
2 users security and awareness to keep their data safe while surfing the web on their mobile devices.

3 11. Finjan’s commitment to innovation in the security space continues through incubating
4 and investing in up-and-coming technology startups that are pioneering a new generation of security
5 technologies. Finjan has distributed \$1 million of a \$5 million commitment to one such startup so far.
6 Additionally, in June 2015, Finjan announced the expansion of its “Mobile Defense Challenge 2015”
7 for College Students, in which a \$40,000 grant will be awarded to develop a winning security
8 application. Also in June 2015, Finjan launched CybeRisk Security Solutions, a product that provides
9 cybersecurity risk advisory services to customers around the world.
10

11 12. Finjan’s founder and original investors are still involved with and invested in the
12 company today, as are a number of other key executives and advisors. Finjan continues to work with
13 inventors, acquire technology companies, and invest in research laboratories, startups and universities.
14

15 13. On March 18, 2014, U.S. Patent No. 8,677,494 (“the ‘494 Patent”), entitled
16 MALICIOUS MOBILE CODE RUNTIME MONITORING SYSTEM AND METHODS, was issued
17 to Yigal Mordechai Edery, Nimrod Itzhak Vered, David R. Kroll and Shlomo Touboul. A true and
18 correct copy of the ‘494 Patent is attached to this Complaint as Exhibit A and is incorporated by
19 reference herein.

20 14. All rights, title, and interest in the ‘494 Patent have been assigned to Finjan, who is the
21 sole owner of the ‘494 Patent. Finjan has been the sole owner of the ‘494 Patent since its issuance.
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23 15. The ‘494 Patent is generally directed towards computer networks and more particularly
24 provides a system that protects devices connected to the Internet from undesirable operations from
25 web-based content. One of the ways in which this is accomplished is by deriving security profiles for
26 content and storing the profiles in a database.
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1 16. On October 22, 2013, U.S. Patent No. 8,566,580 (“the ‘580 Patent”), entitled
2 SPLITTING AN SSL CONNECTION BETWEEN GATEWAYS, was issued to Yuval Ben-Itzhak,
3 Shay Lang and Dmitry Rubinstein. A true and correct copy of the ‘580 Patent is attached to this
4 Complaint as Exhibit B and is incorporated by reference herein.

5 17. All rights, title, and interest in the ‘580 Patent have been assigned to Finjan, who is the
6 sole owner of the ‘580 Patent. Finjan has been the sole owner of the ‘580 Patent since its issuance.

7 18. The ‘580 Patent is generally directed towards a system for secure communication. The
8 ‘580 Patent generally discloses a system which uses an SSL connector to provide secure
9 communication.
10

11 19. 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 A
13 DOWNLOADABLE, was issued to Shlomo Touboul and Nachshon Gal. A true and correct copy of
14 the ‘844 Patent is attached to this Complaint as Exhibit C and is incorporated by reference herein.

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

17 21. The ‘844 Patent is generally directed towards computer networks, and more
18 particularly, provides a system that protects devices connected to the Internet from undesirable
19 operations from web-based content. One of the ways this is accomplished is by linking a security
20 profile to such web-based content to facilitate the protection of computers and networks from
21 malicious web-based content or to provide further analysis of potential threats on the Internet.
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23 22. On November 15, 2005, U.S. Patent No. 6,965,968 (“the ‘968 Patent”), entitled
24 POLICY-BASED CACHING, was issued to Shlomo Touboul. A true and correct copy of the ‘968
25 Patent is attached to this Complaint as Exhibit D and is incorporated by reference herein.
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1 23. All rights, title, and interest in the ‘968 Patent have been assigned to Finjan, who is the
2 sole owner of the ‘968 Patent. Finjan has been the sole owner of the ‘968 Patent since its issuance.

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

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

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

13 27. The ‘731 Patent is generally directed towards methods and systems for providing an
14 efficient security system. One of the ways this is accomplished is by implementing a variety of caches
15 to increase performance of the system.

16 28. On December 13, 2011, U.S. Patent No. 8,079,086 (“the ‘086 Patent”), entitled
17 MALICIOUS MOBILE CODE RUNTIME MONITORING SYSTEM AND METHODS, was issued
18 to Yigal Mordechai Edery, Nimrod Itzhak Vered, David R Kroll and Shlomo Touboul. A true and
19 correct copy of the ‘086 Patent is attached to this Complaint as Exhibit F and is incorporated herein.

20 29. All rights, title, and interest in the ‘086 Patent have been assigned to Finjan, who is the
21 sole owner of the ‘086 Patent. Finjan has been the sole owner of the ‘086 Patent since its issuance.

22 30. The ‘086 Patent is generally directed towards computer networks and, more
23 particularly, provides a system that protects devices connected to the Internet from undesirable
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1 operations from web-based content. One of the ways this is accomplished is by creating a profile of the
2 web-based content and sending a representation of these profiles to another computer for appropriate
3 action.

4 31. On July 17, 2012, U.S. Patent No. 8,225,408 (“the ‘408 Patent”), entitled METHOD
5 AND SYSTEM FOR ADAPTIVE RULE-BASED CONTENT SCANNERS, was issued to Moshe
6 Rubin, Moshe Matitya, Artem Melnick, Shlomo Touboul, Alexander Yermakov and Amit Shaked. A
7 true and correct copy of the ‘408 Patent is attached to this Complaint as Exhibit G and is incorporated
8 by reference herein.
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10 32. All rights, title, and interest in the ‘408 Patent have been assigned to Finjan, who is the
11 sole owner of the ‘408 Patent. Finjan has been the sole owner of the ‘408 Patent since its issuance.

12 33. The ‘408 Patent is generally directed towards network security and, in particular, rule
13 based scanning of web-based content for a variety of exploits written in different programming
14 languages. One of the ways in which this is accomplished is by expressing the exploits as patterns of
15 tokens. Additionally, the system provides a way to analyze these exploits by using a parse tree.
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17 34. On September 22, 2015, U.S. Patent No. 9,141,786 (“the ‘786 Patent”), entitled
18 MALICIOUS MOBILE CODE RUNTIME MONITORING SYSTEM AND METHODS, was issued
19 to Yigal Mordechai Edery, Nimrod Itzhak Vered, David R. Kroll, Shlomo Touboul. In one
20 embodiment, the ‘786 Patent describes a processor-based method that includes receiving at a host-
21 server downloadable information, analyzing by a detection engine the downloadable-information and
22 causing by a packaging engine mobile protection code to be communicated to at least one information-
23 destination of the downloadable information. A true and correct copy of the ‘786 Patent is attached to
24 this Complaint as Exhibit BB and is incorporated by reference herein.
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1 35. All rights, title, and interest in the ‘786 Patent have been assigned to Finjan, who is the
2 sole owner of the ‘786 Patent. Finjan has been the sole owner of the ‘786 Patent since its issuance.

3 36. On November 17, 2015, U.S. Patent No. 9,189,621 (“the ‘621 Patent”), entitled
4 MALICIOUS MOBILE CODE RUNTIME MONITORING SYSTEM AND METHODS, was issued
5 to Shlomo Touboul. In one embodiment, the ‘621 Patent describes a system for determining whether
6 a downloadable is suspicious that includes a processor, a plurality of operating system probes, an
7 interrupter, a first comparator, and a response engine. A true and correct copy of the ‘621 Patent is
8 attached to this Complaint as Exhibit CC and is incorporated by reference herein.
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10 37. All rights, title, and interest in the ‘621 Patent have been assigned to Finjan, who is the
11 sole owner of the ‘621 Patent. Finjan has been the sole owner of the ‘621 Patent since its issuance.

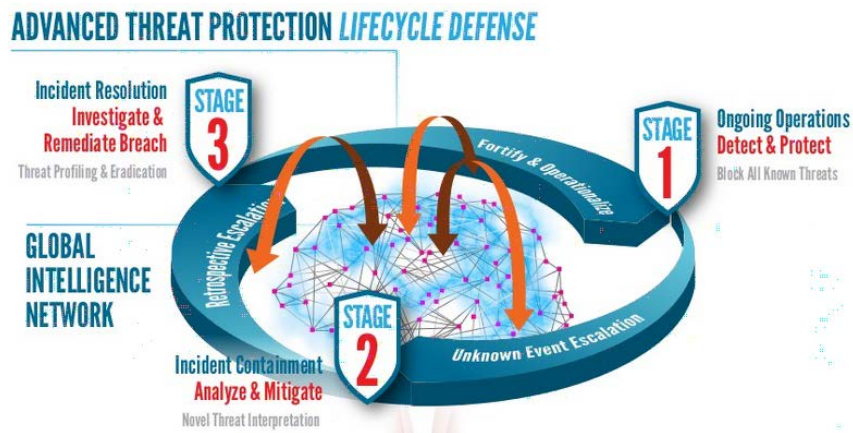
12 38. On December 22, 2015, U.S. Patent No. 9,219,755 (“the ‘755 Patent”), entitled
13 MALICIOUS MOBILE CODE RUNTIME MONITORING SYSTEM AND METHODS, was issued
14 to Shlomo Touboul. In one embodiment, the ‘755 Patent describes a system for reviewing an operating
15 system call issued by a downloadable that includes a processor, an operating system probe, a runtime
16 environment monitor, a response engine, a downloadable engine, a request broker, a file system probe
17 and a network system probe, and an event router. A true and correct copy of the ‘755 Patent is
18 attached to this Complaint as Exhibit DD and is incorporated by reference herein.
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20 39. All rights, title, and interest in the ‘755 Patent have been assigned to Finjan, who is the
21 sole owner of the ‘755 Patent. Finjan has been the sole owner of the ‘755 Patent since its issuance.
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23 40. Finjan maintains a website (www.finjan.com) where it has a section titled the Finjan
24 Patent Portfolio. The patents listed above, including additional patents and patent applications, are all
25 described and listed at <http://www.finjan.com/technology/patents>.
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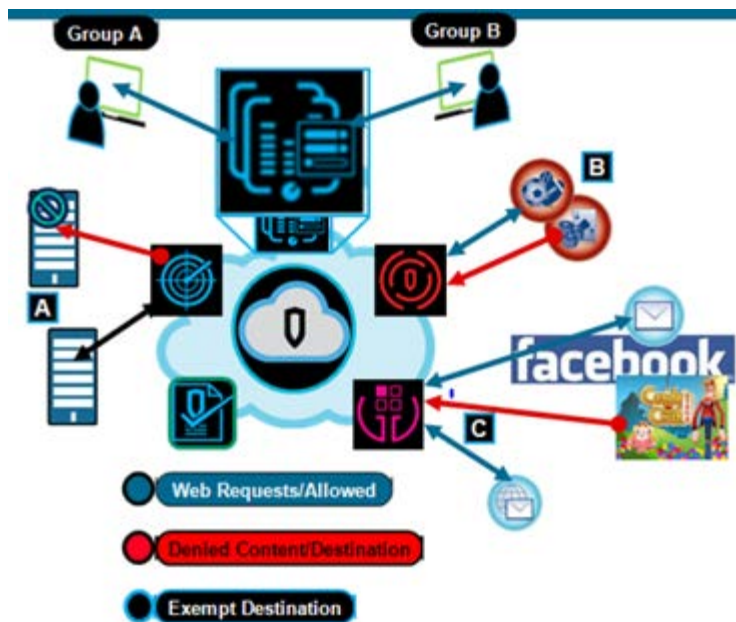
BLUE COAT

41. Blue Coat makes, uses, sells, offers for sale, and/or imports into the United States and this District its Web Security Service, WebPulse Cloud Service, ProxySG Appliances and Software, Blue Coat Systems SV2800 and SV3800, Malware Analysis Appliances and Software, Security Analytics Platform, Content Analysis System, and Mail Threat Defense, S400-10 and S400-20, which in combination form Blue Coat's Advanced Threat Protection Lifecycle Defense:



<https://image.slidesharecdn.com/lifecycle-poster-v2-131023233916-phpapp01/95/advanced-threat-protection-lifecycle-infographic-1-1024.jpg?cb=1394539516> (attached as Exhibit H).

42. The Blue Coat Web Security Service is a family of Blue Coat Cloud Services that provides, without limitation: malware scanning, web and content filtering, real-time advanced threat protection, behavioral analysis, generation of proactive malware defenses and security profiles in response to downloadable files and data received, and secure caching of that data and security profile information. See <https://www.bluecoat.com/documents/download/3b698df2-62ab-4354-8dce-fc4d7b2cd752/34572c90-898b-4852-8055-c6cec6c64852> (attached as Exhibit I). The Blue Coat Web Security Service also provides policies, such as global settings (basic policy), granular rules (advanced policy) or verdict policy which are efficiently applied in deciding the allowability of content requested by various groups of users:

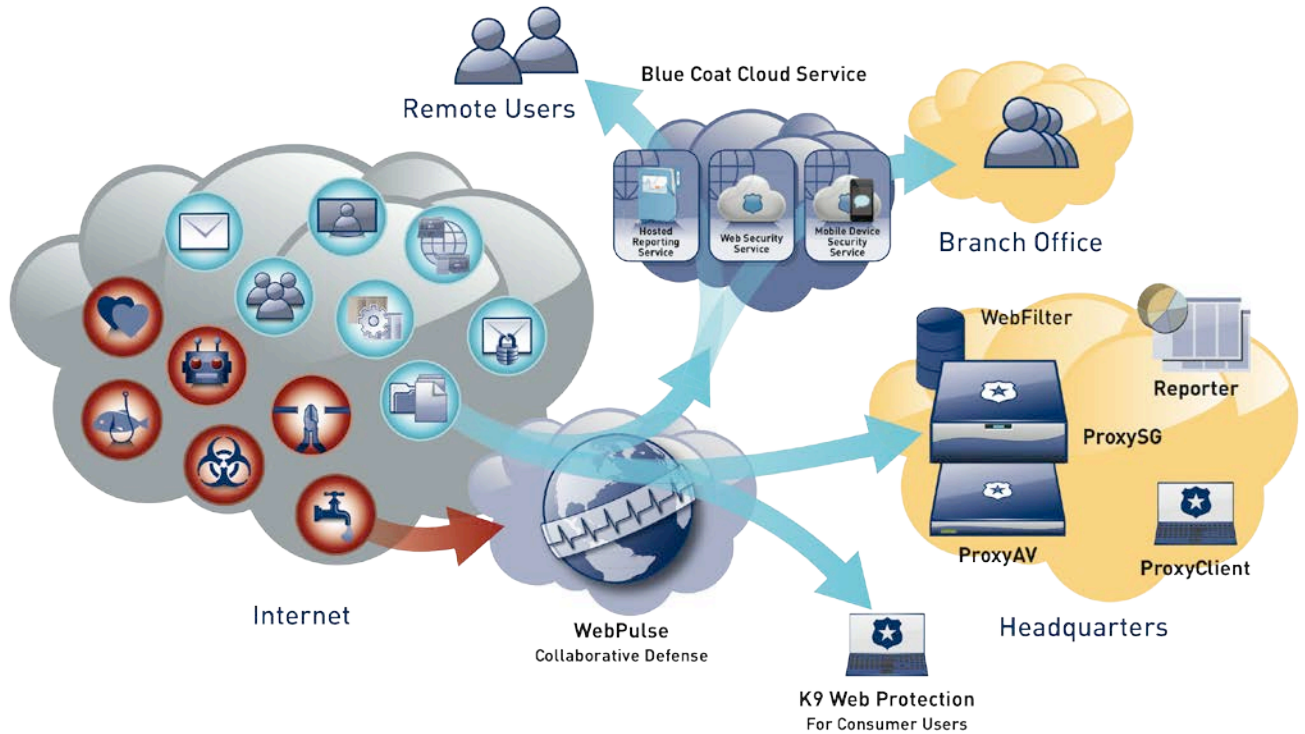


See https://bto.bluecoat.com/sites/default/files/tech_pubs/BCWSSPolicyCookbook.pdf (attached as Exhibit J).



Id.

43. The Blue Coat WebPulse Cloud Service is a cloud-based infrastructure utilizing multiple technologies to analyze content requests and can be used with the ProxySG Appliances and Software and Blue Coat's Web Security Service as shown below:



<http://www.bluecoat.com/documents/download/d84549c4-05f3-4c64-920c-f48cdccad4ae/4e23e1a8->

[b292-4aff-9271-e2431918dc0f](http://www.bluecoat.com/documents/download/d84549c4-05f3-4c64-920c-f48cdccad4ae/4e23e1a8-b292-4aff-9271-e2431918dc0f) at 2 (attached as Exhibit K). WebPulse includes Dynamic Real-Time Rating (“DRTR”) to analyze unknown content in real-time, including parsing incoming program code for potential exploits. WebPulse capabilities includes more than 20 detection and rating modules that accept web categorization requests from its over 75 million users around the world. See

[Bcs_WebPulse_Tech_Overview_wp_v1b.pdf](#) at 7-8 (attached as Exhibit L); see also

[bcs_ds_Web_Security_Service_EN_v5a.pdf](#) at 1 (attached as Exhibit I); see also

<https://www.bluecoat.com/security/security-archive/2012-04-13/webpulse-nutshell> (attached as Exhibit M).

44. The Blue Coat ProxySG Appliances and Software provide, without limitation, web filtering, data loss prevention, inspection, content caching, bandwidth management, and stream-splitting. The ProxySG Appliances and Software include the ProxySG S200, ProxySG S300, ProxySG

1 S400, ProxySG S500, ProxySG S600, ProxySG S900 and ProxySG S9000. *See*

2 <https://www.bluecoat.com/products/proxysg-secure-web-gateway> (attached as Exhibit N).

3 45. The Blue Coat ProxySG Appliances and Software enforce network policy utilizing the
4 Blue Coat Policy Processing Engine, the Visual Policy Manager (VPM) and a syntax known as
5 Content Policy Language (CPL). *See* <https://bto.bluecoat.com/documentation/All-Documents/ProxySG>
6 (attached as Exhibit O); *also see*

7 https://bto.bluecoat.com/sites/default/files/tech_pubs/SGOS%20Administration%20Guide_0.pdf at 62
8 (attached as Exhibit P).

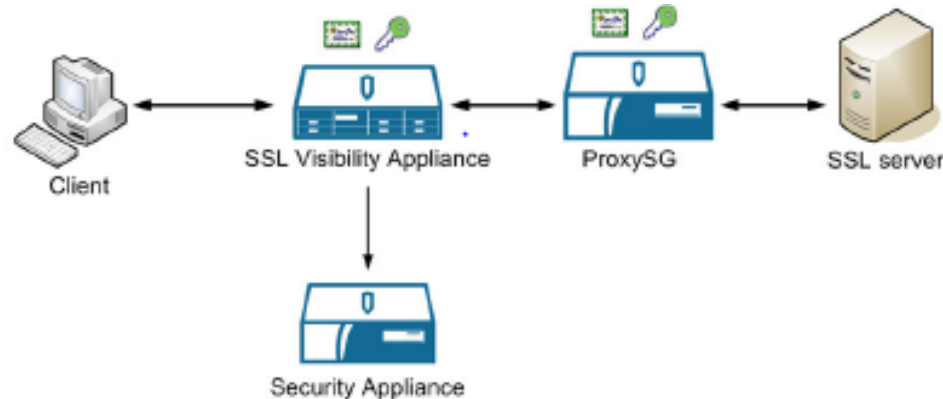
9 46. The Blue Coat ProxySG Appliances and Software are able to cache an object each time
10 a request is received and check its object store for a cached copy.

11 [Preventing Malware with Blue Coat Proxies.pdf](#) at 7 (attached as Exhibit Q).

12 47. The Blue Coat Systems SV2800 and SV3800 are able to enforce policies. The Blue
13 Coat Systems SV2800 and SV3800 are appliances that provide complete inspection, visibility, and
14 control of SSL-encrypted traffic, allowing a user to add policy-based SSL management capabilities.
15 The Blue Coat Systems SV2800 and SV3800 can be transparent thereby eliminating the need for
16 network reconfiguration, IP addressing or topology changes or modification to client IP and web
17 browser configurations. *See* [https://www.bluecoat.com/documents/download/462306fa-1514-481d-
18 899a-0ad57c59a9e7/3a25e097-3f1a-4de8-b5fd-e42c037af57b](https://www.bluecoat.com/documents/download/462306fa-1514-481d-899a-0ad57c59a9e7/3a25e097-3f1a-4de8-b5fd-e42c037af57b) (attached as Exhibit R). SV2800 and
19 SV3800 also support both passive and active appliances as well as in-line and tap modes of operation.

20 *Id.* They can also preserve applications by delivering decrypted plaintext to security appliances as a
21 generated TCP stream with the packet headers as they were received, thereby allowing applications
22 and appliances, such as NGFW, IDS/IPS, DLP and forensics, to expand their scope and provide
23 protection from previously hidden traffic and potential threats. *Id.* Blue Coat's SV2800 and SV3800
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1 can also work in conjunction with Blue Coat's ProxySG Appliances and Software to add, without
 2 limitation, data loss prevention, sandboxing, firewall, and intrusion prevention systems with complete
 3 visibility into SSL /TLS traffic. See <https://www.bluecoat.com/products/ssl-visibility-appliance>
 4 (attached as Exhibit S).

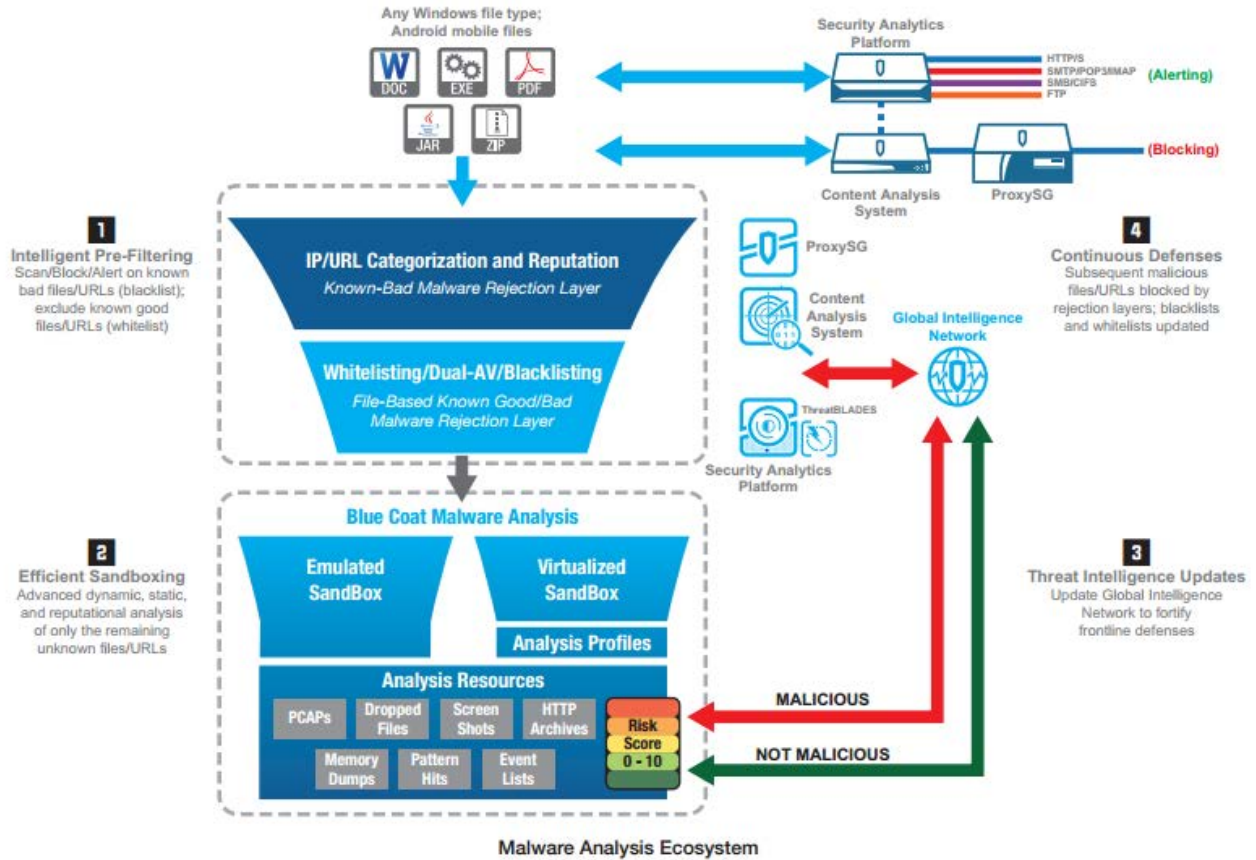


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 12 See https://bto.bluecoat.com/sites/default/files/tech_pubs/SV2800_SV3800_Admin-Guide_3.7_1.pdf
 13 at 76 (attached as Exhibit T)(Describing deploying SSL Visibility Appliance in networks that already
 14 have an SSL proxy device in place that is inspecting some of the outgoing SSL traffic using certificate
 15 resign. The SSL Visibility Appliance would typically be deployed in order to allow other security
 16 appliances to view inspected traffic in addition to the existing proxy device that may not have an
 17 ability to pass inspected traffic to other devices).

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 19 48. The Blue Coat Malware Analysis Appliances and Software comprise a customizable
 20 sandbox solution that provides malware detonation and analysis using a dual-detection approach that
 21 combines virtualization and emulation to capture malicious behavior across a wide range of custom
 22 environments. The Malware Analysis Appliances and Software generate security profiles for
 23 downloadables that include a list of suspicious operations. The Malware Analysis Appliances and
 24 Software can also work in conjunction with Blue Coat's WebPulse or Security Analytics Platform to
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disseminate, store, and implement these profiles. See

bcs_ds_Malware_Analysis_Appliance_S400_S500_EN_v2f.pdf (attached as Exhibit U).



Id. at 4. The Blue Coat Malware Analysis System Appliances and Software include the Malware Analysis Appliance S400-10 and S500-10. *Id.* at 3.

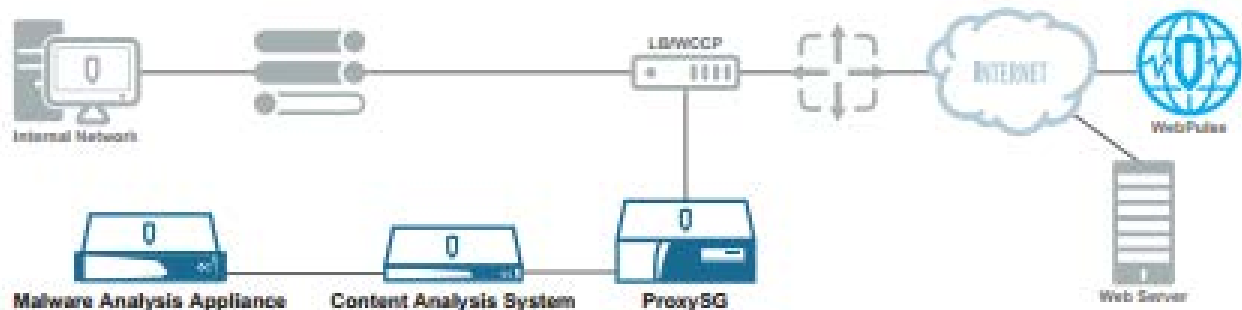
49. The Blue Coat Security Analytics Platform is software that delivers complete visibility of web traffic within a network and also analyzes, collects, and reports forensic information of malicious downloadables. The Blue Coat Security Analytics Platform can work in conjunction with its Malware Analysis System Appliances and Software and WebPulse to derive and store security profiles of downloadables. For example, the Blue Coat Security Analytics Platform automatically detects, extracts, classifies and brokers suspicious or unknown files in real-time to the Blue Coat Malware

1 Analysis Appliance for malware detonation and scoring. *See*

2 <https://www.bluecoat.com/products/security-analytics-platform> (attached as Exhibit V); *see also*

3 [bcs_ds_Security_Analytics_Software_EN_v3c.pdf](#) (attached as Exhibit W).

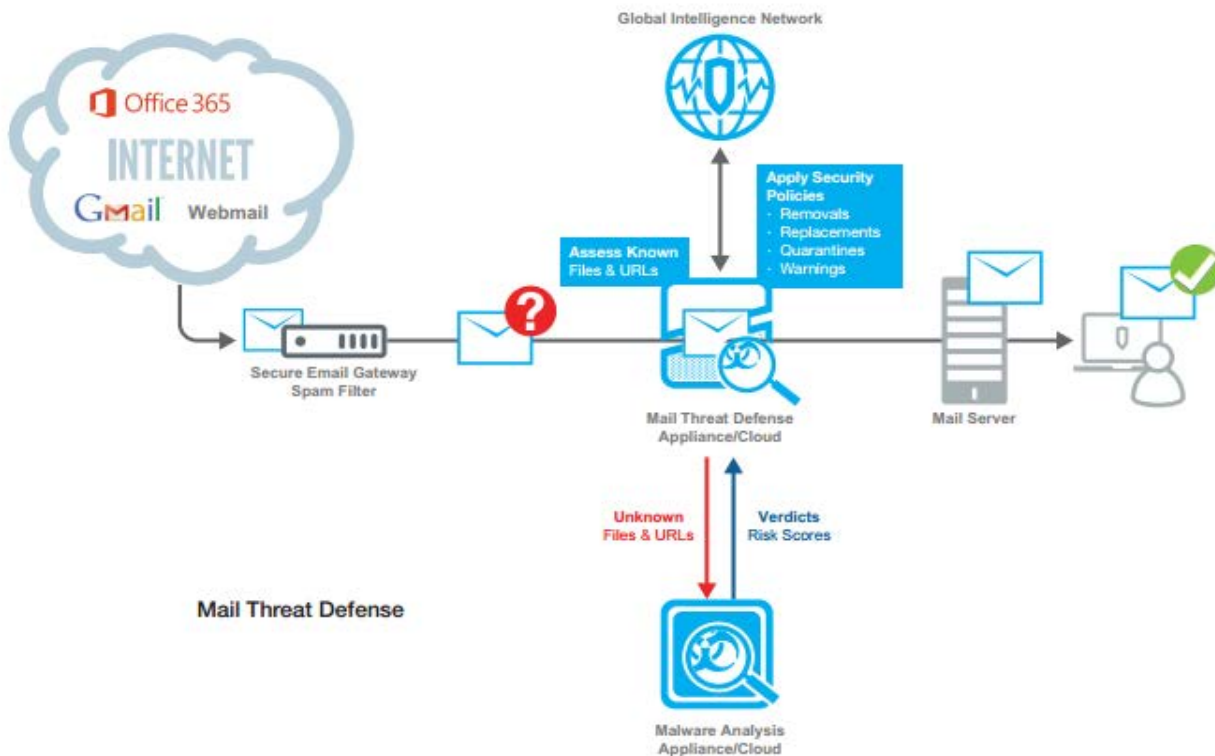
4 50. The Blue Coat Content Analysis System is a layered software platform that includes,
5 without limitation, malware scanning, anti-virus, whitelisting and sandboxing technologies. The
6 Content Analysis System works with its ProxySG and Malware Analysis Appliances and scans
7 incoming content, derives a security profile for the content, and stores that content and related policy in
8 caches.
9 caches.



16 *See* [bcs_ds_Content_Analysis_System_S200_S400_S500_EN_v1a.pdf](#) (attached as Exhibit X).

17 51. The Blue Coat Mail Threat Defense is a software platform that protects against threats
18 transmitted by email and includes, without limitation, the ability to scan, inspect, and analyze all
19 incoming downloadables, filter incoming data, sandbox downloadables for behavioral analysis, and
20 generate, apply, and store downloadable security profiles or policies in a cache or database. The Blue
21 Coat Mail Threat Defense appliance includes the MTD S400-10 and MTD S400-20 products, and can
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work in conjunction with the Malware Analysis Appliance MAA S400-10 product, as described below:



See bcs_ds_Mail_Threat_Defense_S400_EN_v1h.pdf (attached as Exhibit Y).

BLUE COAT’S INFRINGEMENT OF FINJAN’S PATENTS

52. Defendant has been and is now infringing the ‘494 Patent, the ‘580 Patent, the ‘086 Patent, the ‘408 Patent, the ‘844 Patent, the ‘968 Patent, the ‘731 Patent, the ‘786 Patent, the ‘621 Patent and the ‘755 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 on the Blue Coat Web Security Service, WebPulse Cloud Service in combination with ProxySG Appliances and Software, Blue Coat Systems SV2800 and SV3800 in combination with ProxySG Appliances and Software, Malware Analysis Appliances and Software in combination with WebPulse or Security Analytics Platform, ProxySG Appliances and Software in combination with Content Analysis System and Malware Analysis Appliances and Software and Mail

1 Threat Defense S400-10 and S400-20 in combination with Malware Analysis Appliances and
2 Software.

3 **COUNT I**

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

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

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

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

11 56. 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 57. 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 the
15 Blue Coat Web Security Service, WebPulse Service in combination with ProxySG Appliances and
16 Software, Malware Analysis Appliances and Software in combination with WebPulse or Security
17 Analytics Platform and Mail Threat Defense S400-10 or S400-20 in combination with Malware
18 Analysis Appliances and Software, which embody the patented invention of the '494 Patent.
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20 58. 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.
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24 59. Defendant's infringement of the '494 Patent has injured and continues to injure Finjan
25 in an amount to be proven at trial.
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1 60. Defendant has been well aware of the '494 Patent. On August 28, 2013, Finjan filed a
2 complaint against Defendant for, *inter alia*, infringement of the U.S. Patent Nos. 6,804,780 and
3 7,058,822 Patents, that are related to the '494 Patent, based in part on the manufacture, use, sale,
4 importation and/or offer for sale of the Blue Coat ProxySG Appliances and Software. Furthermore,
5 Defendant was on actual notice of the '494 Patent at least as of May 1, 2014 when Finjan and
6 Defendant filed Second Joint Case Management Statement. *See Finjan, Inc. v. Blue Coat Systems,*
7 *Inc.*, ND. Cal. Case No. 13-cv-03999-BLF, Dkt. No. 58 (Second Joint Case Management Statement &
8 Proposed Order, Appendix B at 1, 3). Finjan also provided Blue Coat the entire file history of the '494
9 Patent on July 25, 2014. Despite the awareness of the '494 Patent, Defendant continues to
10 manufacture, use, sale, import and/or offer for sale the Blue Coat Web Security Service, the Blue Coat
11 WebPulse Service in combination with ProxySG and the Blue Coat Malware Analysis Appliances and
12 Software in combination with WebPulse or Security Analytics Platform, while Defendant also elected
13 to manufacture, use, sale, import and/or offer for sale the Mail Threat Defense S400-10 or S400-20 in
14 combination with Malware Analysis Appliance S400-10, which embody the patented invention of the
15 '494 Patent, at least as of July 7, 2015. *See* [https://www.bluecoat.com/blogs/2015-07-07/securing-](https://www.bluecoat.com/blogs/2015-07-07/securing-agency-email-against-targeted-attacks)
16 [agency-email-against-targeted-attacks](https://www.bluecoat.com/blogs/2015-07-07/securing-agency-email-against-targeted-attacks) (attached as Exhibit Z); *see also*
17 [https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-b96a-9345d3723f7e/6fc3b569-](https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-b96a-9345d3723f7e/6fc3b569-eaf1-4d73-93c6-1f6fa8334c88)
18 [eaf1-4d73-93c6-1f6fa8334c88](https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-b96a-9345d3723f7e/6fc3b569-eaf1-4d73-93c6-1f6fa8334c88) (attached as Exhibit AA). As such, Defendant has acted recklessly and
19 continues to willfully, wantonly, and deliberately engage in acts of infringement of the '494 Patent,
20 warranting an award to Finjan of enhanced damages under 35 U.S.C. § 284, and attorneys' fees and
21 costs incurred under 35 U.S.C. § 285.
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COUNT II

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

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2 61. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the
3 allegations of the preceding paragraphs.
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5 62. Defendant has infringed and continues to infringe one or more claims of the ‘580 Patent
6 in violation of 35 U.S.C. § 271(a).

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

9 64. 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

12 65. Defendant’s infringement includes, but is not limited to, the manufacture, use, sale,
13 importation and/or offer for sale of Defendant’s products and services, including but not limited to, the
14 Blue Coat Systems SV2800 and SV3800 in combination with ProxySG Appliances and Software,
15 which embody the patented invention of the ‘580 Patent.

16 66. 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 67. Defendant’s infringement of the ‘580 Patent has injured and continues to injure Finjan
20 in an amount to be proven at trial.
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22 68. Defendant has been well aware of the ‘580 Patent. On August 28, 2013, Finjan filed a
23 complaint against Defendant for infringement of six patents out of Finjan’s patent portfolio based in
24 part on the manufacture, use, sale, importation and/or offer for sale of various products of Blue Coat.
25 Furthermore, Defendant was on actual notice of the ‘580 Patent at least as of May 1, 2014 when Finjan
26 and Defendant filed a Second Joint Case Management Statement. *See Finjan, Inc. v. Blue Coat*
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1 *Systems, Inc.*, ND. Cal. Case No. 13-cv-03999-BLF, Dkt. No. 58 (Second Joint Case Management
2 Statement & Proposed Order, Appendix B at 3). Finjan also provided Blue Coat with the entire file
3 history of the '580 Patent on October 7, 2014. Despite the awareness of the '580 Patent, Defendant
4 continues to manufacture, use, sale, import and/or offer for sale the Blue Coat Systems SV2800 and
5 SV3800 in combination with ProxySG Appliances and Software, which embody the patented invention
6 of the '580. As such, Defendant has acted recklessly and continues to willfully, wantonly, and
7 deliberately engage in acts of infringement of the '580 Patent, warranting an award to Finjan of
8 enhanced damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. §
9 285.
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11 **COUNT III**

12 **(Direct Infringement of the '086 Patent pursuant to 35 U.S.C. § 271(a))**

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

15 70. Defendant has infringed and continues to infringe one or more claims of the '086 Patent
16 in violation of 35 U.S.C. § 271(a).

17 71. Defendant's infringement is based upon literal infringement or, in the alternative,
18 infringement under the doctrine of equivalents.

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

21 73. Defendant's infringement includes, but is not limited to, the manufacture, use, sale,
22 importation and/or offer for sale of Defendant's products and services, including but not limited to, the
23 Blue Coat Mail Threat Defense S400-10 or S400-20 in combination with Malware Analysis Appliance
24 S400-10, which embody the patented invention of the '086 Patent.
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1 74. 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 75. Defendant's infringement of the '086 Patent has injured and continues to injure Finjan
5 in an amount to be proven at trial.

6 76. Defendant has been well aware of the '086 Patent. On August 28, 2013, Finjan filed a
7 complaint against Defendant for, *inter alia*, infringement of the U.S. Patent Nos. 7,058,822 and
8 6,804,780, that are related to the '086 Patent, based in part on the manufacture, use, sale, importation
9 and/or offer for sale of the Blue Coat ProxySG Appliances and Software. Furthermore, Defendant was
10 on actual notice of the '086 Patent at least as of May 1, 2014 when Finjan and Defendant filed a
11 Second Joint Case Management Statement. *See Finjan, Inc. v. Blue Coat Systems, Inc.*, ND. Cal. Case
12 No. 13-cv-03999-BLF, Dkt. No. 58 (Second Joint Case Management Statement & Proposed Order,
13 Appendix B at 1, 2). Finjan also provided Blue Coat on July 25, 2014 with the entire file history of the
14 '086 Patent. Despite the awareness of the '086 Patent, Defendant elected to manufacture, use, sale,
15 import and/or offer for sale the Blue Coat Mail Threat Defense S400-10 or S400-20 in combination
16 with Malware Analysis Appliance S400-10, which embody the patented invention of the '086, at least
17 as of July 7, 2015. *See* [https://www.bluecoat.com/blogs/2015-07-07/securing-agency-email-against-](https://www.bluecoat.com/blogs/2015-07-07/securing-agency-email-against-targeted-attacks)
18 [targeted-attacks](https://www.bluecoat.com/blogs/2015-07-07/securing-agency-email-against-targeted-attacks) (attached as Exhibit Z); *see also*
19 [https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-b96a-9345d3723f7e/6fc3b569-](https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-b96a-9345d3723f7e/6fc3b569-eaf1-4d73-93c6-1f6fa8334c88)
20 [eaf1-4d73-93c6-1f6fa8334c88](https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-b96a-9345d3723f7e/6fc3b569-eaf1-4d73-93c6-1f6fa8334c88) (attached as Exhibit AA). As such, Defendant has acted recklessly and
21 continues to willfully, wantonly, and deliberately engage in acts of infringement of the '086 Patent,
22 warranting an award to Finjan of enhanced damages under 35 U.S.C. § 284, and attorneys' fees and
23 costs incurred under 35 U.S.C. § 285.
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COUNT IV

(Direct Infringement of the ‘408 Patent pursuant to 35 U.S.C. § 271(a))

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2 77. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the
3 allegations of the preceding paragraphs.
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5 78. Defendant has infringed and continues to infringe one or more claims of the ‘408 Patent
6 in violation of 35 U.S.C. § 271(a).

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

9 80. 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

12 81. Defendant’s infringement includes, but is not limited to, the manufacture, use, sale,
13 importation and/or offer for sale of Defendant’s products and services, including but not limited to, the
14 Blue Coat Web Security Service, WebPulse in combination with ProxySG Appliances and Software,
15 Mail Threat Defense S400-10 or S400-20 in combination with Malware Analysis Appliance S400-10,
16 which embody the patented invention of the ‘408 Patent.

17 82. 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

21 83. Defendant’s infringement of the ‘408 Patent has injured and continues to injure Finjan
22 in an amount to be proven at trial.

23 84. Defendant has been well aware of the ‘408 Patent. On August 28, 2013, Finjan filed a
24 complaint against Defendant for, *inter alia*, infringement of the U.S. Patent Nos. 6,804,780, which is
25 related to the ‘408 Patent, based in part on the manufacture, use, sale, importation and/or offer for sale
26 of the Blue Coat ProxySG Appliances and Software. Furthermore, Defendant was on actual notice of
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1 the '408 Patent at least as of May 1, 2014 when Finjan and Defendant filed a Second Joint Case
2 Management Statement. *See Finjan, Inc. v. Blue Coat Systems, Inc.*, ND. Cal. Case No. 13-cv-03999-
3 BLF, Dkt. No. 58 (Second Joint Case Management Statement & Proposed Order, Appendix B at 1, 2).
4 Finjan also provided Blue Coat with the entire file history of the '408 Patent on July 25, 2014. Despite
5 the awareness of the '408 Patent, Defendant continues to manufacture, use, sale, import and/or offer
6 for sale the Blue Coat Web Security Service and WebPulse in combination with ProxySG Appliances
7 and Software, while Defendant also elected to manufacture, use, sale, import and/or offer for sale the
8 Mail Threat Defense S400-10 and/or S400-20 in combination with Malware Analysis Appliance S400-
9 10, which embody the patented invention of the '408, at least as of July 7, 2015. *See*
11 <https://www.bluecoat.com/blogs/2015-07-07/securing-agency-email-against-targeted-attacks> (attached
12 as Exhibit Z); *see also* [https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-b96a-
13 9345d3723f7e/6fc3b569-eaf1-4d73-93c6-1f6fa8334c88](https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-b96a-9345d3723f7e/6fc3b569-eaf1-4d73-93c6-1f6fa8334c88) (attached as Exhibit AA). As such, Defendant
14 has acted recklessly and continues to willfully, wantonly, and deliberately engage in acts of
15 infringement of the '408 Patent, warranting an award to Finjan of enhanced damages under 35 U.S.C.
16 § 284, and attorneys' fees and costs incurred under 35 U.S.C. § 285.

18 **COUNT V**

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

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

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

24 87. Defendant's infringement is based upon literal infringement or, in the alternative,
25 infringement under the doctrine of equivalents.
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1 88. Defendant's acts of making, using, importing, selling, and/or offering for sale infringing
2 products and services have been without the permission, consent, authorization or license of Finjan.

3 89. Defendant's infringement includes, but is not limited to, the manufacture, use, sale,
4 importation and/or offer for sale of Defendant's products and services, including but not limited to the
5 Blue Coat Web Security Service and Mail Threat Defense S400-10 and/or S400-20 in combination
6 with Malware Analysis Appliances and Software, which embody the patented invention of the '844
7 Patent.
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9 90. As a result of Defendant's unlawful activities, Finjan has suffered and will continue to
10 suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Finjan is entitled
11 to preliminary and/or permanent injunctive relief.

12 91. Defendant's infringement of the '844 Patent has injured and continues to injure Finjan
13 in an amount to be proven at trial.

14 92. Defendant has been well aware of the '844 Patent. On August 28, 2013, Finjan filed a
15 complaint against Defendant for, *inter alia*, infringement of the '844 Patent based in part on the
16 manufacture, use, sale, importation and/or offer for sale of the Blue Coat WebPulse Service.

17 Defendant not only continues to manufacture, use, sale, import and/or offer for sale the same product
18 and the Web Security Service, but also elected to manufacture, use, sale, import and/or offer for sale
19 the Mail Threat Defense S400-10 and/or S400-20 in combination with Malware Analysis Appliances
20 and Software S400-10 at least as of July 7, 2015, which embody the patented invention of the '844.

21 *See* <https://www.bluecoat.com/blogs/2015-07-07/securing-agency-email-against-targeted-attacks>
22 (attached as Exhibit Z); *see also* [https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-
23 b96a-9345d3723f7e/6fc3b569-eaf1-4d73-93c6-1f6fa8334c88](https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-b96a-9345d3723f7e/6fc3b569-eaf1-4d73-93c6-1f6fa8334c88) (attached as Exhibit AA). As such,
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25 Defendant has acted recklessly and continues to willfully, wantonly, and deliberately engage in acts of
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1 infringement of the '844 Patent, warranting an award to Finjan of enhanced damages under 35 U.S.C.
2 § 284, and attorneys' fees and costs incurred under 35 U.S.C. § 285.

3 **COUNT VI**

4 **(Direct Infringement of the '968 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.

7 94. Defendant has infringed and continues to infringe one or more claims of the '968 Patent
8 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 the
15 Blue Coat Web Security Service, ProxySG Appliances and Software in combination with Content
16 Analysis System and Malware Analysis Appliances and Software, which embody the patented
17 invention of the '968 Patent.
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19 98. As a result of Defendant's unlawful activities, Finjan has suffered and will continue to
20 suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Finjan is entitled
21 to preliminary and/or permanent injunctive relief.
22

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

25 100. Defendant has been well aware of the '968 Patent. On August 28, 2013, Finjan filed a
26 complaint against Defendant for, *inter alia*, infringement of the '968 Patent based in part on the
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1 manufacture, use, sale, importation and/or offer for sale of the Blue Coat WebPulse Service and
2 ProxySG Appliances and Software. Defendant not only continues to manufacture, use, sale, import
3 and/or offer for sale the same products and the Web Security Service, but also elected to manufacture,
4 use, sale, import and/or offer for sale ProxySG in combination with Content Analysis System and
5 Malware Analysis Appliances and Software well after the filing of the original complaint and the Mail
6 Threat Defense S400-10 and/or S400-20 in combination with Malware Analysis Appliances and
7 Software S400-10 at least as of July 7, 2015, which embody the patented invention of the '968 Patent.
8 See <https://www.bluecoat.com/blogs/2015-07-07/securing-agency-email-against-targeted-attacks>
9 (attached as Exhibit Z); see also [https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-
10 b96a-9345d3723f7e/6fc3b569-eaf1-4d73-93c6-1f6fa8334c88](https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-b96a-9345d3723f7e/6fc3b569-eaf1-4d73-93c6-1f6fa8334c88) (attached as Exhibit AA). As such,
11 Defendant has acted recklessly and continues to willfully, wantonly, and deliberately engage in acts of
12 infringement of the '968 Patent, warranting an award to Finjan of enhanced damages under 35 U.S.C.
13 § 284, and attorneys' fees and costs incurred under 35 U.S.C. § 285.
14

15 **COUNT VII**

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

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

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

21 103. Defendant's infringement is based upon literal infringement or, in the alternative,
22 infringement under the doctrine of equivalents.
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24 104. Defendant's acts of making, using, importing, selling, and/or offering for sale infringing
25 products and services have been without the permission, consent, authorization or license of Finjan.
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1 105. 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, the
3 Web Security Service, ProxySG Appliances and Software in combinations with Content Analysis
4 System and Malware Analysis Appliances and Software and the Mail Threat Defense S400-10 and/or
5 S400-20 in combination with Malware Analysis Appliances and Software S400-10, which embody the
6 patented invention of the '731 Patent.

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

11 107. Defendant's infringement of the '731 Patent has injured and continues to injure Finjan
12 in an amount to be proven at trial.

13 108. Defendant has been well aware of the '731 Patent. On August 28, 2013, Finjan filed a
14 complaint against Defendant for, *inter alia*, infringement of the '731 Patent based in part on the
15 manufacture, use, sale, importation and/or offer for sale of the Blue Coat ProxySG Appliances and
16 Software and WebPulse Service. Defendant not only continues to manufacture, use, sale, import
17 and/or offer for sale the same products and the Web Security Service, but also elected to manufacture,
18 use, sale, import and/or offer for sale ProxySG in combinations with Content Analysis System and
19 Malware Analysis Appliances and Software well after the filing of the original complaint and the Mail
20 Threat Defense S400-10 and/or S400-20 in combination with Malware Analysis Appliances and
21 Software S400-10 at least as of July 7, 2015, which embody the patented invention of the '731 Patent.
22 See <https://www.bluecoat.com/blogs/2015-07-07/securing-agency-email-against-targeted-attacks>
23 (attached as Exhibit Z); see also [https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-
24 b96a-9345d3723f7e/6fc3b569-eaf1-4d73-93c6-1f6fa8334c88](https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-b96a-9345d3723f7e/6fc3b569-eaf1-4d73-93c6-1f6fa8334c88) (attached as Exhibit AA). As such,
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1 Defendant has acted recklessly and continues to willfully, wantonly, and deliberately engage in acts of
2 infringement of the '731 Patent, warranting an award to Finjan of enhanced damages under 35 U.S.C.
3 § 284, and attorneys' fees and costs incurred under 35 U.S.C. § 285.

4 **COUNT VIII**

5 **(Direct Infringement of the '786 Patent pursuant to 35 U.S.C. § 271(a))**

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

8 110. Defendant has infringed and continues to infringe one or more claims of the '786 Patent
9 in violation of 35 U.S.C. § 271(a).

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

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

14 113. 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, the
16 Web Security Service, WebPulse in combination with ProxySG Appliances and Software and Mail
17 Threat Defense in combination with the Malware Analysis Appliance, which embody the patented
18 invention of the '786 Patent.
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20 114. 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.
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24 115. Defendant's infringement of the '786 Patent has injured and continues to injure Finjan
25 in an amount to be proven at trial.
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1 116. Defendant has been aware of Finjan's patent portfolio, and thus, the '786 Patent, as a
2 result of the parties' relationship over the years. On August 28, 2013, Finjan filed a complaint for
3 patent infringement against Defendant. As part of its defenses in that litigation, Defendant relied upon
4 Finjan's patent portfolio. On August 4, 2015, a jury found that Blue Coat infringes five of Finjan's
5 patents and awarded Finjan approximately \$40 million. U.S. Patent Nos. 6,804,780, which is related to
6 the '786 Patent, is among the patents that the jury found Blue Coat infringes. Prior to the jury verdict,
7 in July of 2015, Finjan filed a second complaint against Defendant for patent infringement of the '844,
8 '968, '731, '086, '408, '580 and '494 Patents. Defendant has been in at least two different patent
9 litigation cases involving different patents from Finjan's patent portfolio since 2013. Additionally,
10 Defendant has requested inter partes review of some of Finjan's patents. Thus, Defendant knew or
11 should have known about Finjan's pending patent applications and recently issued patent, the '786
12 Patent. The application for the '786 Patent was published on June 18, 2015 and the '786 Patent issued
13 to Finjan on September 22, 2015. The '786 Patent is based upon technology that Finjan developed
14 itself. On information and belief, despite the fact that Defendant knew or should have known about the
15 '786 Patent, Defendant took deliberate actions, after it had been found to infringe several of Finjan's
16 patents and after a second litigation was filed, to avoid confirming a high probability that Defendant's
17 products infringe Finjan's newly issued patents. Defendant continues to manufacture, use, sell, import
18 and/or offer for sale the Web Security Service, WebPulse in combination with ProxySG Appliances
19 and Software and Mail Threat Defense in combination with the Malware Analysis Appliance, which
20 embody the patented invention of the '786 Patent. *See* [https://www.bluecoat.com/blogs/2015-07-](https://www.bluecoat.com/blogs/2015-07-07/securing-agency-email-against-targeted-attacks)
21 [07/securing-agency-email-against-targeted-attacks](https://www.bluecoat.com/blogs/2015-07-07/securing-agency-email-against-targeted-attacks) (attached as Exhibit Z); *see also*
22 [https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-b96a-9345d3723f7e/6fc3b569-](https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-b96a-9345d3723f7e/6fc3b569-eaf1-4d73-93c6-1f6fa8334c88)
23 [eaf1-4d73-93c6-1f6fa8334c88](https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-b96a-9345d3723f7e/6fc3b569-eaf1-4d73-93c6-1f6fa8334c88) (attached as Exhibit AA). As such, Defendant has acted recklessly and
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1 continues to willfully, wantonly, and deliberately engage in acts of infringement of the '786 Patent,
2 warranting an award to Finjan of enhanced damages under 35 U.S.C. § 284, and attorneys' fees and
3 costs incurred under 35 U.S.C. § 285.

4 **COUNT IX**

5 **(Direct Infringement of the '621 Patent pursuant to 35 U.S.C. § 271(a))**

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

8 118. Defendant has infringed and continues to infringe one or more claims of the '621 Patent
9 in violation of 35 U.S.C. § 271(a).

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

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

14 121. 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, the
16 Web Security Service, WebPulse in combination with ProxySG Appliances and Software and the Mail
17 Threat Defense in combination with the Malware Analysis Appliance, which embody the patented
18 invention of the '621 Patent.

19 122. 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.
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23 123. Defendant's infringement of the '621 Patent has injured and continues to injure Finjan
24 in an amount to be proven at trial.
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1 124. Defendant has been aware of Finjan's patent portfolio, and thus, the '621 Patent, as a
2 result of the parties' relationship over the years. On August 28, 2013, Finjan filed a complaint for
3 patent infringement against Defendant. As part of its defenses in that litigation, Defendant relied upon
4 Finjan's patent portfolio. On August 4, 2015, a jury found that Blue Coat infringes five of Finjan's
5 patents and awarded Finjan approximately \$40 million. U.S. Patent Nos. 6,804,780, which is related to
6 the '621 Patent, is among the patents that the jury found Blue Coat infringes. Prior to the jury verdict,
7 in July of 2015, Finjan filed a second complaint against Defendant for patent infringement of the '844,
8 '968, '731, '086, '408, '580 and '494 Patents. Defendant has been in at least two different patent
9 litigation cases involving different patents from Finjan's patent portfolio since 2013. Additionally,
10 Defendant has requested inter partes review of some of Finjan's patents. Thus, Defendant knew or
11 should have known about Finjan's pending patent applications and recently issued patent, the '621
12 Patent. The application for the '621 Patent was published on June 25, 2015 and the '621 Patent issued
13 to Finjan on November 17, 2015. The '621 Patent is based upon technology that Finjan developed
14 itself. On information and belief, despite the fact that Defendant knew or should have known about the
15 '621 Patent, Defendant took deliberate actions, after it had been found to infringe several of Finjan's
16 patents and after a second litigation was filed, to avoid confirming a high probability that Defendant's
17 products infringe Finjan's newly issued patents. Defendant continues to manufacture, use, sell, import
18 and/or offer for sale the Web Security Service, WebPulse in combination with ProxySG Appliances
19 and Software and Mail Threat Defense in combination with the Malware Analysis Appliance, which
20 embody the patented invention of the '621 Patent. *See* [https://www.bluecoat.com/blogs/2015-07-](https://www.bluecoat.com/blogs/2015-07-07/securing-agency-email-against-targeted-attacks)
21 [07/securing-agency-email-against-targeted-attacks](https://www.bluecoat.com/blogs/2015-07-07/securing-agency-email-against-targeted-attacks) (attached as Exhibit Z); *see also*
22 [https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-b96a-9345d3723f7e/6fc3b569-](https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-b96a-9345d3723f7e/6fc3b569-eaf1-4d73-93c6-1f6fa8334c88)
23 [eaf1-4d73-93c6-1f6fa8334c88](https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-b96a-9345d3723f7e/6fc3b569-eaf1-4d73-93c6-1f6fa8334c88) (attached as Exhibit AA). As such, Defendant has acted recklessly and
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1 continues to willfully, wantonly, and deliberately engage in acts of infringement of the '621 Patent,
2 warranting an award to Finjan of enhanced damages under 35 U.S.C. § 284, and attorneys' fees and
3 costs incurred under 35 U.S.C. § 285.

4 **COUNT X**

5 **(Direct Infringement of the '755 Patent pursuant to 35 U.S.C. § 271(a))**

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

8 126. Defendant has infringed and continues to infringe one or more claims of the '755 Patent
9 in violation of 35 U.S.C. § 271(a).

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

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

14 129. 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, the
16 Web Security Service, WebPulse in combination with ProxySG Appliances and Software, and the Mail
17 Threat Defense Malware Analysis Appliance, which embody the patented invention of the '755 Patent.
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19 130. 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.

22 131. Defendant's infringement of the '755 Patent has injured and continues to injure Finjan
23 in an amount to be proven at trial.

24 132. Defendant has been aware of Finjan's patent portfolio, and thus, the '755 Patent, as a
25 result of the parties' relationship over the years. On August 28, 2013, Finjan filed a complaint for
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1 patent infringement against Defendant. As part of its defenses in that litigation, Defendant relied upon
2 Finjan's patent portfolio. On August 4, 2015, a jury found that Blue Coat infringes five of Finjan's
3 patents and awarded Finjan approximately \$40 million. U.S. Patent Nos. 6,804,780, which is related to
4 the '755 Patent, is among the patents that the jury found Blue Coat infringes. Prior to the jury verdict,
5 in July of 2015, Finjan filed a second complaint against Defendant for patent infringement of the '844,
6 '968, '731, '086, '408, '580 and '494 Patents. Defendant has been in at least two different patent
7 litigation cases involving different patents from Finjan's patent portfolio since 2013. Additionally,
8 Defendant has requested inter partes review of some of Finjan's patents. Thus, Defendant knew or
9 should have known about Finjan's pending patent applications and recently issued patent, the '755
10 Patent. The application for the '755 Patent was published on October 8, 2015 and the '755 Patent
11 issued to Finjan on December 22, 2015. The '755 Patent is based upon technology that Finjan
12 developed itself. On information and belief, despite the fact that Defendant knew or should have
13 known about the '755 Patent, Defendant took deliberate actions, after it had been found to infringe
14 several of Finjan's patents and after a second litigation was filed, to avoid confirming a high
15 probability that Defendant's products infringe Finjan's newly issued patents. Defendant continues to
16 manufacture, use, sell, import and/or offer for sale the Web Security Service, WebPulse in combination
17 with ProxySG Appliances and Software and Mail Threat Defense in combination with the Malware
18 Analysis Appliance, which embody the patented invention of the '755 Patent. *See*
19 <https://www.bluecoat.com/blogs/2015-07-07/securing-agency-email-against-targeted-attacks> (attached
20 as Exhibit Z); *see also* [https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-b96a-
21 9345d3723f7e/6fc3b569-eaf1-4d73-93c6-1f6fa8334c88](https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-b96a-9345d3723f7e/6fc3b569-eaf1-4d73-93c6-1f6fa8334c88) (attached as Exhibit AA). As such, Defendant
22 has acted recklessly and continues to willfully, wantonly, and deliberately engage in acts of
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1 infringement of the '755 Patent, warranting an award to Finjan of enhanced damages under 35 U.S.C.
2 § 284, and attorneys' fees and costs incurred under 35 U.S.C. § 285.

3 **PRAYER FOR RELIEF**

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

5 A. An entry of judgment holding Defendant has infringed, is infringing the '494 Patent, the
6 '580 Patent, the '086 Patent, the '408 Patent, the '844 Patent, the '968 Patent, the '731 Patent, the '786
7 Patent, the '621 Patent, and the '755 Patent.

8 B. A preliminary and permanent injunction against Defendant and its officers, employees,
9 agents, servants, attorneys, instrumentalities, and/or those in privity with them, from infringing the
10 '494 Patent, the '580 Patent, the '086 Patent, the '408 Patent, the '844 Patent, the '968 Patent, the '731
11 Patent, the '786 Patent, the '621 Patent, and the '755 Patent and for all further and proper injunctive
12 relief pursuant to 35 U.S.C. § 283;

13 C. An award to Finjan of such damages as it shall prove at trial against Defendant that is
14 adequate to fully compensate Finjan for Defendant's infringement of the '494 Patent, the '580 Patent,
15 the '086 Patent, the '408 Patent, the '844 Patent, the '968 Patent, the '731 Patent, the '786 Patent, the
16 '621 Patent, and the '755 Patent where said damages shall be no less than a reasonable royalty;

17 D. A determination that Defendant's infringement has been willful, wanton, and deliberate
18 and that Finjan is entitled to up to treble damages on this basis;

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

21 F. An accounting of all infringing sales and revenues, together with postjudgment interest
22 and prejudgment interest from the first date of infringement of the '494 Patent, the '580 Patent, the
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1 '086 Patent, the '408 Patent, the '844 Patent, the '968 Patent, the '731 Patent; the '786 Patent, the '621
2 Patent, and the '755 Patent and;

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

4 Respectfully submitted,

5
6 Dated: March 1, 2016

7 By: /s/ Paul J. Andre
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21 FINJAN, INC.
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DEMAND FOR JURY TRIAL

Finjan demands a jury trial on all issues so triable.

Respectfully submitted,

Dated: March 1, 2016

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