

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

10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

13 FINJAN, INC., a Delaware Corporation,

14 Plaintiff,

15 v.

16 F5 NETWORKS, INC., a Washington  
17 Corporation,

18 Defendant.

Case No.:

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

1 **COMPLAINT FOR PATENT INFRINGEMENT**

2 Plaintiff Finjan, Inc. (“Finjan”) files this Complaint for Patent Infringement and Demand for  
3 Jury Trial against F5 Networks, Inc. (“Defendant” or “F5 Networks”) and allege as follows:

4 **THE PARTIES**

5 1. Finjan is a Delaware Corporation, with its principal place of business at 2000 University  
6 Avenue, Suite 600, E. Palo Alto, California 94303.

7 2. F5 Networks is a Washington Corporation, with its principal place of business at 401  
8 Elliott Avenue West Seattle, Washington 98119.

9 **JURISDICTION AND VENUE**

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

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

13 5. This Court has personal jurisdiction over Defendant. Upon information and belief,  
14 Defendant do business in this District and have, and continues to, infringe and/or induce the  
15 infringement in this District. F5 Networks operates and maintains an office in this District located at  
16 3545 N 1st Street, San Jose, California 95134. Currently, F5 Networks acquiesces itself of the  
17 jurisdiction of Northern California in *Radware, Ltd. v. F5 Networks, Inc.*, 5:13-cv-02024, case. In  
18 addition, the Court has personal jurisdiction over Defendant because minimum contacts have been  
19 established with the forum and the exercise of jurisdiction would not offend traditional notions of fair  
20 play and substantial justice.

21 **INTRADISTRICT ASSIGNMENT**

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

24 **FINJAN’S INNOVATIONS**

25 7. Finjan was founded in 1997 as a wholly-owned subsidiary of Finjan Software Ltd., an  
26 Israeli corporation. In 1998, Finjan moved its headquarters to San Jose, California. Finjan was a  
27 pioneer in developing proactive security technologies capable of detecting previously unknown and  
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1 emerging online security threats recognized today under the umbrella of “malware.” These  
2 technologies protect networks and endpoints by identifying suspicious patterns and behaviors of  
3 content delivered over the Internet. Finjan has been awarded, and continues to prosecute, numerous  
4 patents covering innovations in the United States and around the world resulting directly from Finjan’s  
5 more than decades-long research and development efforts, supported by a dozen inventors, and over  
6 \$65 million in R&D investments.

7 8. Finjan built and sold software, including application programming interfaces (APIs), and  
8 appliances for network security using these patented technologies. These products and customers  
9 continue to be supported by Finjan’s licensing partners. At its height, Finjan employed nearly 150  
10 employees around the world building and selling security products and operating the Malicious Code  
11 Research Center through which it frequently published research regarding network security and current  
12 threats on the Internet. Finjan’s pioneering approach to online security drew equity investments from  
13 two major software and technology companies, the first in 2005, followed by the second in 2006.  
14 Finjan generated millions of dollars in product sales and related services and support revenues through  
15 2009 when it spun off certain hardware and technology assets in a merger. Pursuant to this merger,  
16 Finjan was bound to a non-compete and confidentiality agreement, under which it could not make or  
17 sell a competing product or disclose the existence of the non-compete clause. Finjan became a  
18 publicly traded company in June 2013, capitalized with \$30 million. After Finjan’s obligations under  
19 the non-compete and confidentiality agreement expired in March 2015, Finjan re-entered the  
20 development and production sector of secure mobile products for the consumer market.

21 9. On November 15, 2005, U.S. Patent No. 6,965,968 (“the ‘968 Patent”), titled POLICY-  
22 BASED CACHING, was issued to Shlomo Touboul. A true and correct copy of the ‘968 Patent is  
23 attached to this Complaint as Exhibit A and is incorporated by reference herein.

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

26 11. The ‘968 Patent is generally directed towards methods and systems for enabling policy-  
27 based cache management to determine if digital content is allowable relative to a policy. One of the  
28

1 ways this is accomplished is scanning digital content to derive a content profile and determining  
2 whether the digital content is allowable for a policy based on the content profile.

3 12. On July 5, 2011, U.S. Patent No. 7,975,305 (“the ‘305 Patent”), titled METHOD AND  
4 SYSTEM FOR ADAPTIVE RULE-BASED CONTENT SCANNERS FOR DESKTOP  
5 COMPUTERS, was issued to Moshe Rubin, Moshe Matitya, Artem Melnick, Shlomo Touboul,  
6 Alexander Yermakov and Amit Shaked. A true and correct copy of the ‘305 Patent is attached to this  
7 Complaint as Exhibit B and is incorporated by reference herein.

8 13. All rights, title, and interest in the ‘305 Patent have been assigned to Finjan, who is the  
9 sole owner of the ‘305 Patent. Finjan has been the sole owner of the ‘305 Patent since its issuance.

10 14. The ‘305 Patent is generally directed towards network security and, in particular, rule  
11 based scanning of web-based content for exploits. One of the ways this is accomplished is by using  
12 parser and analyzer rules to describe computer exploits as patterns of types of tokens. Additionally,  
13 the system provides a way to keep these rules updated.

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

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

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

24 18. On March 18, 2014, U.S. Patent No. 8,677,494 (“the ‘494 Patent”), titled MALICIOUS  
25 MOBILE CODE RUNTIME MONITORING SYSTEM AND METHODS, was issued to Yigal  
26 Mordechai Edery, Nimrod Itzhak Vered, David R. Kroll, and Shlomo Touboul. A true and correct  
27  
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1 copy of the '494 Patent is attached to this Complaint as Exhibit D and is incorporated by reference  
2 herein.

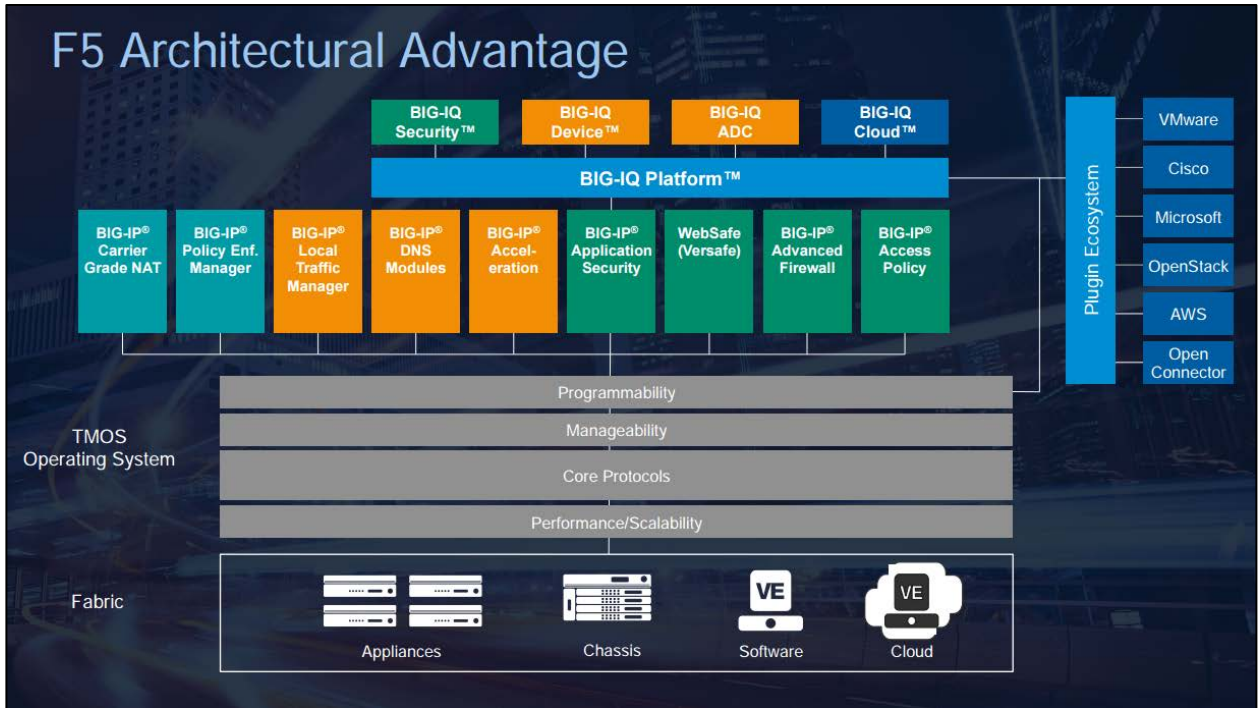
3 19. All rights, title, and interest in the '494 Patent have been assigned to Finjan, who is the  
4 sole owner of the '494 Patent. Finjan has been the sole owner of the '494 Patent since its issuance.

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

### 9 **F5 NETWORKS**

10 21. F5 Networks makes, uses, sells, offers for sale, and/or imports into the United States  
11 and this District products and services that utilize WebSafe and MobileSafe, BIG-IP Application  
12 Security Manager, Silverline Web Application Firewall, Silverline Threat Intelligence, and BIG-IP  
13 Secure Web Gateway Services. The F5 Networks integrated family of TMOS-based application  
14 services are available as software modules on purpose built hardware, as software-only Virtual  
15 Editions, and as online services on F5 Networks' Silverline SaaS platform. Initially F5 Networks  
16 focused on application delivery networking but has expanded its product and solution offerings to  
17 include application security, secure remote access, firewall protection, WAN optimization, access  
18 policy management, fraud detection, and anti-malware. Currently F5 Networks offers two types of  
19 configurations for its purpose built hardware, BIG-IP appliances and chassis-based VIPRON products.  
20 Both of which support all of F5 Networks' software modules. *See* F5 Networks' 2016 10K, attached  
21 hereto as Exhibit E.

22 22. As show below, the architecture of the F5 Networks product ecosystem consists of the  
23 TMOS operating system which is loaded onto appliances, virtual editions or in the cloud. The TMOS  
24 operating system can be combined with different software modules including BIG-IP Application  
25 Security products, WebSafe, BIG-IP Advanced Firewall and BIG-IP Access Policy. All these software  
26 modules integrate into the BIG-IQ Platform which utilizes BIG-IQ Security, BIG-IQ Device, BIG-IQ  
27 ADC, and BIG-OQ Cloud.

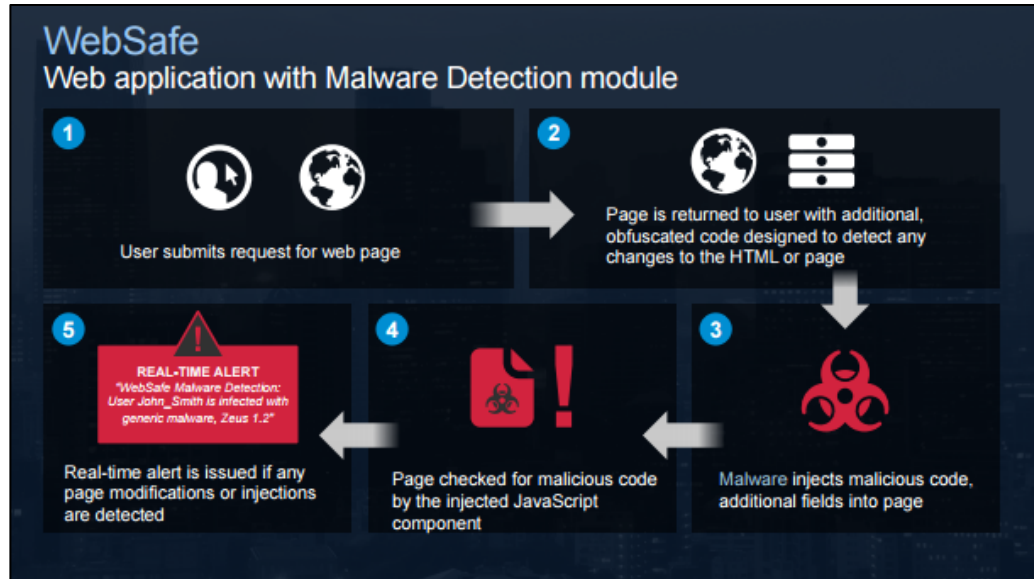


<https://www.f5.com/pdf/investor-relations/AIM-FY2015.pdf>, attached hereto as Exhibit F.

**WEBSAFE AND MOBILESAFE**

23. WebSafe and MobileSafe are software modules designed for end-user protection. WebSafe injects code into traffic between a large enterprise and its online customer clients. The code is downloaded transparently onto the client device and provides real-time protection against malware, phishing, and other cyber threats, and fraud. Websafe protects against all web-based threat types and MobileSafe protects against advanced threats targeting the mobile user.

24. As shown below, WebSafe is a web application with a Malware detection module where a user will submit a request for a web page, the page is returned to the user with additional obfuscated code designed to detect any change to the HTML or page, the injected JavaScript component checks for the malicious code, and a real-time alert is issued if any page modification or injections are detected.



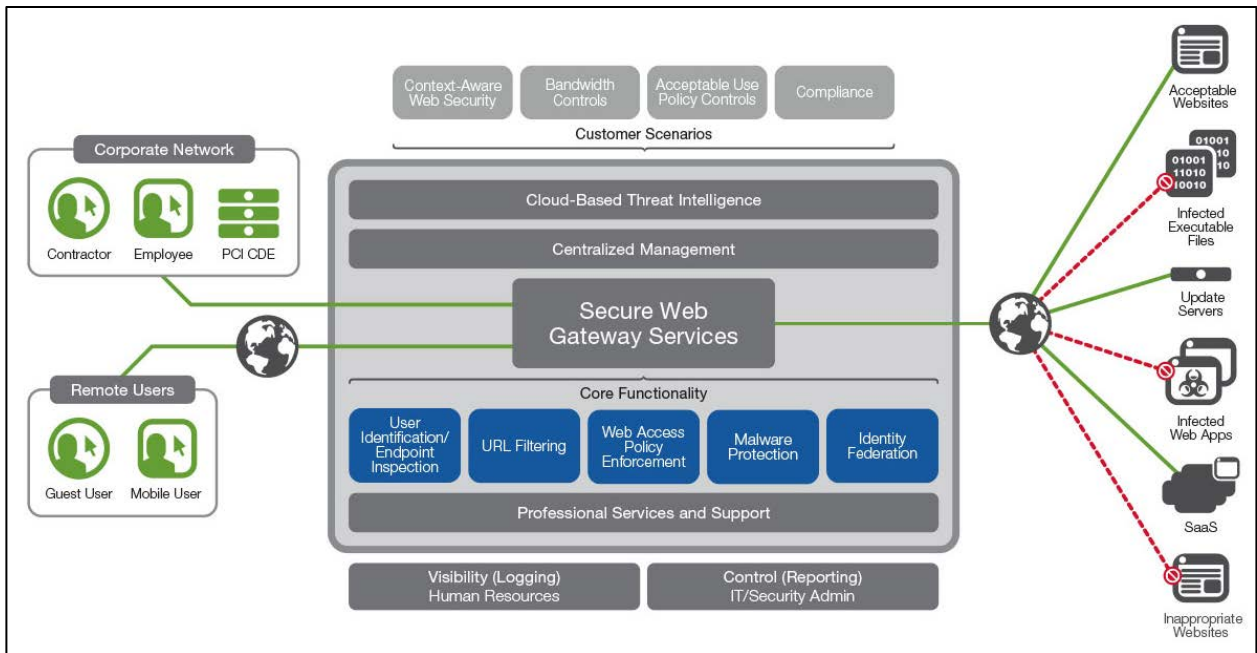
11 <https://www.f5.com/pdf/investor-relations/AIM-FY2015.pdf>, attached hereto as Exhibit F.

## 12 **BIG-IP SECURE WEB GATEWAY SERVICES**

13 25. BIG-IP Secure Web Gateway Services protections against both inbound and outbound  
14 malware by inspecting both payloads and webpages. Secure Web Gateway Services includes  
15 classification engines that analyze specific threats such as exploitable Java platforms, malicious  
16 iFrames, keyloggers and spyware, infected Adobe PDF, vulnerable Flash applications. Secure Web  
17 Gateway Services gathers content and context aware data from sites and applications. The data is  
18 processed using malware analytics tools, which detect threat embedded within webpages and patterns  
19 that indicate complex attack vector such as those found with advanced persistent threats. Secure Web  
20 Gateway Services connects to a cloud-base threat intelligence system that monitors web and social  
21 media content. This system analyzes data to proactively predict, locate and identify the latest threats.  
22 Secure Web Gateway Services also includes URL categorization and filters which can allow, block or  
23 confirm and continue access to sites and application on a user-by-user basis.

24 26. As shown below, F5 Networks Secure Web Gateway Services' core functionality  
25 include user identification / endpoint inspection, URL filtering, web access policy enforcement,  
26 malware protection and identity federation. Additionally, this system protects against infected  
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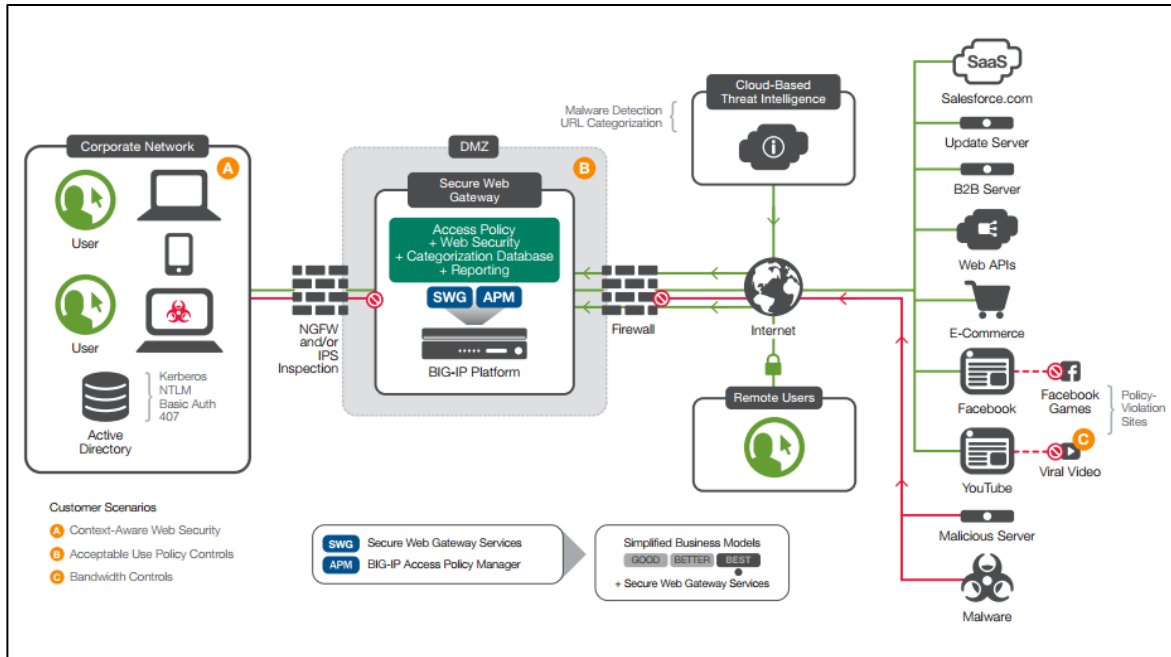
1 executable files, infected web apps, and malicious websites all while integrating cloud-based threat  
 2 intelligence.



14 <https://f5.com/solutions/enterprise/reference-architectures/secure-web-gateway>, attached hereto as  
 15 Exhibit G.

16 27. As shown below, BIG-IP Secure Web Gateway utilizes cloud-based threat intelligence  
 17 involving malware detection and URL categorization. The Secure Web Gateway includes and access  
 18 policy controls that integrates with web security, categorization database, and reporting. This system  
 19 is intended to protect against both inbound and outbound malware and communication with malicious  
 20 servers.





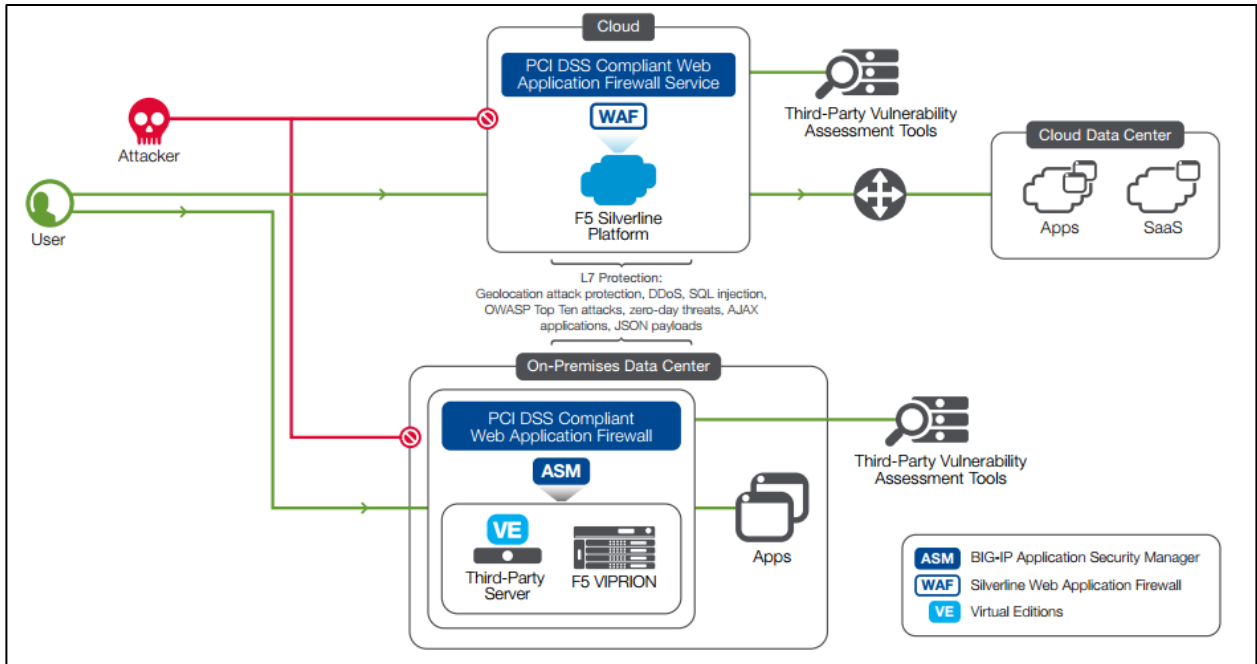
<https://f5.com/Portals/1/Premium/Architectures/RA-Secure-Web-Gateway-Technical-White-Paper.pdf>,

attached hereto as Exhibit H.

### **BIG-IP APPLICATION SECURITY MANAGER and SILVERLINE WEB APPLICATION FIREWALL**

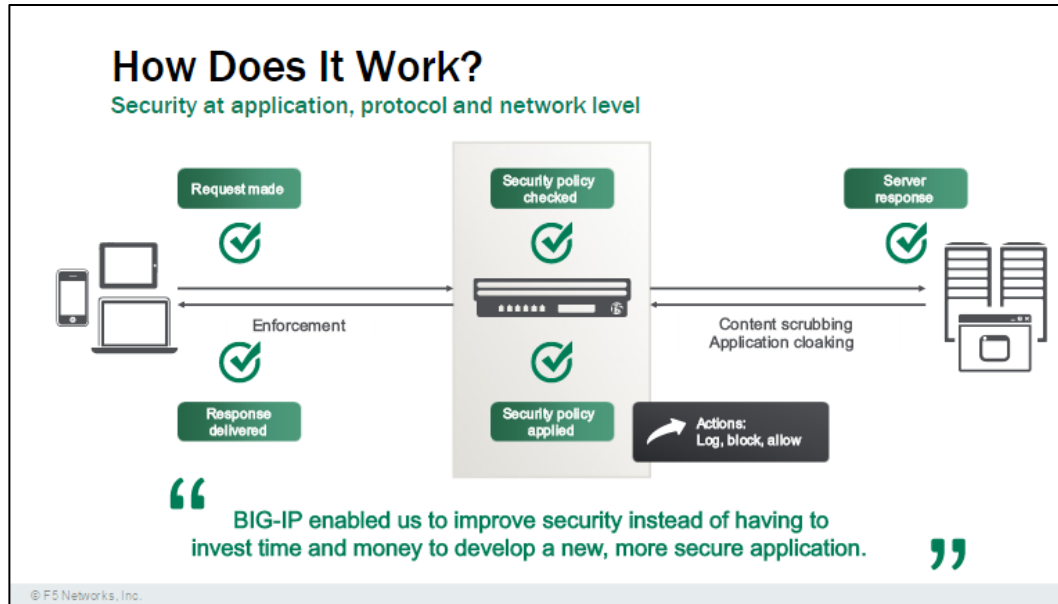
28. BIG-IP Application Security Manager protects against application layer attack and monitors web applications. The BIG-IP Application Security Manager can prevent a variety of web attacks including manipulation of cookies or hidden fields, insertions of SQL commands or HTTP structures into user input fields, malicious exploitations of the application memory buffer, unauthorized changes to server content using HTTP Delete and Put commands, forceful browsing, unknown threats, and zero day threats. Further, BIG-IP Application Security manager utilizes automatic learning, dynamic profiling, unique anomaly detection methods and risk based policies. The BIG-IP Application Security Manager includes configurable security levels consisting from general web protection to highly granular security policies. Further, the F5 Networks Silverline Web Application Firewall is a cloud based service built on BIG-IP Application Security Manager.

29. As shown below, the on premise data center configurations utilize BIG-IP Application Security Manager while the cloud configuration utilize the F5 Networks Silverline Platform. Both configurations provide protection against at least geolocation attacks, DDos, top ten application security risks, cross-site scripting, browser high-jacking, SQL injection, zero-day threats, AJAX applications, and JSON payloads.



<https://www.f5.com/pdf/products/f5-silverline-web-application-firewall-datasheet.pdf>, attached hereto as Exhibit I.

30. As shown below, F5 Networks Application Security Manager includes the functionality to check security policies against requests that are made to outside servers, apply security policies, apply actions block and allow.

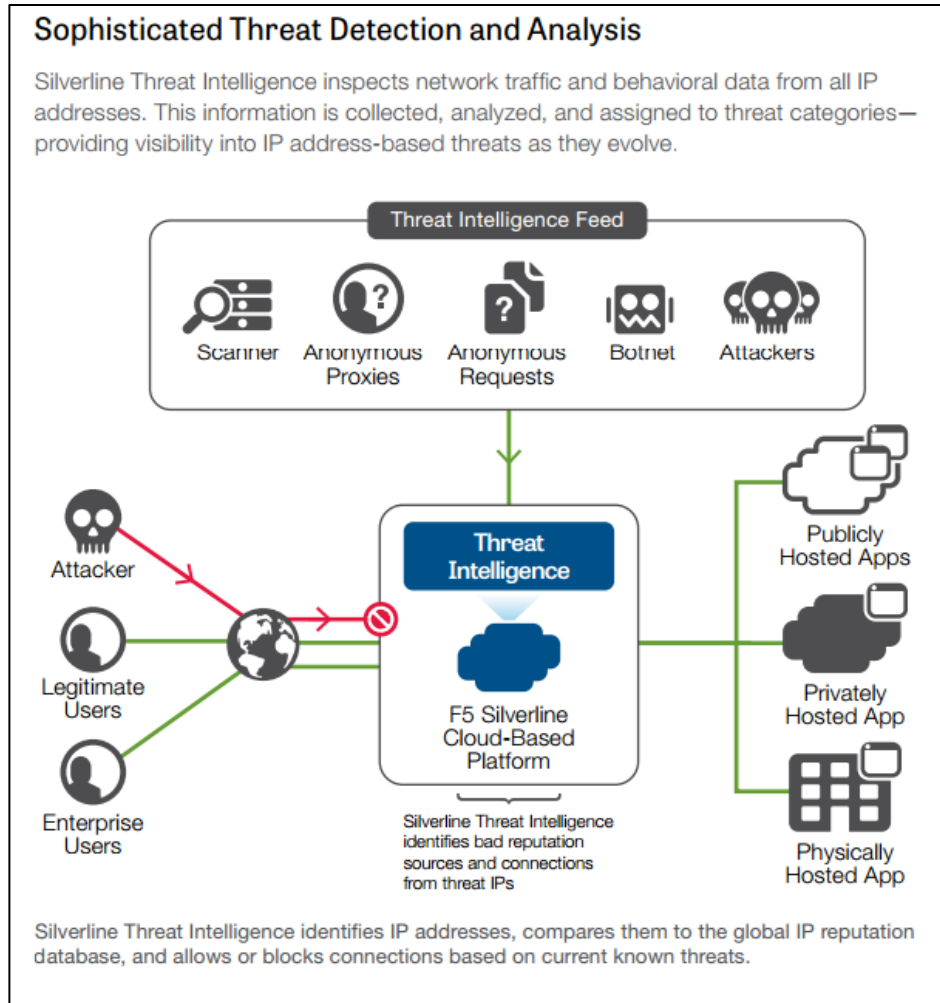


11 <http://slideplayer.com/slide/6197271/>, attached hereto as Exhibit J.

12 **F5 NETWORKS SILVERLINE THREAT INTELLIGENCE**

13 31. F5 Networks Silverline Threat Intelligence is a cloud based service incorporating IP  
 14 reputation and reducing threat based communications. IP addresses are identified and associated with  
 15 security categories involving malicious activity. The different protection categories include,  
 16 anonymous proxy, botnets, cloud provider networks, illegal websites, denial of service, infected  
 17 sources, phishing proxies, scanners, spam sources, web attacks, and windows exploits. The web  
 18 attacks categories includes cross-site scripting, iFrame injection, SQL injection, and cross domain  
 19 injection. The windows exploit category includes active IP addresses offering or distributing malware,  
 20 shell code, rootkits, worms, and viruses. The infected sources category includes IP addresses currently  
 21 known to be infected with malware or to contact malware distribution points.

22 32. As shown below, the Silverline Threat Intelligence identifies IP addresses, compares  
 23 them to the global IP reputation database, and allows or blocks connection based on current known  
 24 threats. Silverline Threat Intelligence inspects networks traffic and behavioral data from all IP  
 25 addresses. This information is collected, analyzed, and assigned to threat categories.



<https://www.f5.com/pdf/products/silverline-threat-intelligence-datasheet.pdf>, attached hereto as Exhibit K.

**F5 NETWORKS’S INFRINGEMENT OF FINJAN’S PATENTS**

33. Defendant has been and is now infringing the ‘968 Patent, the ‘305 Patent, the ‘154 Patent, and the ‘494 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 Accused WebSafe, MobileSafe, BIG-IP Application Security Manager, Silverline Web Application Firewall, Silverline Threat Intelligence, and BIG-IP Secure Web Gateway Services Products.



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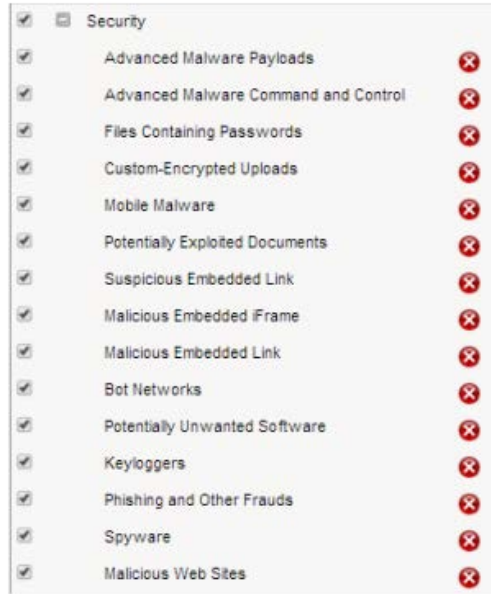


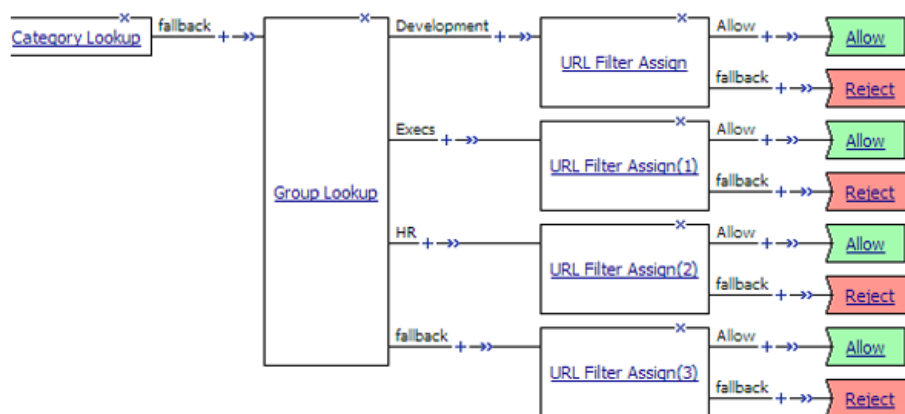
Figure 1: The security category of the URL database

<https://f5.com/Portals/1/Premium/Architectures/RA-Secure-Web-Gateway-Technical-White-Paper.pdf>,  
attached hereto as Exhibit H.

41. Additionally, the ‘968 Accused Products embody the patented invention of the ‘968 Patent and infringe the ‘968 Patent because they, as shown below, include per-request policies that can be highly configurable to determine whether a given group or user should be allowed certain categories of URLs.

**URL filter per user group example**

Each URL Filter Assign item in this per-request policy example should specify a filter that is applicable to the user group.



[https://support.f5.com/kb/en-us/products/big-ip\\_apm/manuals/product/apm-secure-web-gateway-  
implementations-12-0-0/6.html](https://support.f5.com/kb/en-us/products/big-ip_apm/manuals/product/apm-secure-web-gateway-implementations-12-0-0/6.html), attached hereto as Exhibit L.

42. Additionally, the ‘968 Accused Products embody the patented invention of the ‘968 Patent and infringe the ‘968 Patent because BIG-IP Secure Gateway Services scan the incoming content in order to derive a content profile such as a security classification that includes attributes such as exploitable Java platforms, malicious iFrames, keyloggers and spyware, infected Adobe PDF, vulnerable Flash applications. The BIG-IP Secure Gateway Services will compare the results of the content scanning and compare it against the given policies in order to make a determination as to whether the content or URL should be allowed.

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

44. Defendant’s infringement of the ‘968 Patent has injured and continues to injure Finjan in an amount to be proven at trial.

45. Defendant is well aware of Finjan’s patents and has continued its infringing activity despite this knowledge. Finjan gave notice to F5 Networks of their infringement of Finjan’s patents on January 25<sup>th</sup>, 2016. Finjan attempted unsuccessfully to actively engage in good faith negotiations for

1 nearly a year with Defendant regarding Finjan's patent portfolio, including having a number of in-  
2 person and telephonic meetings. Additionally, Finjan held meetings with F5 Network explaining on an  
3 element by element basis of Defendant's infringement of Finjan's patent claims. As such, Defendant  
4 has continued to willfully, wantonly, and deliberately engage in acts of infringement of the '968  
5 Patent, justifying an award to Finjan of increased damages under 35 U.S.C. § 284, and attorneys' fees  
6 and costs incurred under 35 U.S.C. § 285.

7 46. Despite knowledge of Finjan's patent portfolio, being provided representative claim  
8 charts of several Finjan patents, and engaging in technical meetings regarding infringement of  
9 Defendant's products and services, Defendant has refused to enter into good faith discussions with  
10 Finjan, and have sold and continues to sell the accused products and services in complete disregard of  
11 Finjan's patent rights. As such, Defendant has acted recklessly and continues to willfully, wantonly,  
12 and deliberately engage in acts of infringement of the '968 Patent, justifying an award to Finjan of  
13 increased damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. §  
14 285.

## 15 **COUNT II**

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

17 47. 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 48. Defendant has induced and continues to induce infringement of one or more method  
20 claims of the '968 Patent under 35 U.S.C. § 271(b).

21 49. In addition to directly infringing the '968 Patent, Defendant indirectly infringes the '968  
22 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including  
23 customers, users and developers, to perform some of the steps of the method claims, either literally or  
24 under the doctrine of equivalents, of the '968 Patent, where all the steps of the method claims are  
25 performed by either Defendant or their customers, users or developers, or some combination thereof.  
26 Defendant knew or were willfully blind to the fact that it was inducing others, including customers,  
27  
28



1 users and developers, to infringe by practicing, either themselves or in conjunction with Defendant,  
2 one or more method claims of the '968 Patent, including 13-22 and 25-31.

3 50. Defendant knowingly and actively aided and abetted the direct infringement of the '968  
4 Patent by instructing and encouraging its customers, users and developers to use the '968 Accused  
5 Products. Such instructions and encouragement include but are not limited to, advising third parties to  
6 use the '968 Accused Products in an infringing manner, providing a mechanism through which third  
7 parties may infringe the '968 Patent, specifically through the use of BIG-IP Secure Gateway Services,  
8 advertising and promoting the use of the '968 Accused Products in an infringing manner and  
9 distributing guidelines and instructions to third parties on how to use the '968 Accused Products in an  
10 infringing manner. Defendant provides articles, help-guides, classes, and downloads which cover in  
11 depth aspects of operating Defendant's offerings. See <https://support.f5.com/kb/en-us.html>, attached  
12 hereto as Exhibit M.

### 13 **COUNT III**

#### 14 **(Direct Infringement of the '305 Patent pursuant to 35 U.S.C. § 271(a))**

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

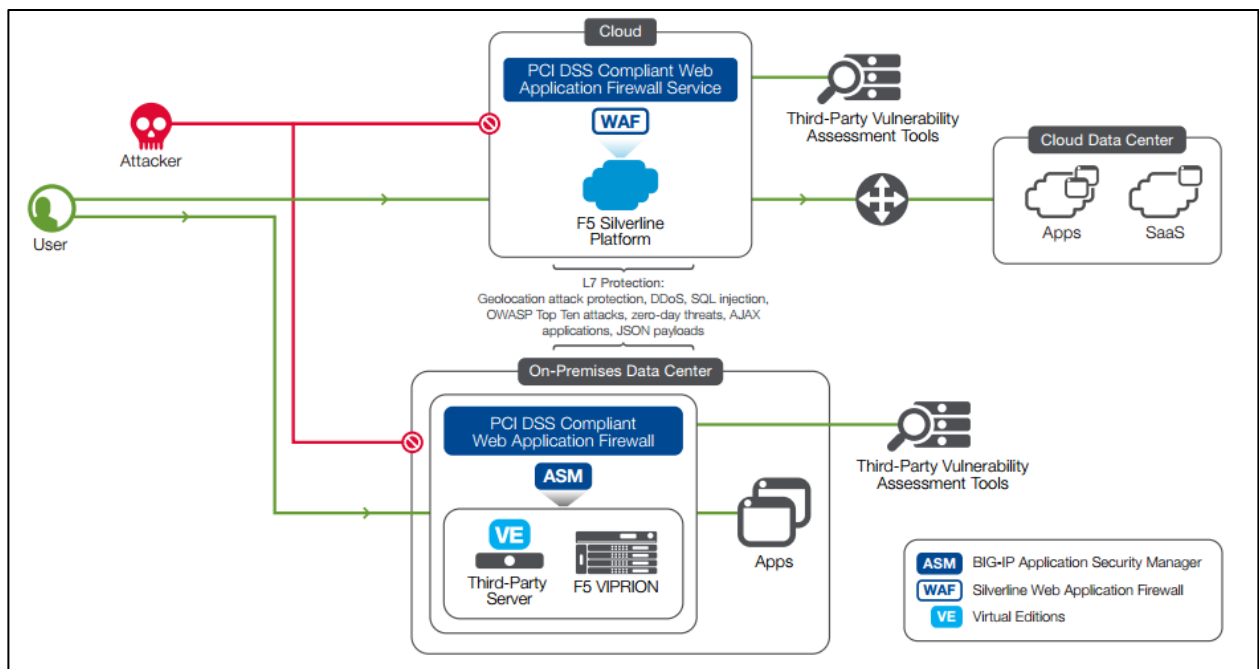
17 52. Defendant has infringed and continues to infringe claims 1-25 of the '305 Patent in  
18 violation of 35 U.S.C. § 271(a).

19 53. Defendant's infringement is based upon literal infringement or infringement under the  
20 doctrine of equivalents, or both.

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

23 55. Defendant's infringement includes the manufacture, use, sale, importation and/or offer  
24 for sale of Defendant's products and services, including BIG-IP Secure Gateway Services, BIG-IP  
25 Application Security Manager, and Silverline Web Application Firewall (collectively, the "'305  
26 Accused Products").  
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56. The '305 Accused Products embody the patented invention of the '305 Patent and infringe the '305 Patent. As an example and as shown below, BIG-IP Application Security Manager, and Silverline Web Application Firewall, will receive incoming content from the internet in order to scan the content and protect against geolocation attacks, DDoS, top ten application security risks, cross-site scripting, browser high-jacking, SQL injection, zero-day threats, AJAX applications, and JSON payloads.



18 <https://www.f5.com/pdf/products/f5-silverline-web-application-firewall-datasheet.pdf>, attached hereto  
19 as Exhibit I.

20 57. Further, BIG-IP Application Security Manager will selectively divert incoming content  
21 in order to apply policies and check the content versus attack patterns. BIG-IP Application Security  
22 Manager has parser and analyzer rules, which are stored in a database and utilized by BIG-IP  
23 Application Security Manager, which determines the susceptibility of a system toward particular  
24 exploits. BIG-IP Application Security Manager utilize attack patterns to analyze and parse code for  
25 suspicious web page content containing drive-by downloads, obfuscated code, or other blended web  
26 malware that may be revealed. BIG-IP Application Security Manager attack patterns to analyze and  
27

1 parse for suspicious web page content containing drive-by downloads, obfuscated code, or other  
2 blended web malware that may be revealed using attack patterns, including breaking the code down  
3 into tokens corresponding to punctuation types (e.g. <, >, ., -, #, !, \$, %, ^, &, \\*, ::{, }, =, \_, ` , ~, (, ), );  
4 identifier types (e.g. iFrame, JavaScript and URI identifiers for redirection and other malicious code  
5 inserted into web content) and function identifiers (e.g. eval, unescape and document.write). This  
6 information will then be used to update the attack profiles.

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

10 59. Defendant's infringement of the '305 Patent has injured and continues to injure Finjan  
11 in an amount to be proven at trial.

12 60. Defendant is well aware of Finjan's patents and has continued its infringing activity  
13 despite this knowledge. Finjan gave notice to F5 Networks of their infringement of Finjan's patents on  
14 January 25<sup>th</sup>, 2016. Finjan attempted unsuccessfully to actively engage in good faith negotiations for  
15 nearly a year with Defendant regarding Finjan's patent portfolio, including having a number of in-  
16 person and telephonic meetings. Additionally, Finjan held meetings with F5 Network explaining on an  
17 element by element basis of Defendant's infringement of Finjan's patent claims. As such, Defendant  
18 has continued to willfully, wantonly, and deliberately engage in acts of infringement of the '305  
19 Patent, justifying an award to Finjan of increased damages under 35 U.S.C. § 284, and attorneys' fees  
20 and costs incurred under 35 U.S.C. § 285.

21 61. Despite knowledge of Finjan's patent portfolio, being provided representative claim  
22 charts of several Finjan patents, and engaging in technical meetings regarding infringement of  
23 Defendant's products and services, Defendant has refused to enter into good faith discussions with  
24 Finjan, and have sold and continues to sell the accused products and services in complete disregard of  
25 Finjan's patent rights. As such, Defendant has acted recklessly and continues to willfully, wantonly,  
26 and deliberately engage in acts of infringement of the '305 Patent, justifying an award to Finjan of  
27  
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1 increased damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. §  
2 285.

3 **COUNT IV**  
4 **(Indirect Infringement of the '305 Patent pursuant to 35 U.S.C. § 271(b))**

5 62. 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 63. Defendant has induced and continues to induce infringement of one or more method  
8 claims of the '305 Patent under 35 U.S.C. § 271(b).

9 64. In addition to directly infringing the '305 Patent, Defendant indirectly infringes the '305  
10 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including its  
11 customers, purchasers, users, or developers, to perform one or more of the steps of the method claims,  
12 either literally or under the doctrine of equivalents, of the '305 Patent, where all the steps of the  
13 method claims are performed by either F5, its customers, purchasers, users or developers, or some  
14 combination thereof. Defendant knew or was willfully blind to the fact that it was inducing others,  
15 including customers, purchasers, users or developers, to infringe by practicing, either themselves or in  
16 conjunction with Defendant, one or more method claims of the '305 Patent, including claims 13-24.

17 65. Defendant knowingly and actively aided and abetted the direct infringement of the '305  
18 Patent by instructing and encouraging its customers, users and developers to use the '305 Accused  
19 Products. Such instructions and encouragement include but are not limited to, advising third parties to  
20 use the '305 Accused Products in an infringing manner, providing a mechanism through which third  
21 parties may infringe the '305 Patent, specifically through the use of BIG-IP Secure Gateway Services,  
22 BIG-IP Application Security Manager, and Silverline Web Application Firewall Technologies,  
23 advertising and promoting the use of the '305 Accused Products in an infringing manner and  
24 distributing guidelines and instructions to third parties on how to use the '305 Accused Products in an  
25 infringing manner. Defendant provides articles, classes and downloads which cover in depth aspects  
26 of operating Defendant's offerings. See <https://support.f5.com/kb/en-us.html>, attached hereto as  
27 Exhibit M.  
28

**COUNT V**

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

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

5 67. Defendant has infringed and continues to infringe claims 1-12 of the ‘154 Patent in  
6 violation of 35 U.S.C. § 271(a).

7 68. Defendant’s infringement is based upon literal infringement or infringement under the  
8 doctrine of equivalents, or both.

9 69. 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 70. 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 BIG-IP Application  
13 Security Manager, and Silverline Web Application Firewall (collectively, the “154 Accused  
14 Products”).

15 71. The ‘154 Accused Products embody the patented invention of the ‘154 Patent and  
16 infringe the ‘154 Patent because, as an example, the BIG-IP Application Security Manager acts as a  
17 content processor which will inject dynamic code that enables a security check for determining which  
18 URLs should be allowed or examined. The injected dynamic code is sent to the end user computer and  
19 then referenced back to the Application Security Manager which acts as the security computer. If the  
20 Application Security Manager determines there is no issue with the injected dynamic code, then the  
21 URL will be determined to be safe. See [https://www.f5.com/pdf/products/big-ip-application-security-  
22 manager-ds.pdf](https://www.f5.com/pdf/products/big-ip-application-security-manager-ds.pdf), attached hereto as Exhibit N; see also [https://www.f5.com/pdf/products/big-ip-  
23 application-security-manager-overview.pdf](https://www.f5.com/pdf/products/big-ip-application-security-manager-overview.pdf), attached hereto as Exhibit O.

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

1           73. Defendant's infringement of the '154 Patent has injured and continues to injure Finjan  
2 in an amount to be proven at trial.

3           74. Defendant is well aware of Finjan's patents and has continued its infringing activity  
4 despite this knowledge. Finjan gave notice to F5 Networks of their infringement of Finjan's patents on  
5 January 25<sup>th</sup>, 2016. Finjan attempted unsuccessfully to actively engage in good faith negotiations for  
6 nearly a year with Defendant regarding Finjan's patent portfolio, including having a number of in-  
7 person and telephonic meetings. Additionally, Finjan held meetings with F5 Network explaining on an  
8 element by element basis of Defendant's infringement of Finjan's patent claims. As such, Defendant  
9 has continued to willfully, wantonly, and deliberately engage in acts of infringement of the '154  
10 Patent, justifying an award to Finjan of increased damages under 35 U.S.C. § 284, and attorneys' fees  
11 and costs incurred under 35 U.S.C. § 285.

12           75. Despite knowledge of Finjan's patent portfolio, being provided representative claim  
13 charts of several Finjan patents, and engaging in technical meetings regarding infringement of  
14 Defendant's products and services, Defendant has refused to enter into good faith discussions with  
15 Finjan, and have sold and continues to sell the accused products and services in complete disregard of  
16 Finjan's patent rights. As such, Defendant has acted recklessly and continues to willfully, wantonly,  
17 and deliberately engage in acts of infringement of the '154 Patent, justifying an award to Finjan of  
18 increased damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. §  
19 285.

#### 20                                                   **COUNT VI**

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

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

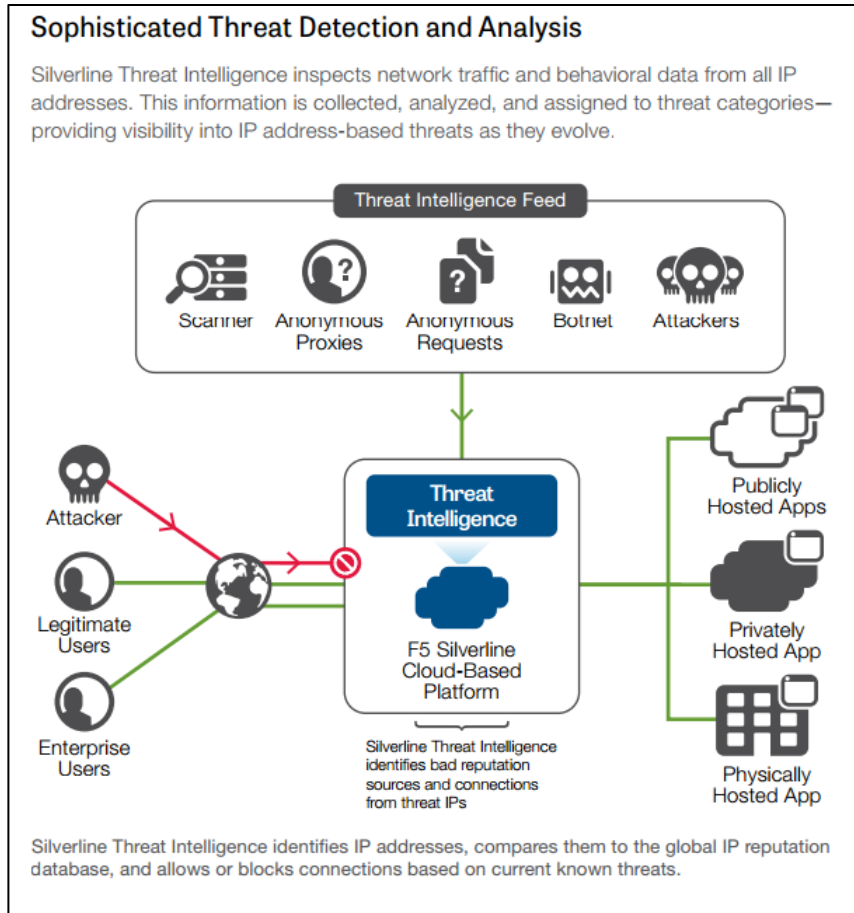
24           77. Defendant has infringed and continues to infringe claims 1-18 of the '494 Patent in  
25 violation of 35 U.S.C. § 271(a).

26           78. Defendant's infringement is based upon literal infringement or infringement under the  
27 doctrine of equivalents, or both.  
28

1           79. 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           80. 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 WebSafe and  
5 MobileSafe, BIG-IP Application Security Manager, Silverline Web Application Firewall, Silverline  
6 Threat Intelligence, and BIG-IP Secure Web Gateway Services (collectively, the “’494 Accused  
7 Products”).

8           81. The ‘494 Accused Products embody the patented invention of the ‘494 Patent and  
9 infringe the ‘494 Patent. For example, as shown below, Silverline Threat Intelligence identifies IP  
10 addresses, compares them to the global IP reputation database, and allows or blocks connection based  
11 threats. Silverline Threat Intelligence inspects networks traffic and behavioral data from all IP  
12 addresses. This information is collected, analyzed, and assigned to threat categories. The Threat  
13 Intelligence Feed component analyzes the potential malicious websites/IP addresses receives the  
14 incoming downloadables and derives security profiles which include a list of suspicious operations,  
15 such as behavioral data, in order to assign a threat category. Additional suspicious operations are  
16 identified when the Silverline Threat Intelligence scans for cross-site scripting, iFrame injection, SQL  
17 injection, cross domain injection IP addresses offering or distributing malware, shell code, rootkits,  
18 and worms. The security profile data is then stored in the Threat Intelligence database in order to  
19 provide references for later classifications of websites with appropriate threat categories and to  
20 facilitate updating the global IP Reputation Database .



<https://www.f5.com/pdf/products/silverline-threat-intelligence-datasheet.pdf>, attached hereto as Exhibit P.

82. As shown below and as a further example WebSafe will generate a list of suspicious operations in order to identify events such as HTML has been modified, phishing detection, Remote Access Trojan detected, required words missing, malware recognized, and missing components in JavaScript. Additionally, WebSafe sends this information to a database utilized by the F5 Security Operations Center so detailed threat analysis and incident reports can be generated and so detection modules for WebSafe can be updated.



Here's a handy table of events.

Event	Code	Description
<b>Client-Side (browser) events</b>		
Generic Malware	1	Malware recognized on client.
Web Inject	2	HTML has been modified in transit.
Phishing URL	3	Phishing detection.
Phishing User	4	Phishing detection.
RAT	8	Remote Access Trojan detected.
Mandatory Words	9	Required words missing in page.
Client Network Connection	10	Access to predefined domains blocked.
Client-side Missing Components	12	Missing components detected in JavaScript
Source Integrity	7	Source integrity violation.
<b>WebSafe events</b>		
Referrer Checks	11	Referrer check failed.
Server-side Missing Components	13	Missing components detected in plugin.
Encryption Failure	5	Cryptographic failure.
Automated Transactions	6	Automated transactions detected.
<b>Other</b>		
Unknown	0	Any other Alert

<https://devcentral.f5.com/articles/the-top-ten-hardcore-f5-security-features-in-big-ip-121-19959>, attached hereto as Exhibit Q.

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

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

85. Defendant is well aware of Finjan's patents and has continued its infringing activity despite this knowledge. Finjan gave notice to F5 Networks of their infringement of Finjan's patents on January 25<sup>th</sup>, 2016. Finjan attempted unsuccessfully to actively engage in good faith negotiations for nearly a year with Defendant regarding Finjan's patent portfolio, including having a number of in-person and telephonic meetings. Additionally, Finjan held meetings with F5 Network explaining on an element by element basis of Defendant's infringement of Finjan's patent claims. As such, Defendant has continued to willfully, wantonly, and deliberately engage in acts of infringement of the '494 Patent, justifying an award to Finjan of increased damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. § 285.

1 86. Despite knowledge of Finjan's patent portfolio, being provided representative claim  
2 charts of several Finjan patents, and engaging in technical meetings regarding infringement of  
3 Defendant's products and services, Defendant has refused to enter into good faith discussions with  
4 Finjan, and have sold and continues to sell the accused products and services in complete disregard of  
5 Finjan's patent rights. As such, Defendant has acted recklessly and continues to willfully, wantonly,  
6 and deliberately engage in acts of infringement of the '494 Patent, justifying an award to Finjan of  
7 increased damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. §  
8 285.

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

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

13 88. Defendant has induced and continues to induce infringement of one or more method  
14 claims of the '494 Patent under 35 U.S.C. § 271(b).

15 89. In addition to directly infringing the '494 Patent, Defendant indirectly infringes the '494  
16 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including  
17 customers, purchasers, users or developers, to perform one or more of the steps of the method claims,  
18 either literally or under the doctrine of equivalents, of the '494 Patent, where all the steps of the  
19 method claims are performed by either F5, its customers, purchasers, users or developers, or some  
20 combination thereof. Defendant knew or was willfully blind to the fact that it was inducing others,  
21 including customers, users or developers, to infringe by practicing, either themselves or in conjunction  
22 with Defendant, one or more method claims of the '494 Patent, including claims 1-8.

23 90. Defendant knowingly and actively aided and abetted the direct infringement of the '494  
24 Patent by instructing and encouraging its customers, users and developers to use the '494 Accused  
25 Products. Such instructions and encouragement include but are not limited to, advising third parties to  
26 use the '494 Accused Products in an infringing manner, providing a mechanism through which third  
27 parties may infringe the '494 Patent, specifically through the use of WebSafe and MobileSafe, BIG-IP  
28

1 Application Security Manager, Silverline Web Application Firewall, Silverline Threat Intelligence, and  
2 BIG-IP Secure Web Gateway Services Technologies, advertising and promoting the use of the ‘494  
3 Accused Products in an infringing manner and distributing guidelines and instructions to third parties  
4 on how to use the ‘494 Accused Products in an infringing manner.

5 91. Defendant provides articles, videos and downloads which cover in depth aspects of  
6 operating Defendant’s offerings. See <https://support.f5.com/kb/en-us.html>, attached hereto as Exhibit  
7 M.

8 **PRAYER FOR RELIEF**

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

10 A. An entry of judgment holding Defendant has infringed and is infringing the ‘968  
11 Patent, the ‘305 Patent, the ‘154 Patent, and the ‘494 Patent; have induced infringement and are  
12 inducing infringement of the ‘968 Patent, the ‘305 Patent, the ‘154 Patent, and the ‘494 Patent;

13 B. A preliminary and permanent injunction against Defendant and its officers, employees,  
14 agents, servants, attorneys, instrumentalities, and/or those in privity with them, from infringing the  
15 ‘968 Patent, the ‘305 Patent, the ‘154 Patent, and the ‘494 Patent, or inducing the infringement of the  
16 ‘968 Patent, the ‘305 Patent, the ‘154 Patent, and the ‘494 Patent and for all further and proper  
17 injunctive relief pursuant to 35 U.S.C. § 283;

18 C. An award to Finjan of such damages as it shall prove at trial against Defendant that is  
19 adequate to fully compensate Finjan for Defendant’s infringement of the ‘968 Patent, the ‘305 Patent,  
20 the ‘154 Patent, and the ‘494 Patent, said damages to be no less than a reasonable royalty;

21 D. A determination that Defendant’s infringement has been willful, wanton, and  
22 deliberate and that the damages against it be increased up to treble on this basis or for any other basis  
23 within the Court’s discretion;

24 E. A finding that this case is “exceptional” and an award to Finjan of its costs and  
25 reasonable attorneys’ fees, as provided by 35 U.S.C. § 285;

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 '968 Patent, the '305  
3 Patent, the '154 Patent, and the '494 Patent; and

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

5  
6 Respectfully submitted,

7 Dated: December 2, 2016

/s/ Paul J. Andre

8 Paul J. Andre (State Bar No. 196585)  
9 Lisa Kobiarka (State Bar No. 191404)  
10 James Hannah (State Bar No. 237978)  
11 KRAMER LEVIN NAFTALIS  
12 & FRANKEL LLP  
13 990 Marsh Road  
14 Menlo Park, CA 94025  
15 Telephone: (650) 752-1700  
16 Facsimile: (650) 752-1800  
17 pandre@kramerlevin.com  
18 lkobiarka@kramerlevin.com  
19 jhannah@kramerlevin.com

20 *Attorneys for Plaintiff*  
21 FINJAN, INC.  
22  
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24  
25  
26  
27  
28

1 **DEMAND FOR JURY TRIAL**

2 Finjan demands a jury trial on all issues so triable.

3 Respectfully submitted,

4 Dated: December 2, 2016

5 /s/ Paul J. Andre

6 Paul J. Andre (State Bar No. 196585)  
7 Lisa Kobialka (State Bar No. 191404)  
8 James Hannah (State Bar No. 237978)  
9 KRAMER LEVIN NAFTALIS  
10 & FRANKEL LLP  
11 990 Marsh Road  
12 Menlo Park, CA 94025  
13 Telephone: (650) 752-1700  
14 Facsimile: (650) 752-1800  
15 pandre@kramerlevin.com  
16 lkobialka@kramerlevin.com  
17 jhannah@kramerlevin.com

18 *Attorneys for Plaintiff*  
19 FINJAN, INC.