	Case 5:17-cv-04467 Document	1 Filed 08/04/17 Page 1 of 72						
1 2 3 4 5 6 7 8 9	PAUL ANDRE (State Bar No. 196585) pandre@kramerlevin.com LISA KOBIALKA (State Bar No. 191404) <u>lkobialka@kramerlevin.com</u> JAMES HANNAH (State Bar No. 237978) <u>jhannah@kramerlevin.com</u> KRAMER LEVIN NAFTALIS & FRANKEL LL 990 Marsh Road Menlo Park, CA 94025 Telephone: (650) 752-1700 Facsimile: (650) 752-1800 <i>Attorneys for Plaintiff</i> FINJAN, INC.							
10		TES DISTRICT COURT						
11	FOR THE NORTHERN I	DISTRICT OF CALIFORNIA						
12								
13	FINJAN, INC., a Delaware Corporation,	Case No.:						
14	Plaintiff,	COMPLAINT FOR PATENT INFRINGEMENT						
15	v.	DEMAND FOR HIRV TRIAL						
16	SONICWALL, INC., a Delaware Corporation,							
17	Defendant.							
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	COMPLAINT FOR PATENT INFRINGEMENT	CASE NO.						

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Finjan, Inc. ("Finjan") files this Complaint for Patent Infringement and Demand for
Jury Trial against SonicWall, Inc. ("Defendant" or "SonicWall") and alleges as follows:

THE PARTIES

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

7 2. Defendant is a Delaware Corporation with its headquarters and principal place of
8 business at 5455 Great American Parkway in Santa Clara, California 95054. Defendant may be served
9 through its agent for service of process, CSC, at 2710 Gateway Oaks Dr. Ste. 150N in Sacramento,
10 California 95833.

JURISDICTION AND VENUE

123.This action arises under the Patent Act, 35 U.S.C. § 101 *et seq*. This Court has original13jurisdiction over this controversy pursuant to 28 U.S.C. §§ 1331 and 1338.

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

This Court has personal jurisdiction over Defendant. Upon information and belief,
 Defendant is headquartered and has its principal place of business in this District (Santa Clara,
 California). Defendant also regularly and continuously does business in this District and has infringed
 or induced infringement, and continues to do so, in this District. In addition, the Court has personal

¹⁹ jurisdiction over Defendant because minimum contacts have been established with the forum and the

20 exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.

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INTRADISTRICT ASSIGNMENT

22 6. Pursuant to Local Rule 3-2(c), Intellectual Property Actions are assigned on a district23 wide basis.

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FINJAN'S INNOVATIONS

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7. Finjan was founded in 1997 as a wholly-owned subsidiary of Finjan Software Ltd., an
Israeli corporation. In 1998, Finjan moved its headquarters to San Jose, California. Finjan was a
pioneer in developing proactive security technologies capable of detecting previously unknown and

emerging online security threats, recognized today under the umbrella term "malware." These
technologies protect networks and endpoints by identifying suspicious patterns and behaviors of
content delivered over the Internet. Finjan has been awarded, and continues to prosecute, numerous
patents covering innovations in the United States and around the world resulting directly from Finjan's
more than decades-long research and development efforts, supported by a dozen inventors and over
\$65 million in R&D investments.

7 8. Finjan built and sold software, including application program interfaces (APIs) and 8 appliances for network security, using these patented technologies. These products and related 9 customers continue to be supported by Finjan's licensing partners. At its height, Finjan employed 10 nearly 150 employees around the world building and selling security products and operating the 11 Malicious Code Research Center, through which it frequently published research regarding network 12 security and current threats on the Internet. Finjan's pioneering approach to online security drew 13 equity investments from two major software and technology companies, the first in 2005 followed by 14 the second in 2006. Finjan generated millions of dollars in product sales and related services and 15 support revenues through 2009, when it spun off certain hardware and technology assets in a merger. 16 Pursuant to this merger, Finjan was bound to a non-compete and confidentiality agreement, under 17 which it could not make or sell a competing product or disclose the existence of the non-compete 18 clause. Finjan became a publicly traded company in June 2013, capitalized with \$30 million. After 19 Finjan's obligations under the non-compete and confidentiality agreement expired in March 2015, 20 Finjan re-entered the development and production sector of secure mobile products for the consumer 21 market.

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FINJAN'S ASSERTED PATENTS

9. On November 28, 2000, U.S. Patent No. 6,154,844 ("the '844 Patent"), titled SYSTEM
AND METHOD FOR ATTACHING A DOWNLOADABLE SECURITY PROFILE TO A
DOWNLOADABLE, was issued to Shlomo Touboul and Nachshon Gal. A true and correct copy of
the '844 Patent is attached to this Complaint as Exhibit 1 and is incorporated by reference herein.

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10. All rights, title, and interest in the '844 Patent have been assigned to Finjan, who is the 2 sole owner of the '844 Patent. Finjan has been the sole owner of the '844 Patent since its issuance.

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

8 12. On June 6, 2006, U.S. Patent No. 7,058,822 ("the '822 Patent"), titled MALICIOUS 9 MOBILE CODE RUNTIME MONITORING SYSTEM AND METHODS, was issued to Yigal 10 Mordechai Edery, Nimrod Itzhak Vered, David R. Kroll, and Shlomo Touboul. A true and correct 11 copy of the '822 Patent is attached to this Complaint as Exhibit 2 and is incorporated by reference 12 herein.

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

15 14. The '822 Patent is generally directed towards computer networks and more particularly 16 provides a system that protects devices connected to the Internet from undesirable operations from 17 web-based content. One of the ways this is accomplished is by determining whether any part of such 18 web-based content can be executed and then trapping such content and neutralizing possible harmful 19 effects using mobile protection code. Additionally, the system provides a way to analyze such web-20 content to determine whether it can be executed.

21 15. On October 12, 2004, U.S. Patent No. 6,804,780 ("the '780 Patent"), titled SYSTEM 22 AND METHOD FOR PROTECTING A COMPUTER AND A NETWORK FROM HOSTILE 23 DOWNLOADABLES, was issued to Shlomo Touboul. A true and correct copy of the '780 Patent is 24 attached to this Complaint as Exhibit 3 and is incorporated by reference herein.

25 16. All rights, title, and interest in the '780 Patent have been assigned to Finjan, who is the 26 sole owner of the '780 Patent. Finjan has been the sole owner of the '780 Patent since its issuance.

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

5 18. On November 3, 2009, U.S. Patent No. 7,613,926 ("the '926 Patent"), titled METHOD
6 AND SYSTEM FOR PROTECTING A COMPUTER AND A NETWORK FROM HOSTILE
7 DOWNLOADABLES, was issued to Yigal Mordechai Edery, Nimrod Itzhak Vered, David R. Kroll,
8 and Shlomo Touboul. A true and correct copy of the '926 Patent is attached to this Complaint as
9 Exhibit 4 and is incorporated by reference herein.

10 19. All rights, title, and interest in the '926 Patent have been assigned to Finjan, who is the
11 sole owner of the '926 Patent. Finjan has been the sole owner of the '926 Patent since its issuance.

20. The '926 Patent is generally directed towards methods and systems for protecting a
computer and a network from hostile downloadables. One of the ways this is accomplished is by
performing hashing on a downloadable in order to generate a downloadable ID, retrieving security
profile data, and transmitting an appended downloadable or transmitting the downloadable with a
representation of the downloadable security profile data.

17 21. On January 12, 2010, U.S. Patent No. 7,647,633 ("the '633 Patent"), titled
18 MALICIOUS MOBILE CODE RUNTIME MONITORING SYSTEM AND METHODS, was issued
19 to Yigal Mordechai Edery, Nimrod Itzhak Vered, David R. Kroll, and Shlomo Touboul. A true and
20 correct copy of the '633 Patent is attached to this Complaint as Exhibit 5 and is incorporated by
21 reference herein.

22 22. All rights, title, and interest in the '633 Patent have been assigned to Finjan, who is the
23 sole owner of the '633 Patent. Finjan has been the sole owner of the '633 Patent since its issuance.

24 23. The '633 Patent is generally directed towards computer networks and, more
25 particularly, provides a system that protects devices connected to the Internet from undesirable
26 operations from web-based content. One of the ways this is accomplished is by determining whether
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- COMPLAINT FOR PATENT INFRINGEMENT

any part of such web-based content can be executed and then trapping such content and neutralizing
 possible harmful effects using mobile protection code.

3 24. On March 20, 2012, U.S. Patent No. 8,141,154 ("the '154 Patent"), titled SYSTEM
4 AND METHOD FOR INSPECTING DYNAMICALLY GENERATED EXECUTABLE CODE, was
5 issued to David Gruzman and Yuval Ben-Itzhak. A true and correct copy of the '154 Patent is attached
6 to this Complaint as Exhibit 6 and is incorporated by reference herein.

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

9 26. The '154 Patent is generally directed towards a gateway computer protecting a client
10 computer from dynamically generated malicious content. One of the ways this is accomplished is by
11 using a content processor to process a first function and invoke a second function if a security
12 computer indicates that it is safe to invoke the second function.

13 27. On March 18, 2014, U.S. Patent No. 8,677,494 ("the '494 Patent"), titled MALICIOUS
14 MOBILE CODE RUNTIME MONITORING SYSTEM AND METHODS, was issued to Yigal
15 Mordechai Edery, Nimrod Itzhak Vered, David R. Kroll, and Shlomo Touboul. A true and correct
16 copy of the '494 Patent is attached to this Complaint as Exhibit 7 and is incorporated by reference
17 herein.

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

20 29. The '494 Patent is generally directed towards a method and system for deriving security
21 profiles and storing the security profiles. One of the ways this is accomplished is by deriving a
22 security profile for a downloadable, which includes a list of suspicious computer operations, and
23 storing the security profile in a database.

30. On July 5, 2011, U.S. Patent No. 7,975,305 ("the '305 Patent"), titled METHOD AND
SYSTEM FOR ADAPTIVE RULE-BASED CONENT SCANNERS FOR DESKTOP COMPUTERS,
was issued to Moshe Rubin, Moshe Matitya, Artem Melnick, Shlomo Touboul, Alexander Yermakov,

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and Amit Shaked. A true and correct copy of the '305 Patent is attached to this Complaint as Exhibit 8
 and is incorporated by reference herein.

3 31. All rights, title, and interest in the '305 Patent have been assigned to Finjan, who is the
4 sole owner of the '305 Patent. Finjan has been the sole owner of the '305 Patent since its issuance.

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

9 33. On July 17, 2012, U.S. Patent No. 8,225,408 ("the '408 Patent"), entitled METHOD
10 AND SYSTEM FOR ADAPTIVE RULE-BASED CONTENT SCANNERS, was issued to Moshe
11 Rubin, Moshe Matitya, Artem Melnick, Shlomo Touboul, Alexander Yermakov and Amit Shaked. A
12 true and correct copy of the '408 Patent is attached to this First Supplemental Complaint as Exhibit 9
13 and is incorporated by reference herein.

All rights, title, and interest in the '408 Patent have been assigned to Finjan, who is the
sole owner of the '408 Patent. Finjan has been the sole owner of the '408 Patent since its issuance.

The '408 Patent is generally directed towards network security and, in particular, rule
based scanning of web-based content for a variety of exploits written in different programming
languages. One of the ways this is accomplished is by expressing the exploits as patterns of tokens.
Additionally, the system provides a way to analyze these exploits by using a parse tree.

36. On November 15, 2005, U.S. Patent No. 6,965,968 ("the '968 Patent"), titled METHOD
AND SYSTEM FOR ADAPTIVE RULE-BASED CONENT SCANNERS FOR DESKTOP
COMPUTERS, was issued to Moshe Rubin, Moshe Matitya, Artem Melnick, Shlomo Touboul,
Alexander Yermakov, and Amit Shaked. A true and correct copy of the '968 Patent is attached to this
Complaint as Exhibit 10 and is incorporated by reference herein.

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

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- COMPLAINT FOR PATENT INFRINGEMENT

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

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FINJAN'S NOTICE OF INFRINGEMENT TO DEFENDANT

6 39. Finjan and Defendant's patent discussions date back to June 2014, while Defendant was
7 a subsidiary of Dell, Inc. Finjan contacted Defendant on or about June 10, 2014, regarding a potential
8 license to Finjan's patents, stating "Finjan owns a patent portfolio covering behavior-based and anti9 malware security resulting from its R&D investments" and "we believe a license to Finjan's patent
10 portfolio could be beneficial" to the company. Finjan offered to provide Defendant with preliminary
11 claim charts so that Defendant could evaluate Finjan's patent portfolio.

40. On July 8, 2014, Finjan provided Defendant with a written report detailing how its NSA
products and its Gateway Anti-Virus and Anti-Spyware products relate to the '822 Patent. On
September 17, 2014, Finjan emailed Defendant two more written reports, detailing how those same
products relate to the '780 Patent, and also how its Comprehensive Gateway Security Suite relates to
the '968 Patent. In that September 17, 2014 email, Finjan also informed Defendant of the '844 Patent
and offered to share another written report relating Defendant's products to the '844 Patent, if
Defendant agreed to sign a mutual non-disclosure agreement.

41. Finjan met with Defendant's representatives in Round Rock, Texas on or about October
2, 2014. During that meeting, Finjan discussed the '822 Patent, the '780 Patent, the '968 Patent, and
the '844 Patent in detail, including how those patents relate to Defendant's products. Finjan met with
Defendant's representatives again on or about February 13, 2015, to discuss Finjan's patents and how
they read on Defendant's products, in detail. But despite these meetings and multiple emails,
Defendant rejected, without providing a single substantive explanation as to why any of the Accused
products do not infringe any of the Asserted Patents, Finjan's offer to take a license to Finjan's patents.

26 42. On or around May 2015, Finjan contacted Defendant again about taking a license to
27 Finjan's patents. Finjan met with Defendant's representatives on or about June 16, 2016, to discuss

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1 Finjan's patents and how they read on Defendant's products, and exchanged multiple emails with 2 Defendant regarding a potential license to Finjan's patents from May to October 2016.

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43. On or about October 12, 2016, Finjan met with Defendant's representatives again in 4 Round Rock, Texas regarding Defendant taking a license to Finjan's patents. On or about November 5 1, 2016, Finjan emailed a presentation to Defendant that summarized the discussions the parties had on 6 or about October 12, 2016 in Texas. This presentation again identified every one of Finjan's patents 7 that are asserted in this case to Defendant, and detailed how a number of Defendant's products – 8 including Advanced Threat Protection, Web Application Firewall, Content Filtering Service, and 9 Gateway Anti-Virus and Anti-Spyware – relate to Finjan's patents. Finjan also proposed a detailed 10 "Licensing Solution" to Defendant at the October 12, 2016 meeting and in the presentation emailed on 11 November 1, 2016. But Defendant refused to take a license.

12 44. On or about November 1, 2016, Dell sold Defendant to private equity firm, Francisco 13 Partners and Elliott Management. On or about March 28, 2017, Finjan contacted Defendant again 14 regarding a potential license to Finjan's patents. In a March 28, 2017 email, Finjan specifically 15 identified the '844 Patent, '494 Patent, '968 Patent, '822 Patent, '633 Patent, '305 Patent, and the '154 16 Patent, all of which are asserted in this case. Finjan also specifically identified and related those 17 patents to a number of Defendant's products and services, including: Capture Advanced Threat 18 Protection; Advanced Gateway Security Suite; TotalSecure Bundle; Comprehensive Gateway Security 19 Suite; Gateway Security Services; Malware Prevention; Content Filtering Service; Web Application 20 Firewall; the SRA Series Appliances; the SuperMassive Series Appliances; the NSA Series 21 Appliances; the TZ Series Appliances; the Email Security Appliances; and the SOHO Series 22 Appliances. Despite Finjan's consistent and earnest efforts from June 2014 to March 2017, Defendant 23 refused to take a license to Finjan's patents. At no time did Defendant provide any explanation as to 24 how any of the Accused Products do not infringe any of the Asserted Patents.

SONICWALL

26 45. Defendant makes, uses, sells, offers for sale, and/or imports into the United States and 27 this District products and services that utilize the SonicWall Appliance Products, SonicWall Email

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1	Security Products, SonicWall Capture Advanced Threat Protection Service ("Capture ATP"), and
2	SonicWall Gateway Security Services. See: https://www.sonicwall.com/en-
3	us/products/firewalls/security-services/capture-advanced-threat-protection;
4	https://www.sonicwall.com/en-us/products/firewalls/security-services/comprehensive-gateway-
5	security-suite; and https://www.sonicwall.com/en-us/products/firewalls/security-services/advanced-
6	gateway-security-suite, attached hereto as Exhibits 11-13.
7	The SonicWall Appliance Products
8	46. Defendant's SuperMassive Series is Defendant's next-generation firewall platform
9	designed for large networks, including enterprise, government, education, retail, healthcare, and
10	service provider networks, among others. Defendant's SuperMassive Series appliances can subscribe
11	to Capture ATP and to Gateway Security Services. Defendant's SuperMassive Series appliances
12	include: the SuperMassive E10000 Series (including but not limited to the E10400 and E10800) and
13	the SuperMassive 9000 Series (including but not limited to the 9200, 9400, 9600, and 9800)
14	(collectively, "SuperMassive Series Appliances"). See
15	https://www.sonicwall.com/SonicWall.com/files/26/268d704a-d513-4830-886e-6bbfae67e930.pdf,
16	attached hereto as Exhibit 14.
17	47. Defendant's Network Security Appliances ("NSA") Series is Defendant's next-
18	generation firewall platform designed for organizations of all sizes. Defendant's NSA Series
19	appliances can subscribe to Capture ATP and to Gateway Security Services. Defendant's NSA Series
20	appliances include, but are not limited to, the NSA 2600, NSA 3600, NSA 4600, NSA 5600, and the
21	NSA 6600 (collectively, "NSA Series Appliances"). See
22	http://www.sonicguard.com/datasheets/nsa/DS_NSA_Series_US-new.pdf, attached hereto as Exhibit
23	15. See also https://www.sonicwall.com/SonicWall.com/files/e1/e16f7df3-a203-40d4-b751-
24	<u>7f241db24c36.pdf</u> , attached hereto as Exhibit 16.
25	48. Defendant's TZ Series is Defendant's Unified Threat Management ("UTM") firewall
26	series designed to provide enterprise-grade network protection to organizations of all sizes, including
27	emerging enterprises and retail or branch offices. Defendant's TZ Series appliances can subscribe to
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Capture ATP and to Gateway Security Services. Defendant's TZ Series appliances include, but are not
 limited to, Defendant's TZ300, TZ400, TZ500, TZ600, and SOHO series (collectively, "TZ Series
 Appliances"). See <u>https://www.sonicwall.com/SonicWall.com/files/1f/1f1e879e-c911-4aaf-9b8c-</u>
 <u>3f1f34836e96.pdf</u>, attached hereto as Exhibit 17.

5 49. The SuperMassive Series, NSA Series, and TZ Series Appliances are collectively
6 referred to as the "Appliance Products" herein.

50. Defendant's WAN Acceleration Appliance ("WXA") Series is Defendant's WAN
optimizer platform, designed to eliminate performance bottlenecks, enhance application transfer
performance, and prioritize traffic. Defendant's WXA Series appliances work with Defendant's next
generation firewall products and Capture ATP. Defendant's WXA Series products include, but are not
limited to, the WXA 500 Software, the WXA 2000, the WXA 4000, the EXA 5000 Virtual Appliance,
and the EXA 6000 Software (collectively, "WXA Series Appliances"). See

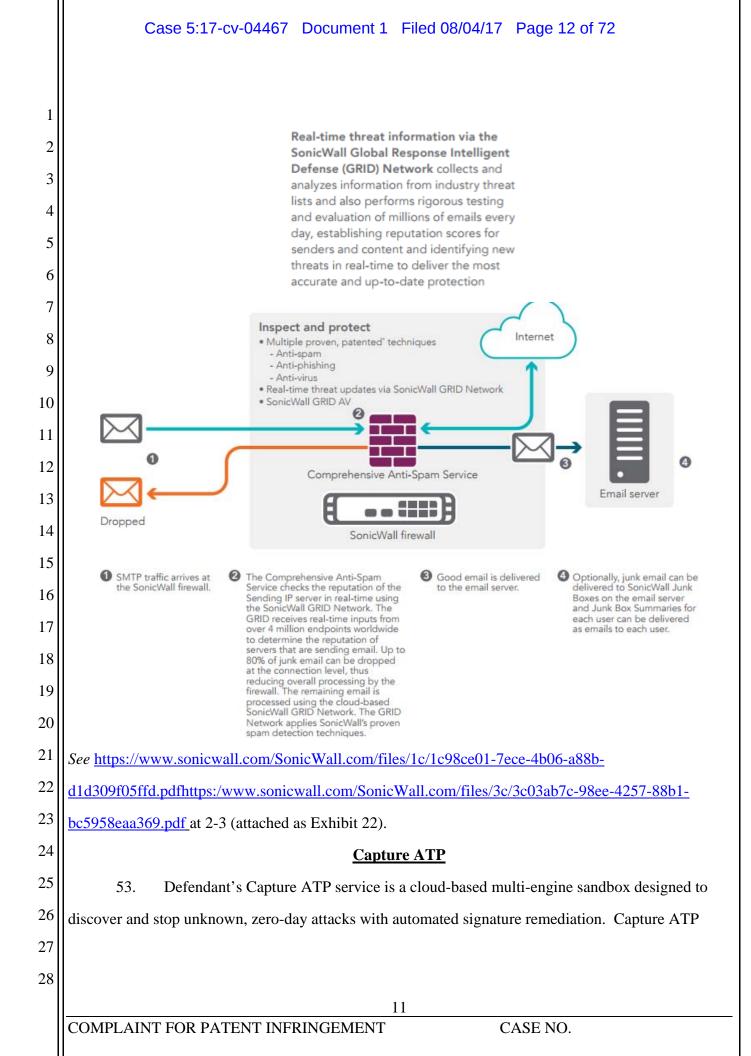
https://www.sonicwall.com/en-us/products/firewalls/wan-acceleration, attached hereto as Exhibit 18;
 see https://www.sonicwall.com/SonicWall.com/files/56/56fa9647-eb16-4084-974c-dbffea20d7bd.pdf,
 attached hereto as Exhibit 19.

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The SonicWall Email Security Products

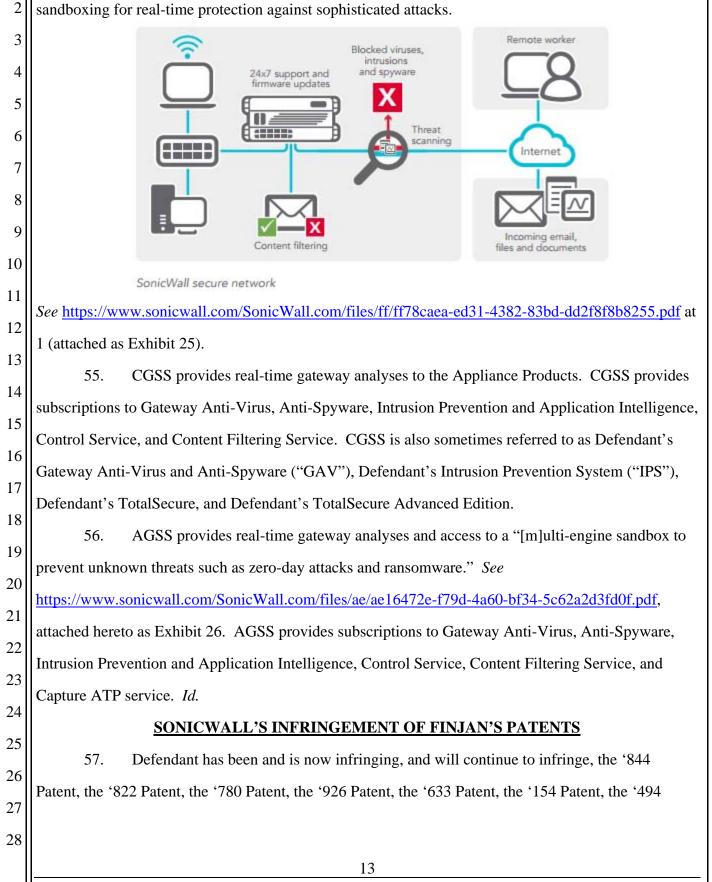
17 51. Defendant's Email Security Products provide protection from inbound and outbound 18 email threats and compliance violations. Defendant's Email Security Products include its Hosted 19 Email Security and Encryption product, its Email Security Virtual Appliance and Software, and its 20 Email Security Appliances (including but not limited to the 5000, 7000, and 9000 appliances) 21 (collectively, the "Email Security Products"). Defendant's Email Security Products can subscribe to 22 Capture ATP and to Gateway Security Services (sometimes referred to as TotalSecure or Advanced 23 TotalSecure). See https://www.sonicwall.com/SonicWall.com/files/a6/a6a01ede-f553-487e-9e00-24 4dadf2e12d48.pdf, attached hereto as Exhibit 20; https://www.sonicwall.com/en-us/products/secure-25 email, attached hereto as Exhibit 21.

26 52. The Email Security Products also include Defendant's Global Response Intelligent
27 Defense Network (GRID).



1 scans or inspects traffic and extracts suspicious code for analysis across a broad range of file sizes and 2 types. Capture ATP sends suspicious files to Defendant's Capture cloud service for analysis, using a 3 multi-engine sandbox platform, which includes virtualized sandboxing, full system emulation, and 4 hypervisor level analysis technology. Capture ATP executes suspicious code and analyzes behavior, 5 providing comprehensive visibility to malicious activity in the form of reports to the end user that 6 show the malicious activity attempted by the downloadable. Capture ATP also creates an immediate 7 hash of the incoming traffic and performs static and dynamic analysis using Defendant's Sonic 8 Sandbox threat detection analysis engine. See e.g., http://www.dell.com/learn/us/en/uscorp1/press-9 releases/2016-02-29-dell-security-multi-engine-approach-advances-sandboxing-beyond-threat-10 detection, attached hereto as Exhibit 23. Defendant will use the information and verdicts generated by 11 its sandbox to provide intelligence to other subscribers of the Capture ATP service. Capture ATP is 12 sometimes referred to as Defendant's Analyzer. 13 14 Grey listed files 15 Sandboy Judgment Traffic 16 Multi-engine SonicWall Capture cloud 17 18 Filtered traffi 19 20 A cloud-based, multi-engine solution for stopping unknown and zero-day attacks at the gateway 21 See https://www.sonicwall.com/SonicWall.com/files/ec/ec2a9db0-ed58-43b1-ab24-99df40408476.pdf 22 at 1 (attached as Exhibit 24) 23 **Gateway Security Services** 24 54. Defendant's Gateway Security Services include Defendant's Comprehensive Gateway 25 Security Suite ("CGSS") and Advanced Gateway Security Suite ("AGSS") (collectively, the "Gateway 26 Security Services"). Defendant's Gateway Security Services combine gateway security anti-virus, 27 28 12 COMPLAINT FOR PATENT INFRINGEMENT CASE NO.

anti-spyware, intrusion prevention, application intelligence and control, content filtering, and
sandboxing for real-time protection against sophisticated attacks.



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Patent, the '305 Patent, the '408 Patent, and the '968 Patent (collectively, the "Asserted Patents") in
 this Judicial District and elsewhere in the United States by, among other things, making, using,
 importing, selling, and/or offering for sale the SuperMassive Series, NSA Series, and TZ Series
 Appliances (collectively, the "Appliance Products") and/or the Email Security Products with or
 without subscriptions or add-ons such as Capture ATP, Gateway Security Services, and/or WXA
 Series Appliances.

58. In addition to directly infringing the Asserted Patents pursuant to 35 U.S.C. § 271(a),
either literally or under the doctrine of equivalents, or both, Defendant indirectly infringes all the
Asserted Patents by instructing, directing, and/or requiring others, including its customers, purchasers,
users, and developers, to perform all or some of the steps of the method claims, either literally or under
the doctrine of equivalents, or both, of the Asserted Patents.

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

14 59. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the15 allegations of the preceding paragraphs, as set forth above.

16 60. Defendant has infringed and continues to infringe Claims 1-44 of the '844 Patent in
17 violation of 35 U.S.C. § 271(a).

18 61. Defendant's infringement is based upon literal infringement or infringement under the19 doctrine of equivalents, or both.

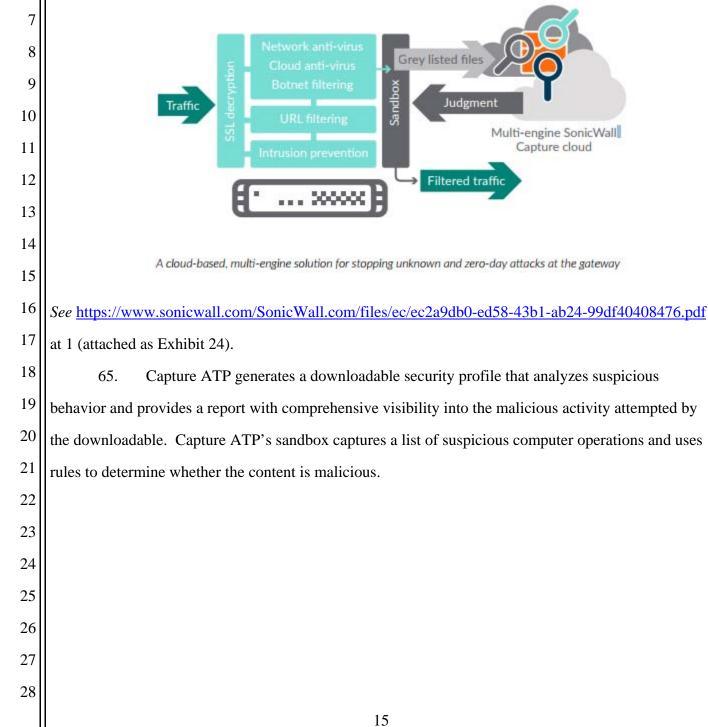
20 62. Defendant's acts of making, using, importing, selling, and/or offering for sale infringing
21 products and services have been without the permission, consent, authorization, or license of Finjan.

63. Defendant's infringement includes the manufacture, use, sale, importation and/or offer
for sale of Defendant's products and services, including the Appliance Products utilizing Capture ATP
and/or Gateway Security Services and the Email Security Products utilizing Capture ATP and/or
Gateway Security Services (collectively, the "844 Accused Products").

26 64. The '844 Accused Products embody the patented invention of the '844 Patent and
27 infringe the '844 Patent because they practice a method of receiving by an inspector a downloadable,

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generating by the inspector a first downloadable security profile that identifies suspicious code in the
 received downloadable, and linking by the inspector the first downloadable security profile to the
 downloadable before a web server makes the downloadable available to web clients. For example, as
 shown below, the '844 Accused Products provide gateway security to end users, where incoming
 downloadables (e.g., PDFs with JavaScript, EXE files, or JavaScript embedded within an HTML file)
 are received by the '844 Products.



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MULTI-ENGINE ADVANCED THREAT ANALYSIS

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Capture executes suspicious code and analyzes behavior simultaneously in multiple engines. This provides you with comprehensive visibility into malicious activity, while resisting evasion tactics and maximizing zero-day threat detection.

6	threat detection.
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8	See https://www.sonicwall.com/en-us/products/firewalls/security-services/capture-advanced-threat-
9	protection at 2 (attached as Exhibit 11).
10	66. For example, Capture ATP identifies registry operations and certain suspicious
11	operations captured during dynamic and static analysis of the downloadable.
12	For each environment, the columns provide the analysis duration and a summary of actions once detonated:
13	Registries Cumulative count of OS registries that were read during the analysis.
14	Processes Cumulative count of processes that were created during the analysis.
15	See https://www.sonicwall.com/en-us/support/knowledge-base/170505384715913 at 10 (attached as
16	Exhibit 27).
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1	How a sandbox works
2	The sandbox acts as a "sacrificial lamb" environment, monitoring malicious
3	code and its interaction with the OS. Sandboxes look for the following:
4	 OS calls: Including monitoring system calls and API functions
5 6	 File system changes: Any kind of action, including creating, modifying, deleting and encrypting files
7 8	 Network changes: Any kind of abnormal establishment of outbound connections
9	 Registry changes: Any modifications to establish persistence or changes to security or network settings
10	 Beyond and between: Monitoring of
11 12	instructions that a program executes between OS calls, to supplement context of other observations
12	See https://www.sonicwall.com/SonicWall.com/files/26/26fed90a-d761-4dc3-9a7b-b4700c73461a.pdf
14	at 4 (attached as Exhibit 28).
15	67. Capture ATP also links the downloadable security profile to the downloadable before it
16	is made available to the client. For example, Capture ATP links the downloadable security profile to
17	the downloadable by using a verdict to preventing access to the downloadable via a blocking
18	mechanism.
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	COMPLAINT FOR PATENT INFRINGEMENT CASE NO.

Custom blocking behavior

1	Custom blocking behavior
2	The Custom Blocking Behavior section allows you to customize the Block all files until a verdict is returned feature.
3	Custom Blacking Robusies
4	Custom Blocking Behavior Files which are not blocked by other Security Services, will be sent to Capture ATP for analysis. Indicate if the firewall should block the file while awaiting a verdict.
5	Allow all files by default
6	Less secure. You will be alerted via email when files have been determined to be malicious after they were allowed onto your network.
7	Block all files until a verdict is returned More secure, but will slow down the download of some legitimate files and may require users to retry the download.
8	Note: Only applies to HTTP/S file downloads
9	See http://software.sonicwall.com/Manual/232-003345-
10	00_RevA_SonicOS_6.2.6_CaptureATP_FeatureGuide.pdf at 12 (attached as Exhibit 29).
11	68. Capture ATP also allows the user to review reports of the inspection.
12	08. Capture ATT also anows the user to review reports of the inspection.
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	COMPLAINT FOR PATENT INFRINGEMENT CASE NO.

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De	Insodde	Scanning History 5ul	benuit frifes					
	Result	Serial Number	From JP	Te IP	Submit Time	File Type	File Sce	Status
8	Series	C0EAE45C5782	10.717.55.90	10.217.56.145	Wed Jan 27 14:35:35 2016	PE32 executable (GUC) Intel 80386	2660576	RACCER
ж.	Denign	C8EAE49C5782	38.237.55.90	38.237.55.143	Weil Jan 27 14:35:35 2016	PE32 executable (GUE) Intel 80386	3363228	success
⊕.	Dorign	C8EAE45C5782	10.217.55.90	10.217.56.145	Wed Jan 27 14:35:34 2016	PE32 executable (GUI) Intel 80386	3362780	Buccess.
G)	Halcoun	CIEAE45C5782	10.217.55.90	10.217.55.145	Weil Jan 27 14:05:34 2016	PE32 executable (GUI) Intel 80386	116728	nuccem
8	Derign	C0EAE49C5792	10.217.35.90	10.217.55.145	Wed Jan 27 54:35:34 2016	PE32 executable (GUI) Intel 80386	12058768	BUCCESS
9	Benips	CIEAE45C5782	10.217.55.90	10.217.55.145	Wed Jan 27 14:35:31 2016	PE32 executable (GUE) Intel 80386	16642528	SUCCESS
	serial: md5: sha1: sha256;	CDEAE45C3782 9efsdK365Fd2511d6a6d3de e986924b5854583d39c2f9/ 4[10e72797cd[64947ce4e5]	\$5082703ceb569769	sader md5: 286c1c7d93	uTubeToHP3.exe 99ccaced062e79f93cb864			
		FE32 executable (GLS) Inte	80386 ¥	ew report: <u>scanning rep</u>	2mi			
9		PE32 executable (GLD) Inte (01/xe/46(5702	10.217.55.90	ew report: scanning.mp 10.217.36.146	Med Jan 27 14-36-38 2016	POI eventable (GU) Intel 8006	2326449	Sarres.
9.0	file type:					PC22 executable (CU2) Intel BCD06 PE22 executable (CU2) Intel BCD06	1217015	Butters
	file type: Notecor	014040712	10.217.55.90	38.217.56.145	Well Jan 27 14:05:01 2010			
	Rie type: Helener Derigs	01464905782 016464565782	10.217.35.90	10.217.56.145 50.217.56.145	Weil Jan 27 14:25:27 2016 Weil Jan 27 14:25:27 2016	PE32 executable (GUI) Intel 90396	15217095	BUCCESS
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	Rie type: Holenar Derign Holenan Derign	CIEAE-ISOS782 CIEAE-ISOS782 CIEAE-ISOS782 CIEAE-ISOS782 CIEAE-ISOS782	18.217.56.90 10.217.55.90 10.217.55.90 30.217.55.90	18.217.56.145 10.217.56.145 10.217.56.145 10.217.56.145	Wed Jan 27 14:25:28 2016 Wed Jan 27 14:25:27 2016 Wed Jan 27 14:25:24 2016 Wed Jan 27 14:25:24 2016 Wed Jan 27 14:35:22 2016	PE32 executable (GUS) briel 80306 PE32 executable (GUS) briel 80306 PE32 executable (GUS) briel 80386	15217095 223384 86441121	success success
	Rie type: Helener Derigs Helener Bengs Mektree	CREAE 4505782 CREAE 4505782 CREAE 4505782 CREAE 4505782 CREAE 4505782 CREAE 4505782	18/217/56/90 16/217/55/90 16/217/55/90 26/217/55/90 16/217/55/90	18.217.36.146 16.217.56.146 16.217.56.146 16.217.56.146 16.217.56.146 16.217.56.146	Wed Jan 27 14:25:28 2016 Wed Jan 27 14:25:27 2016 Wed Jan 27 14:25:24 2016 Wed Jan 27 14:25:22 2016 Wed Jan 27 14:35:22 2016	PE32 executable (OUS) briel 80386 PE32 executable (OUS) briel 80386 PE32 executable (OUS) briel 80386 PE32 executable (OUS) briel 80386	15217035 225384 86441121 5252549	BUCCESS BUCCESS BUCCESS BUCCESS
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	Rie type: Nakowa Daripi Nakowa Hakowa Hakowa Daripi Hakowa Nakowa	ORIAN ROSTRE CREATISCIPE CREATISCIPE CREATISCIPE CREATISCIPE CREATISCIPE CREATISCIPE CREATISCIPE CREATISCIPE CREATISCIPE CREATISCIPE	18.217.55.90 16.217.55.90 16.217.55.90 16.217.55.90 16.217.55.90 16.217.55.90 16.217.55.90 16.217.55.90 16.217.55.90	18.217.55.146 19.217.56.146 19.217.56.145 19.217.56.145 19.217.56.145 19.217.56.145 19.217.56.145 19.217.56.145 19.217.56.145	Weit Jan 27 34-25-20 2054 Weit Jan 27 34:25:27 2056 Weit Jan 27 34:25:22 2036 Weit Jan 27 34:25:22 2036 Weit Jan 27 34:25:22 2036 Weit Jan 27 34:24:42 2036 Weit Jan 27 34:24:25 2036 Weit Jan 27 14:35:45 2036 Weit Jan 27 14:35:45 2036	PE32 executable (OUI) briel 80306 PE32 executable (GUI) briel 80306	15217095 221384 86441121 5512949 112275472 112275208 363840 24576	BUCCESS BUCCESS BUCCESS BUCCESS BUCCESS BUCCESS BUCCESS
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	Rie type: Berign Nelson Berign Melson Berign Makboue Hakboue Berign Berign Berign Berign	OILAR HOSTINE OILAR HOSTINE	18.217.55.90 16.217.55.90 16.217.55.90 16.217.55.90 10.217.55.90 10.217.55.90 10.217.55.90 10.217.55.90 10.217.55.90 10.217.55.90 10.217.55.90 10.217.55.90	18-217-56-145 19-217-56-145 19-217-56-145 19-217-56-145 19-217-56-145 19-217-56-145 19-217-56-145 19-217-56-145 19-217-56-145	Weit Jan 27 54/25/28 2058 Weit Jan 27 54/25/27 2056 Weit Jan 27 54/25/27 2056 Weit Jan 27 54/25/22 2036 Weit Jan 27 54/25/20 2036 Weit Jan 27 54/24/26 2056 Weit Jan 27 54/24/26 2056 Weit Jan 27 54/25/20 2036 Weit Jan 27 54/25/20 2036	PE22 executable (OUI) 2-rial 00004 PE32 executable (GUI) 2-rial 00004 PE32 executable (GUI) 2-rial 00006 PE32 executable (GUI) 2-rial 00006	15217095 221184 06441121 5502948 112275472 112275472 112275308 350304 24576 550504 1210216 6295329	Buccess Buccess Buccess Buccess Buccess Buccess Buccess Buccess Buccess Buccess Buccess Buccess
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A detailed analysis report is also available for analyzed files to facilitate remediation.

See <u>http://www.sonicguard.com/SonicWALL-Capture.asp</u> at 3 (attached as Exhibit 30).

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

70. Defendant has been long-aware of Finjan's patents, including the '844 Patent, and
continued its infringing activity despite this knowledge. On or about June 10, 2014, Finjan informed
Defendant of its patent portfolio, including the Asserted patents and Defendant's infringement thereof,
and provided representative claim charts mapping the Asserted Patents' claims to Defendant's accused
products and services. Finjan actively and diligently, but unsuccessfully, attempted to engage in good
faith negotiations with Defendant for over three years regarding Finjan's patent portfolio, including
through a number of telephonic meetings and in-person meetings in Round Rock, Texas, explaining
Defendant's infringement of each claim element-by-element.

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1 71. Even after being shown that its products infringe Finjan's patents, on information and 2 belief Defendant has made no effort to design its products or services around Finjan's patents, in order 3 to avoid infringement. Instead, Defendant incorporated infringing technology into additional products, 4 such as those identified in this complaint. Moreover, Defendant sent representatives to at least one 5 licensing meeting with Finjan who had no authority to accept a license. Defendant took at least one 6 meeting with Finjan while knowing that it would soon be sold by Dell, Inc. On at least two occasions, 7 most recently on July 11, 2017, Defendant cancelled a meeting with Finjan on short notice, but did not 8 tell Finjan that the meeting was cancelled until after Finjan's representatives had flown from New 9 York to attend the meeting, all while continuing to infringe Finjan's patents. Defendant's 10 representative's explanation was simply that he needed to attend a sales conference, the occurrence of 11 which should have been known well in advance of the meeting with Finjan. All of these actions 12 demonstrate Defendant's blatant and egregious disregard for Finjan's patent rights.

13 72. Despite its knowledge of Finjan's patent portfolio and Asserted Patents, being provided 14 representative claim charts of several of Finjan patents, including the '844 Patent, and engaging in 15 multiple technical meetings regarding infringement of Defendant's products and services, Defendant 16 has sold and continues to sell the accused products and services in complete and reckless disregard of 17 Finjan's patent rights. As such, Defendant has acted recklessly and continues to willfully, wantonly, 18 and deliberately engage in acts of infringement of the '844 Patent, justifying an award to Finjan of 19 increased damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. § 20 285.

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

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

25 74. Defendant has induced and continues to induce infringement of one or more claims of
26 the '844 Patent under 35 U.S.C. § 271(b).

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COMPLAINT FOR PATENT INFRINGEMENT

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1 75. In addition to directly infringing the '844 Patent, Defendant indirectly infringes the '844 2 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing, and/or requiring others, including its 3 customers, purchasers, users, and developers, to perform one or more of the steps of the method 4 claims, either literally or under the doctrine of equivalents, of the '844 Patent, where all the steps of the 5 method claims are performed by either Defendant, its customers, purchasers, users or developers, or 6 some combination thereof. Defendant knew or was willfully blind to the fact that it was inducing 7 others, including customers, purchasers, users or developers, to infringe by practicing, either 8 themselves or in conjunction with Defendant, one or more method claims of the '844 Patent, including 9 at least Claims 1-14 and 23-31.

76. Defendant knowingly and actively aided and abetted the direct infringement of the '844
Patent by instructing and encouraging its customers, purchasers, users and developers to use the '844
Accused Products. Such instructions and encouragement included, but are not limited to, advising
third parties to use the '844 Accused Products in an infringing manner, providing a mechanism through
which third parties may infringe the '844 Patent, and by advertising and promoting the use of the '844
Accused Products in an infringing manner, and distributing guidelines and instructions to third parties
on how to use the '844 Accused Products in an infringing manner.

17 77. Defendant updates and maintains an HTTP site with Defendant's quick start guides,
18 administration guides, user guides, and operating instructions which cover in depth aspects of
19 operating Defendant's offerings. *See, e.g.*, <u>https://www.sonicwall.com/en-us/support/video-tutorials</u>;
20 <u>https://www.sonicwall.com/en-us/support; https://www.sonicwall.com/en-us/resources</u>;
21 <u>https://www.mysonicwall.com/help/Help.aspx?locale=en&context=PRODUCTREGISTRATION&sub</u>
22 context=SERIALNUMBER, attached hereto as Exhibits 31-34.

- 23 24

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

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

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79. Defendant has infringed and continues to infringe Claims 1-35 of the '822 Patent in
 violation of 35 U.S.C. § 271(a).

3 80. Defendant's infringement is based upon literal infringement or infringement under the
4 doctrine of equivalents, or both.

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

82. Defendant's infringement includes, but is not limited to, the manufacture, use, sale,
importation and/or offer for sale of Defendant's products and services, including the Appliance
Products utilizing Capture ATP and/or Gateway Security Services and the Email Security Products
utilizing Capture ATP and/or Gateway Security Services (collectively, the "822 Accused Products").

11 83. The '822 Accused Products embody the patented invention of the '822 Patent and 12 infringe the '822 Patent because they practice a method and a system of receiving downloadable 13 information, determining whether that the downloadable information includes executable code, and 14 transmitting mobile protection code to at least one information destination of the downloadable 15 information if the downloadable information is determined to include executable code. For example, 16 as shown below, '822 Accused Products provide gateway security to end users, where they receive 17 downloadable information.

18 84. Incoming downloadable information is scanned to determine whether it contains
19 executable code such as JavaScript script or EXE files.

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Broad file type analysis – The service supports analysis of a broad range of file sizes and types, including executable programs (PE), DLL, PDFs, MS Office documents, archives, JAR and APK, plus multiple operating systems including Windows and Android. Administrators can customize protection by selecting or excluding files to be sent to the cloud for analysis by file type, file size, sender, recipient or protocol. In addition, administrators can manually submit files to the cloud service for analysis.

¹⁰ See <u>https://www.sonicwall.com/SonicWall.com/files/ec/ec2a9db0-ed58-43b1-ab24-99df40408476.pdf</u>

at 2 (attached as Exhibit 24).

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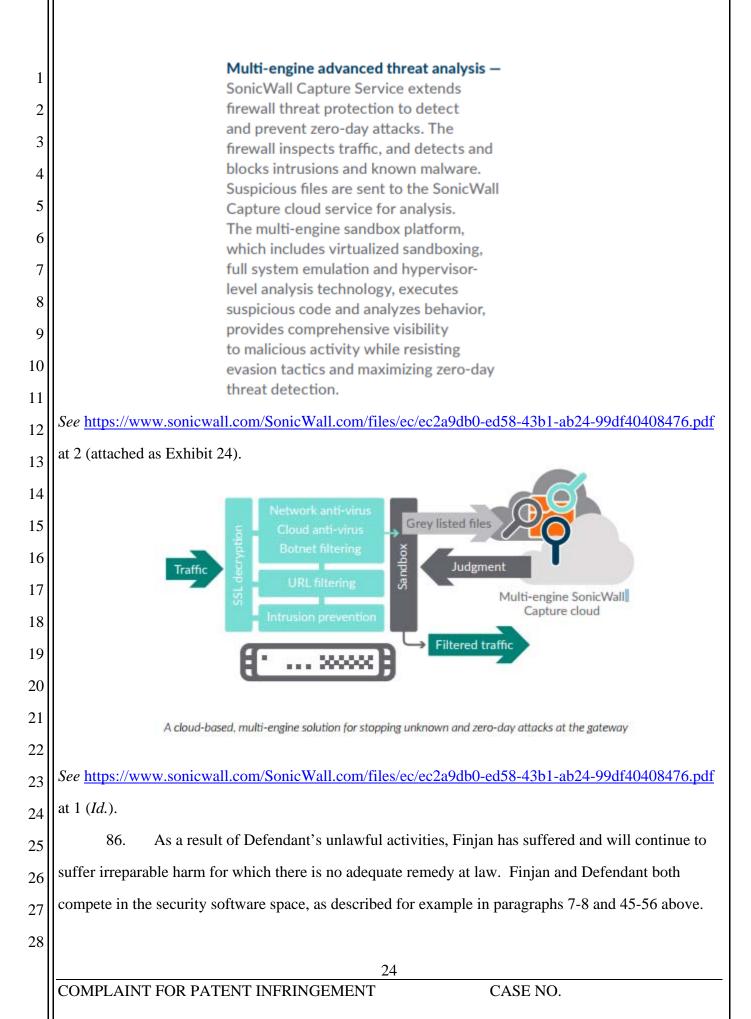
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¹² 85. If the downloadable information includes executable code, mobile protection code and
 ¹³ the executable code are sent to an information destination, such as the Multi-engine Sonic Sandbox.
 ¹⁴ As shown below, the Capture ATP cloud platform includes a sandbox. The Capture ATP cloud
 ¹⁵ platform will analyze executable code and create executable mobile protection code used within the
 ¹⁶ virtual machine and the sandbox platform described below.



And Finjan is actively engaged in licensing its patent portfolio, as described for example in paragraphs
 39-44 above. Defendant's continued infringement of the Asserted Patents causes harm to Finjan in the
 form of price erosion, loss of goodwill, damage to reputation, loss of business opportunities,
 inadequacy of money damages, and direct and indirect competition. Monetary damages are
 insufficient to compensate Finjan for these harms. Accordingly, Finjan is entitled to preliminary
 and/or permanent injunctive relief.

7 87. Defendant's infringement of the '822 Patent has injured and continues to injure Finjan
8 in an amount to be proven at trial.

9 88. Defendant has been long-aware of Finjan's patents, including the '822 Patent, and has 10 continued its infringing activity despite this knowledge. On or about June 10, 2014, Finjan informed 11 Defendant of its patent portfolio, including the Asserted Patents and Defendant's infringement thereof, 12 and provided representative claim charts mapping the Asserted Patents' claims to Defendant's accused 13 products and services. Finjan actively and diligently, but unsuccessfully, attempted to engage in good 14 faith negotiations with Defendant for over three years regarding Finjan's patent portfolio, including 15 through a number of telephonic meetings and in-person meetings in Round Rock, Texas, explaining 16 Defendant's infringement of each claim element-by-element.

17 89. Even after being shown that its products infringe Finjan's patents, on information and 18 belief Defendant has made no effort to design its products or services around Finjan's patents, in order 19 to avoid infringement. Instead, Defendant incorporated infringing technology into additional products, 20 such as those identified in this complaint. Moreover, Defendant sent representatives to at least one 21 licensing meeting with Finjan who had no authority to accept a license. Defendant took at least one 22 meeting with Finjan while knowing that it would soon be sold by Dell, Inc. On at least two occasions, 23 most recently on July 11, 2017, Defendant cancelled a meeting with Finjan on short notice, but did not 24 tell Finjan that the meeting was cancelled until after Finjan's representatives had flown from New 25 York to attend the meeting, all while continuing to infringe Finjan's patents. Defendant's 26 representative's explanation was simply that he needed to attend a sales conference, the occurrence of 27

25

which should have been known well in advance of the meeting with Finjan. All of these actions
demonstrate Defendant's blatant and egregious disregard for Finjan's patent rights.

3 90. Despite its knowledge of Finjan's patent portfolio and Asserted Patents, being provided 4 representative claim charts of several of Finjan patents, including the '822 Patent, and engaging in 5 technical meetings regarding infringement of Defendant's products and services, Defendant has sold 6 and continues to sell the accused products and services in complete and reckless disregard of Finjan's 7 patent rights. As such, Defendant has acted recklessly and continues to willfully, wantonly, and 8 deliberately engage in acts of infringement of the '822 Patent, justifying an award to Finjan of 9 increased damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. § 285. 10

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

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

15 92. Defendant has induced and continues to induce infringement of at least Claims 1-8 and
16 16-27 of the '822 Patent under 35 U.S.C. § 271(b).

17 93. In addition to directly infringing the '822 Patent, Defendant indirectly infringes the '822 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including 18 19 customers, purchasers, users and developers, to perform some of the steps of the method claims, either literally or under the doctrine of equivalents, of the '822 Patent, where all the steps of the 2021 method claims are performed by either Defendant or its customers, purchasers, users and developers, or some combination thereof. Defendant knew or was willfully blind to the fact that it was inducing 22 others, including customers, purchasers, users and developers, to infringe by practicing, either 23 24 themselves or in conjunction with Defendant, one or more method claims of the '822 Patent, including Claims 1-8 and 16-27. 25

26 94. Defendant knowingly and actively aided and abetted the direct infringement of the
27 '822 Patent by instructing and encouraging its customers, purchasers, users and developers to use the

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1	'822 Accused Products. Such instructions and encouragement included, but are not limited to,				
2	advising third parties to use the '822 Accused Products in an infringing manner, providing a				
3	mechanism through which third parties may infringe the '822 Patent, and by advertising and				
4	promoting the use of the '822 Accused Products in an infringing manner, and distributing guidelines				
5	and instructions to third parties on how to use the '822 Accused Products in an infringing manner.				
6	95. Defendant updates and maintains an HTTP site with Defendant's quick start guides,				
7	administration guides, user guides, and operating instructions which cover in depth aspects of				
8	operating Defendant's offerings. See, e.g., https://www.sonicwall.com/en-us/support/video-tutorials;				
9	https://www.sonicwall.com/en-us/support; https://www.sonicwall.com/en-us/resources;				
10	https://www.mysonicwall.com/help/Help.aspx?locale=en&context=PRODUCTREGISTRATION⊂				
11	context=SERIALNUMBER, attached hereto as Exhibits 31-34.				
12	<u>COUNT V</u>				
13	(Direct Infringement of the '780 Patent pursuant to 35 U.S.C. § 271(a))				
14	96. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the				
15	allegations of the preceding paragraphs, as set forth above.				
16	97. Defendant has infringed and continues to infringe Claims 1-18 of the '780 Patent in				
17	violation of 35 U.S.C. § 271(a).				
18	98. Defendant's infringement is based upon literal infringement or infringement under the				
19	doctrine of equivalents, or both.				
20	99. Defendant's acts of making, using, importing, selling, and/or offering for sale infringing				
21	products and services have been without the permission, consent, authorization, or license of Finjan.				
22	100. Defendant's infringement includes, but is not limited to, the manufacture, use, sale,				
23	importation and/or offer for sale of Defendant's products and services, including the Appliance				
24	Products utilizing Capture ATP and/or Gateway Security Services and the Email Security Products				
25	utilizing Capture ATP and/or Gateway Security Services (collectively, the "'780 Accused Products").				
26	101. The '780 Accused Products embody the patented invention of the '780 Patent and				
27	infringe the '780 Patent because they practice a method of obtaining a downloadable that includes one				
28					
	27				

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or more references to software components required to be executed by the downloadable, fetching at least one software component required to be executed by the downloadable, and performing a hashing function on the downloadable and the fetched software components to generate a Downloadable ID. For example, as shown below, '780 Accused Products provide gateway security to end users, where they receive downloadables that include one or more references to executable software components, such as .exe files, .pdf files, and other downloadables that might exhibit malicious behavior such as dropper files. '780 Accused Products will also fetch at least one software component required to be executed by the dropper file. '780 Accused Products performs a hashing function (such as MD-5, SHA1, or SHA256) on the dropper file to generate a downloadable ID (Defendant refers this "File Identifiers") as shown below.

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	-	is very similar among the various threat reports.				
	MD5: 7d24327b1781c99456 SHA1: 9d19f750cf3d0fbc766					
The File Identifiers are displayed at the left side of the footer, one per line:						
	• MD5					
	• SHA1					
	a (1142)	0				
	 SHA25 					
	This information	is displayed on the right side of the footer:				
	Serial Number	Serial number of the firewall that sent the file. This is not displayed if the file was manually uploaded.				
	Capture ATP Version	Software version number of the Capture ATP service running in the cloud.				
	Report	Timestamp, in UTC format, of when the report was generated.				
	Generated					
See <u>https</u>	://www.sonicwa	ull.com/en-us/support/technical-documentation/sonicos-6-2-7-admin-				
guide/cap	<u>pture-atp</u> at 5 (at	tached as Exhibit 35).				
	RAPI	D DEPLOYMENT OF				
REMEDIATION SIGNATURES						
REMEDIATION SIGNATORES						
		is identified as malicious, a hash is immediately created within I later a signature is sent to firewalls to prevent follow-on				
	attacks.					
See <u>https</u>	://www.sonicwa	lll.com/en-us/products/firewalls/security-services/capture-advanced-thre				
protectio	<u>n</u> at 2-3 (attache	ed as Exhibit 11).				
		29 TENT INFRINGEMENT CASE NO.				
	guide/ca See <u>https</u> protectio	The report footer Fie identifiers MD5.7024327b17B1e93466 SH41907006932033 The File Identifier MD5 SHA1 SHA1 SHA1 SHA25 This information Serial Number Capture ATP Version Report Generated See https://www.sonicwaa guide/capture-atp at 5 (at RAPI Capture and attacks.				

1 102. 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. Finjan and Defendant both 3 compete in the security software space, as described for example in paragraphs 7-8 and 45-56 above. 4 And Finjan is actively engaged in licensing its patent portfolio, as described for example in 5 paragraphs 39-44 above. Defendant's continued infringement of the Asserted Patents causes harm to 6 Finjan in the form of price erosion, loss of goodwill, damage to reputation, loss of business 7 opportunities, inadequacy of money damages, and direct and indirect competition. Monetary 8 damages are insufficient to compensate Finjan for these harms. Accordingly, Finjan is entitled to 9 preliminary and/or permanent injunctive relief.

10 103. Defendant's infringement of the '780 Patent has injured and continues to injure Finjan
11 in an amount to be proven at trial.

12 104. Defendant has been long-aware of Finjan's patents, including the '780 Patent, and has 13 continued its infringing activity despite this knowledge. On or about June 10, 2014, Finjan informed 14 Defendant of its patent portfolio, including the Asserted Patents and Defendant's infringement thereof, 15 and provided representative claim charts mapping the Asserted Patents' claims to Defendant's accused 16 products and services. Finjan actively and diligently, but unsuccessfully, attempted to engage in good 17 faith negotiations with Defendant for over three years regarding Finjan's patent portfolio, including 18 through a number of telephonic meetings and in-person meetings in Round Rock, Texas, explaining 19 Defendant's infringement of each claim element-by-element.

20105. Even after being shown that its products infringe Finjan's patents, on information and 21 belief Defendant has made no effort to design its products or services around Finjan's patents, in order 22 to avoid infringement. Instead, Defendant incorporated infringing technology into additional products, 23 such as those identified in this complaint. Moreover, Defendant sent representatives to at least one 24 licensing meeting with Finjan who had no authority to accept a license. Defendant took at least one 25 meeting with Finjan while knowing that it would soon be sold by Dell, Inc. On at least two occasions, 26 most recently on July 11, 2017, Defendant cancelled a meeting with Finjan on short notice, but did not 27 tell Finjan that the meeting was cancelled until after Finjan's representatives had flown from New

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York to attend the meeting, all while continuing to infringe Finjan's patents. Defendant's
 representative's explanation was simply that he needed to attend a sales conference, the occurrence of
 which should have been known well in advance of the meeting with Finjan. All of these actions
 demonstrate Defendant's blatant and egregious disregard for Finjan's patent rights.

5 106. Despite its knowledge of Finjan's patent portfolio and Asserted Patents, being provided 6 representative claim charts of several of Finjan patents, including the '780 Patent, and engaging in 7 technical meetings regarding infringement of Defendant's products and services, Defendant has sold 8 and continues to sell the accused products and services in complete and reckless disregard of Finjan's 9 patent rights. As such, Defendant has acted recklessly and continues to willfully, wantonly, and 10 deliberately engage in acts of infringement of the '780 Patent, justifying an award to Finjan of 11 increased damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. § 12 285.

- 13
- 14

(Indirect Infringement of the '780 Patent pursuant to 35 U.S.C. § 271(b))

15 107. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the16 allegations of the preceding paragraphs, as set forth above.

17 108. Defendant has induced and continues to induce infringement of at least Claims 1-8 of
18 the '780 Patent under 35 U.S.C. § 271(b).

19 109. In addition to directly infringing the '780 Patent, Defendant indirectly infringes the '780 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including 2021 customers, purchasers, users and developers, to perform some of the steps of the method claims, either literally or under the doctrine of equivalents, of the '780 Patent, where all the steps of the 22 method claims are performed by either Defendant or its customers, purchasers, users and developers, 23 24 or some combination thereof. Defendant knew or was willfully blind to the fact that it was inducing others, including customers, purchasers, users and developers, to infringe by practicing, either 25 themselves or in conjunction with Defendant, one or more method claims of the '780 Patent, 26 27 including Claims 1-8.

1	110. Defendant knowingly and actively aided and abetted the direct infringement of the
2	'780 Patent by instructing and encouraging its customers, purchasers, users and developers to use the
3	'780 Accused Products. Such instructions and encouragement included, but are not limited to,
4	advising third parties to use the '780 Accused Products in an infringing manner, providing a
5	mechanism through which third parties may infringe the '780 Patent, and by advertising and
6	promoting the use of the '780 Accused Products in an infringing manner, and distributing guidelines
7	and instructions to third parties on how to use the '780 Accused Products in an infringing manner.
8	111. Defendant updates and maintains an HTTP site with Defendant's quick start guides,
9	administration guides, user guides, and operating instructions which cover in depth aspects of
10	operating Defendant's offerings. See, e.g., https://www.sonicwall.com/en-us/support/video-tutorials;
11	https://www.sonicwall.com/en-us/support; https://www.sonicwall.com/en-us/resources;
12	https://www.mysonicwall.com/help/Help.aspx?locale=en&context=PRODUCTREGISTRATION⊂

13 <u>context=SERIALNUMBER</u>, attached hereto as Exhibits 31-34.

<u>COUNT VII</u> (Direct Infringement of the '633 Patent pursuant to 35 U.S.C. § 271(a))

16 112. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the17 allegations of the preceding paragraphs, as set forth above.

18 113. Defendant has infringed and continues to infringe Claims 1-41 of the '633 Patent in
19 violation of 35 U.S.C. § 271(a).

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

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

116. Defendant's infringement includes, but is not limited to, the manufacture, use, sale,
importation and/or offer for sale of Defendant's products and services, including the Appliance
Products utilizing Capture ATP and/or Gateway Security Services and the Email Security Products
utilizing Capture ATP and/or Gateway Security Services (collectively, the "633 Accused Products").

28

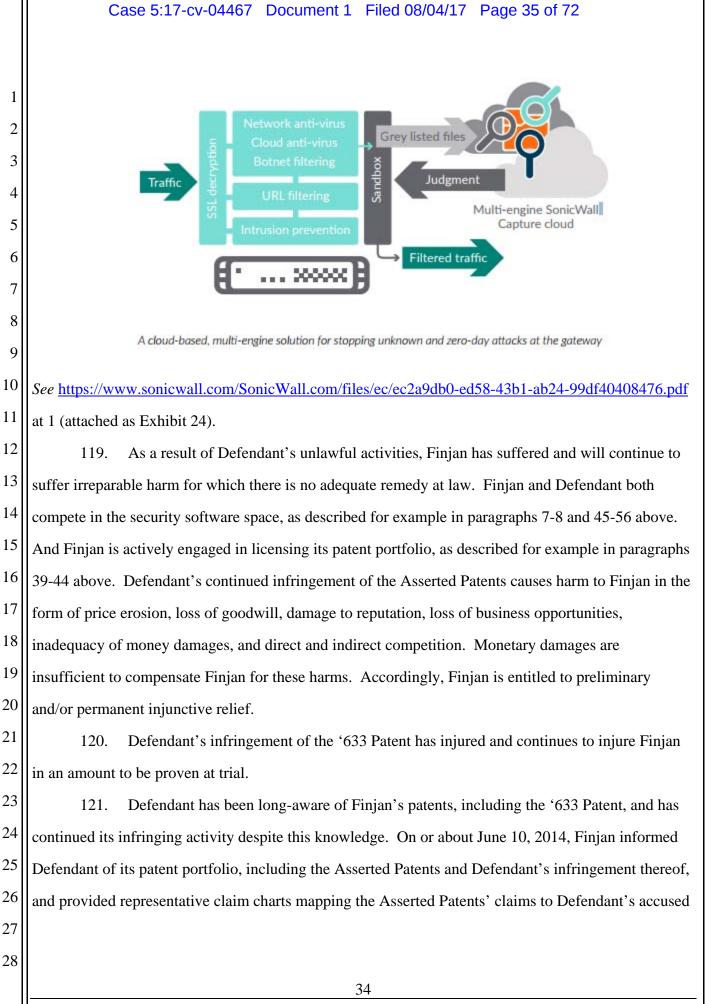
14

1 117. The '633 Accused Products embody the patented invention of the '633 Patent and
2 infringe the '633 Patent because they practice a method and a system of receiving downloadable
3 information, determining whether that the downloadable information includes executable code, and
4 transmitting mobile protection code to at least one information destination of the downloadable
5 information if the downloadable information is determined to include executable code. For example,
6 as shown below, the '633 Accused Products provide firewall gateway security to end users, where they
7 receive downloadable information and scan it to determine whether it contains executable code.

Capture advanced threat protection			
Feature	Description		
Multi-Engine Sandboxing	The multi-engine sandbox platform, which includes virtualized sandboxing, full system emulation, and hypervisor level analysis technology, executes suspicious code and analyzes behavior, providing comprehensive visibility to malicious activity		
Broad File Type Analysis	Supports analysis of a broad range of file types, including executable programs (PE), DLL, PDFs, MS Office documents, archives, JAR and APK plus multiple operating systems including Windows, Android, Mac OSX and multi-browser environments.		
Rapid Deployment of Signatures	When a file is identified as malicious, a signature is immediately deployed to firewalls with SonicWall Capture subscriptions and GRID Gateway Anti-Virus and IPS signature databases and the URL, IP and domain reputation databases within 48 hours.		
Block Until Verdict	To prevent potentially malicious files from entering the network, files sent to the cloud for analysis can be held at the gateway until a verdict is determined.		

See <u>https://www.sonicwall.com/SonicWall.com/files/26/268d704a-d513-4830-886e-6bbfae67e930.pdf</u> at 7 (attached as Exhibit 14).

15 118. If the downloadable information includes executable code, mobile protection code and
 16 the executable code are sent to an information destination, such as the Multi-engine Sonic Sandbox.
 17 As shown below, the Capture ATP cloud platform includes a sandbox. The Capture ATP cloud
 18 platform will analyze executable code and create executable mobile protection is used within the
 19 virtual machine and the sandbox platform shown below.



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products and services. Finjan actively and diligently, but unsuccessfully, attempted to engage in good
 faith negotiations with Defendant for over three years regarding Finjan's patent portfolio, including
 through a number of telephonic meetings and in-person meetings in Round Rock, Texas, explaining
 Defendant's infringement of each claim element-by-element.

5 122. Even after being shown that its products infringe Finjan's patents, on information and 6 belief Defendant has made no effort to design its products or services around Finjan's patents, in order 7 to avoid infringement. Instead, Defendant incorporated infringing technology into additional products, 8 such as those identified in this complaint. Moreover, Defendant sent representatives to at least one 9 licensing meeting with Finjan who had no authority to accept a license. Defendant took at least one 10 meeting with Finjan while knowing that it would soon be sold by Dell, Inc. On at least two occasions, 11 most recently on July 11, 2017, Defendant cancelled a meeting with Finjan on short notice, but did not 12 tell Finjan that the meeting was cancelled until after Finjan's representatives had flown from New 13 York to attend the meeting, all while continuing to infringe Finjan's patents. Defendant's 14 representative's explanation was simply that he needed to attend a sales conference, the occurrence of 15 which should have been known well in advance of the meeting with Finjan. All of these actions 16 demonstrate Defendant's blatant and egregious disregard for Finjan's patent rights.

17 123. Despite its knowledge of Finjan's patent portfolio and Asserted Patents, being provided 18 representative claim charts of several of Finjan patents, including the '633 Patent, and engaging in 19 technical meetings regarding infringement of Defendant's products and services, Defendant has sold 20and continues to sell the accused products and services in complete and reckless disregard of Finjan's 21 patent rights. As such, Defendant has acted recklessly and continues to willfully, wantonly, and 22 deliberately engage in acts of infringement of the '633 Patent, justifying an award to Finjan of 23 increased damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. § 24 285.

35

(Indirect Infringement of the '633 Patent pursuant to 35 U.S.C. § 271(b))

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

125. Defendant has induced and continues to induce infringement of at least Claims 1-7, 14-20, 28-33, and 42-43 of the '633 Patent under 35 U.S.C. § 271(b).

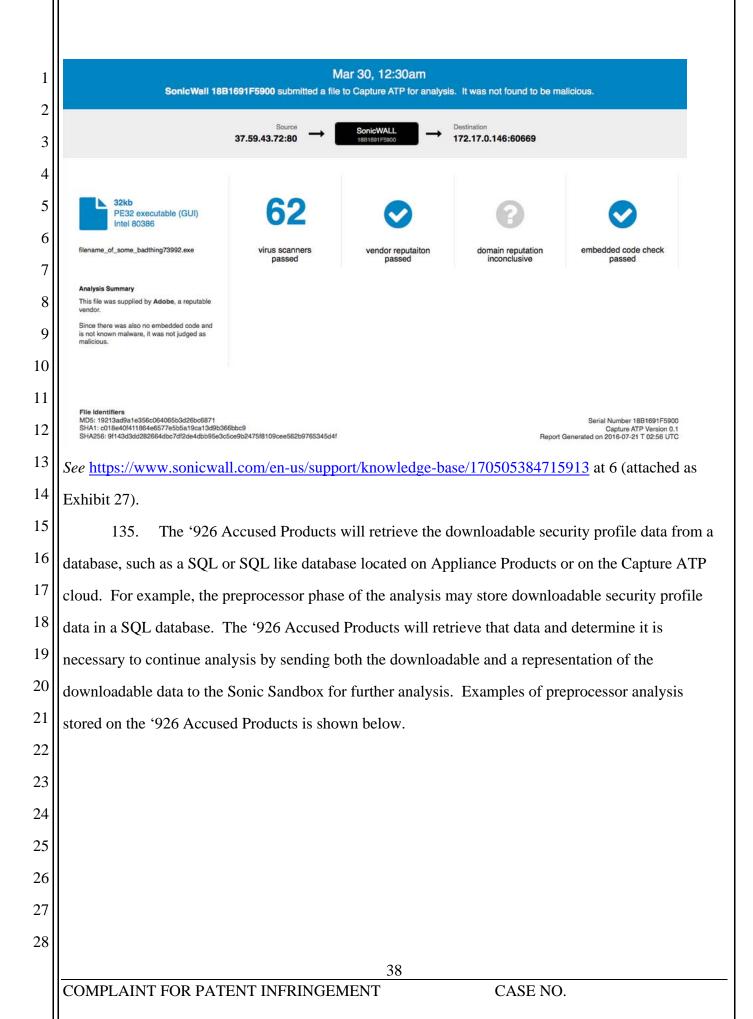
126. In addition to directly infringing the '633 Patent, Defendant indirectly infringes the '633 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including customers, purchasers, users and developers, to perform some of the steps of the method claims, either literally or under the doctrine of equivalents, of the '633 Patent, where all the steps of the method claims are performed by either Defendant or its customers, purchasers, users and developers, or some combination thereof. Defendant knew or was willfully blind to the fact that it was inducing others, including customers, purchasers, users and developers, to infringe by practicing, either themselves or in conjunction with Defendant, one or more method claims of the '633 Patent, including Claims 1-7, 14-20, 28-33, and 42-43.

127. Defendant knowingly and actively aided and abetted the direct infringement of the '633 Patent by instructing and encouraging its customers, purchasers, users and developers to use the '633 Accused Products. Such instructions and encouragement included, but are not limited to, advising third parties to use the '633 Accused Products in an infringing manner, providing a mechanism through which third parties may infringe the '633 Patent, and by advertising and promoting the use of the '633 Accused Products in an infringing manner, and distributing guidelines and instructions to third parties on how to use the '633 Accused Products in an infringing manner.

128. Defendant updates and maintains an HTTP site with Defendant's quick start guides, administration guides, user guides, and operating instructions which cover in depth aspects of operating Defendant's offerings. *See, e.g.*, <u>https://www.sonicwall.com/en-us/support/video-tutorials</u>; <u>https://www.sonicwall.com/en-us/support</u>; <u>https://www.sonicwall.com/en-us/resources</u>;

1	https://www.mysonicwall.com/help/Help.aspx?locale=en&context=PRODUCTREGISTRATION⊂
2	context=SERIALNUMBER, attached hereto as Exhibits 31-34.
3	COUNT IX
4	(Direct Infringement of the '926 Patent pursuant to 35 U.S.C. § 271(a))
5	129. 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	130. Defendant has infringed and continues to infringe Claims 1-30 of the '926 Patent in
8	violation of 35 U.S.C. § 271(a).
9	131. Defendant's infringement is based upon literal infringement or infringement under the
10	doctrine of equivalents, or both.
11	132. 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	133. 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 the Appliance
15	Products utilizing Capture ATP and/or Gateway Security Services and the Email Security Products
16	utilizing Capture ATP and/or Gateway Security Services (collectively, the "926 Accused Products").
17	134. The '926 Accused Products embody the patented invention of the ''926 Patent and
18	infringe the '926 Patent because they practice a method and a system of covers a method and system
19	for protecting a computer and a network from hostile downloadables. One of the ways this is
20	accomplished is by performing hashing on a downloadable in order to generate a downloadable ID,
21	retrieving security profile data, and transmitting an appended downloadable or transmitting the
22	downloadable with a representation of the downloadable security profile data. For example, as shown
23	below, the '926 Accused Products provide gateway security to end users, where they receive
24	downloadables and generate downloadable identifiers such as SHA256 hashes as shown below as "File
25	Identifiers."
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	37 COMPLAINT FOR PATENT INFRINGEMENT CASE NO.
	COMILAINT FOR FATEINT INFRINGENIENT CASE NO.

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Preprocessor phase result	Virus scanners detect malware?	Vendor reputation - on Allow list?	Domain reputation - on Allow list?	Embedded code found in the file?
True	Malicious	Non-malicious	Non-malicious	Continue analysis
False	Continue analysis	Continue analysis	Continue analysis	Non-malicious
state.	r an immediate judgment of either ing result in the Continue analysis			Otherwise, that phase ends with the Continue analysis ATP.
See https://www	v.sonicwall.com/er	n-us/support/kno	wledge-base/170	<u>505384715913</u> at 7 (<i>Id</i> .).
MySQL	Requireme	ents		
SonicWall Analy with Infobright	vzer 8.1 upgrade repla with Postgres (IB-PG).	ces the Infobright w The installer will as	ith MySQL database c if you want to perf	ase installation package. The formerly used in earlier versions orm the data migration to the new e SonicWall Analyzer Virtual
See http://softwa	are.sonicwall.com	/Manual/232-003	<u> 3848-</u>	
00_RevA_Anal	yzer_8.3_Adminis	strationGuide.pdf	at 14 (attached	as Exhibit 36)
136. 7	The '926 Accused	Products will tra	nsmit the represe	entation of the downloadable
security profile	data and the down	loadable to a des	stination compute	er, such as Capture ATP or the
sandbox within	the Capture ATP	cloud. See Exhit	oit 27 at 7, <u>https:</u>	//www.sonicwall.com/en-
us/support/knov	vledge-base/17050) <u>5384715913</u> ("I	f all phases of pr	eprocessing result in the Continu
analysis state, th	ne file is sent to the	e cloud for full a	nalysis by Captu	re ATP").
137. I	Defendant's infring	gement of the '92	26 Patent has inju	ured and continues to injure Finja
in an amount to	be proven at trial.			
138. I	Defendant has been	n long-aware of I	Finjan's patents,	including the '926 Patent, and ha
continued its int	fringing activity de	espite this knowl	edge. On or abo	ut June 10, 2014, Finjan informe
Defendant of its	s patent portfolio, i	including the Ass	serted Patents an	d Defendant's infringement there
and provided re	presentative claim	charts mapping	the Asserted Pat	ents' claims to Defendant's accu
products and set	rvices. Finjan acti	vely and diligent	tly, but unsucces	sfully, attempted to engage in go
faith negotiation	ns with Defendant	for over three ye	ars regarding Fin	njan's patent portfolio, including
			39	

through a number of telephonic meetings and in-person meetings in Round Rock, Texas, explaining
 Defendant's infringement of each claim element-by-element.

3 139. Even after being shown that its products infringe Finjan's patents, on information and 4 belief Defendant has made no effort to design its products or services around Finjan's patents, in order 5 to avoid infringement. Instead, Defendant incorporated infringing technology into additional products, 6 such as those identified in this complaint. Moreover, Defendant sent representatives to at least one 7 licensing meeting with Finjan who had no authority to accept a license. Defendant took at least one 8 meeting with Finjan while knowing that it would soon be sold by Dell, Inc. On at least two occasions, 9 most recently on July 11, 2017, Defendant cancelled a meeting with Finjan on short notice, but did not 10 tell Finjan that the meeting was cancelled until after Finjan's representatives had flown from New 11 York to attend the meeting, all while continuing to infringe Finjan's patents. All of these actions 12 demonstrate Defendant's blatant and egregious disregard for Finjan's patent rights.

13 140. Despite its knowledge of Finjan's patent portfolio and Asserted Patents, being provided
14 representative claim charts of several of Finjan patents, and engaging in technical meetings regarding
15 infringement of Defendant's products and services, Defendant has sold and continues to sell the
16 accused products and services in complete and reckless disregard of Finjan's patent rights. As such,
17 Defendant has acted recklessly and continues to willfully, wantonly, and deliberately engage in acts of
18 infringement of the '926 Patent, justifying an award to Finjan of increased damages under 35 U.S.C. §
19 284, and attorneys' fees and costs incurred under 35 U.S.C. § 285.

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

141. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, theallegations of the preceding paragraphs, as set forth above.

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

143. In addition to directly infringing the '926 Patent, Defendant indirectly infringes the '926
Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including

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customers, purchasers, users and developers, to perform one or more of the steps of the method claims,
either literally or under the doctrine of equivalents, of the '926 Patent, where all the steps of the
method claims are performed by either Defendant, its customers, purchasers, users, and developers, or
some combination thereof. Defendant knew or was willfully blind to the fact that it was inducing
others, including customers, purchasers, users, and developers, to infringe by practicing, either
themselves or in conjunction with Defendant, one or more method claims of the '926 Patent, including
Claims 1-7 and 15-21.

8 144. Defendant knowingly and actively aided and abetted the direct infringement of the '926
9 Patent by instructing and encouraging its customers, purchasers, users, and developers to use the '926
10 Accused Products. Such instructions and encouragement included, but are not limited to, advising
11 third parties to use the '926 Accused Products in an infringing manner, providing a mechanism through
12 which third parties may infringe the ''926 Patent, and by advertising and promoting the use of the '926
13 Accused Products in an infringing manner, and distributing guidelines and instructions to third parties
14 on how to use the '926 Accused Products in an infringing manner.

15 145. Defendant updates and maintains an HTTP site with Defendant's quick start guides,
 administration guides, user guides, and operating instructions which cover in depth aspects of
 operating Defendant's offerings. *See, e.g.*, <u>https://www.sonicwall.com/en-us/support/video-tutorials</u>;
 https://www.sonicwall.com/en-us/support; <u>https://www.sonicwall.com/en-us/resources</u>;
 https://www.mysonicwall.com/help/Help.aspx?locale=en&context=PRODUCTREGISTRATION&sub

20 <u>context=SERIALNUMBER</u>, attached hereto as Exhibits 31-34.

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

146. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, theallegations of the preceding paragraphs, as set forth above.

25 147. Defendant has infringed and continues to infringe Claims 1-12 of the '154 Patent in
26 violation of 35 U.S.C. § 271(a).

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1 148. Defendant's infringement is based upon literal infringement or infringement under the
 2 doctrine of equivalents, or both.

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

5 150. Defendant's infringement includes, but is not limited to, the manufacture, use, sale,
6 importation and/or offer for sale of Defendant's products and services, including the Appliance
7 Products utilizing Capture ATP and/or Gateway Security Services and the Email Security Products
8 utilizing Capture ATP and/or Gateway Security Services (collectively, the "154 Accused Products").

9 The '154 Accused Products embody the patented invention of the '154 Patent and 151. 10 infringe the '154 Patent because they utilize and/or incorporate a system for protecting a computer 11 from dynamically generated malicious content, comprising a content processor (i) for processing 12 content received over a network, the content including a call to a first function, and the call including 13 an input, and (ii) for invoking a second function with the input, only if a security computer indicates 14 that such invocation is safe; a transmitter for transmitting the input to the security computer for 15 inspection, when the first function is invoked; and a receiver for receiving an indicator from the 16 security computer whether it is safe to invoke the second function with the input.

17 152. For example, as shown below, the Appliance Products act as a content processor to
18 process content (such as obfuscated JavaScript) received over the network, where that content includes
19 a call to a first function that contains an input. Appliance Products will perform a lookup to the
20 Capture ATP cloud or GRID by transmitting the input to determine whether it is safe to invoke.

COMPLAINT FOR PATENT INFRINGEMENT

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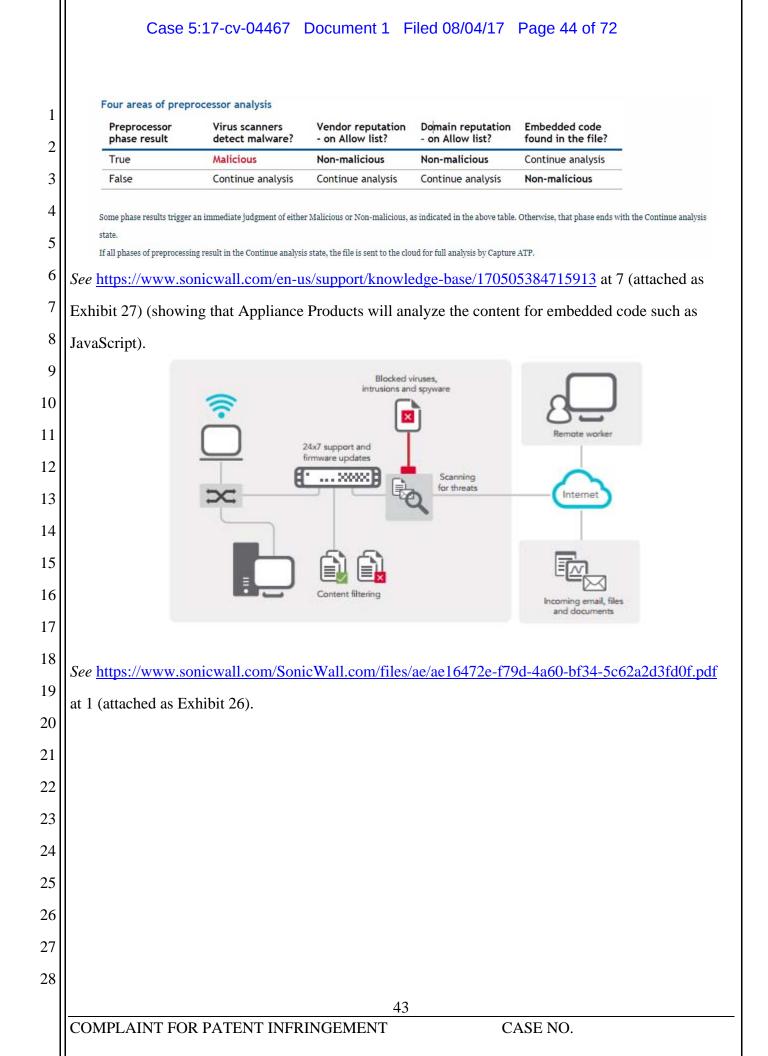
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1 2 3 4 5 6 7	CFS cache CFS cache
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9	1. SonicWall CFS user behind the firewall 4. Local ratings cache of acceptable sites
10	 Roaming CF Client user outside the firewall perimeter Set URL polices to block objectionable or counter productive websites Distributed SonicWall CFS ratings database Real-time and historical reports using SonicWall Analyzer or GMS
11	See https://www.sonicwall.com/SonicWall.com/files/89/89ea5b88-66fb-4c61-91a3-07708facd54a.pdf
12 13	at 3 (attached as Exhibit 37).
13	153. Similarly, as shown below, Defendant provides client-side protection with its IPS
15	technology. Defendant will prevent the opening of a remote host by performing a look up to the
16	SonicWall cloud.
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1	Suspicious Obfuscated JavaScript Code 2 (medium risk alert) SonicWALL wants to make you aware of the " Suspicious Obfuscated JavaScript Code 2" virus that is spreading across the Internet. A <u>medium risk alert</u> has been issued for this threat.
2	Description This signature indicates suspicious obfuscated JavaScript being sent to an HTTP client.Web-Client This SonicWALL
3 4	IPS signature category consists of a group of signatures that can detect and prevent web-based client-side attacks. Client-side attacks target individuals surfing the web rather than the servers that serve up the webpages that they visit. These attacks take advantage of browser and operating system vulnerabilities or lapses in security settings to make client computer execute arbitrary code. These attacks can give remote attackers complete control over the
5	targeted computer, serve as a vector for worm and Trojan propagation, and cause the systems to crash. Web client attacks either rely on making the web browser itself malfunction or making the browser load malicious content. An
6	attacker generally implements the first type of attack by carefully crafting a malformed URL or file header that is mishandled by the browser or helper program assigned to open the file. When the client program contains a
7	vulnerability to this type of attack, for example and unchecked buffer, this object can cause the computer to execute code that the attacker has built in to its body, allowing the attacker to gain control of the computer. The second type of attack involves finding holes the browser's security settings. Often, this type of attack involves some social
8	engineering, convincing a user to perform an action that lowers their security settings so that malicious content that would usually block can be executed. An example is a JavaScript attack against old Firefox browsers. The browser was configured by default to block JavaScript calls embedded in websites that automatically open content from
9	remote hosts because of the chance that the remote content was malicious. This security measure, however, was bypassed if the user dragged the URL into a new tab on the browser, and so attackers tricked users into running
10	malicious scripts by dragging the URLs to new tabs. These attacks can have the same effects as the previously mentioned attacks: if a remote attacker can cause a user to execute malicious code, they can take over the
11	computer. Web client attacks illustrate the importance of gateway protection because they prey on individual users who may not update their browsers and may not know better than to accidentally lower their security settings.
12	SonicWALL Web-Client signatures, when enabled, can keep these attacks from reaching a network at all. These signatures range from low- to high-priority, with high-priority signatures enabled for prevention by default.
13	See https://www.mysonicwall.com/sonicalert/searchresults.aspx?ev=sig&sigid=3656 at 1 (attached as
14	Exhibit 38).
15	Cutting-edge IPS technology protects
16	against worms, Trojans, software vulnerabilities and other intrusions
17	by scanning all network traffic for
18	malicious or anomalous patterns, thereby increasing network reliability
19	and performance.
20	See https://www.sonicwall.com/SonicWall.com/files/ae/ae16472e-f79d-4a60-bf34-5c62a2d3fd0f.pdf
21	at 2 (attached as Exhibit 26).
22	154. As a result of Defendant's unlawful activities, Finjan has suffered and will continue to
23	suffer irreparable harm for which there is no adequate remedy at law. Finjan and Defendant both
24	compete in the security software space, as described for example in paragraphs 7-8 and 45-56 above.
25	And Finjan is actively engaged in licensing its patent portfolio, as described for example in paragraphs
26	39-44 above. Defendant's continued infringement of the Asserted Patents causes harm to Finjan in the
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COMPLAINT FOR PATENT INFRINGEMENT

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form of price erosion, loss of goodwill, damage to reputation, loss of business opportunities,
 inadequacy of money damages, and direct and indirect competition. Monetary damages are
 insufficient to compensate Finjan for these harms. Accordingly, Finjan is entitled to preliminary
 and/or permanent injunctive relief.

5 155. Defendant's infringement of the '154 Patent has injured and continues to injure Finjan
6 in an amount to be proven at trial.

7 156. Defendant has been long-aware of Finjan's patents, including the '154 Patent, and has 8 continued its infringing activity despite this knowledge. On or about June 10, 2014, Finjan informed 9 Defendant of its patent portfolio, including the Asserted Patents and Defendant's infringement thereof, 10 and provided representative claim charts mapping the Asserted Patents' claims to Defendant's accused 11 products and services. Finjan actively and diligently, but unsuccessfully, attempted to engage in good 12 faith negotiations with Defendant for over three years regarding Finjan's patent portfolio, including 13 through a number of telephonic meetings and in-person meetings in Round Rock, Texas, explaining 14 Defendant's infringement of each claim element-by-element.

15 157. Even after being shown that its products infringe Finjan's patents, on information and 16 belief Defendant has made no effort to design its products or services around Finjan's patents, in order 17 to avoid infringement. Instead, Defendant incorporated infringing technology into additional products, 18 such as those identified in this complaint. Moreover, Defendant sent representatives to at least one 19 licensing meeting with Finjan who had no authority to accept a license. Defendant took at least one 20 meeting with Finjan while knowing that it would soon be sold by Dell, Inc. On at least two occasions, 21 most recently on July 11, 2017, Defendant cancelled a meeting with Finjan on short notice, but did not 22 tell Finjan that the meeting was cancelled until after Finjan's representatives had flown from New 23 York to attend the meeting, all while continuing to infringe Finjan's patents. Defendant's 24 representative's explanation was simply that he needed to attend a sales conference, the occurrence of 25 which should have been known well in advance of the meeting with Finjan. All of these actions 26 demonstrate Defendant's blatant and egregious disregard for Finjan's patent rights.

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1 158. Despite its knowledge of Finjan's patent portfolio and Asserted Patents, being provided
2 representative claim charts of several of Finjan patents, and engaging in technical meetings regarding
3 infringement of Defendant's products and services, Defendant has sold and continues to sell the
4 accused products and services in complete and reckless disregard of Finjan's patent rights. As such,
5 Defendant has acted recklessly and continues to willfully, wantonly, and deliberately engage in acts of
6 infringement of the '154 Patent, justifying an award to Finjan of increased damages under 35 U.S.C. §
7 284, and attorneys' fees and costs incurred under 35 U.S.C. § 285.

8

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

10 159. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the11 allegations of the preceding paragraphs, as set forth above.

12 160. Defendant has infringed and continues to infringe Claims 1-18 of the '494 Patent in
13 violation of 35 U.S.C. § 271(a).

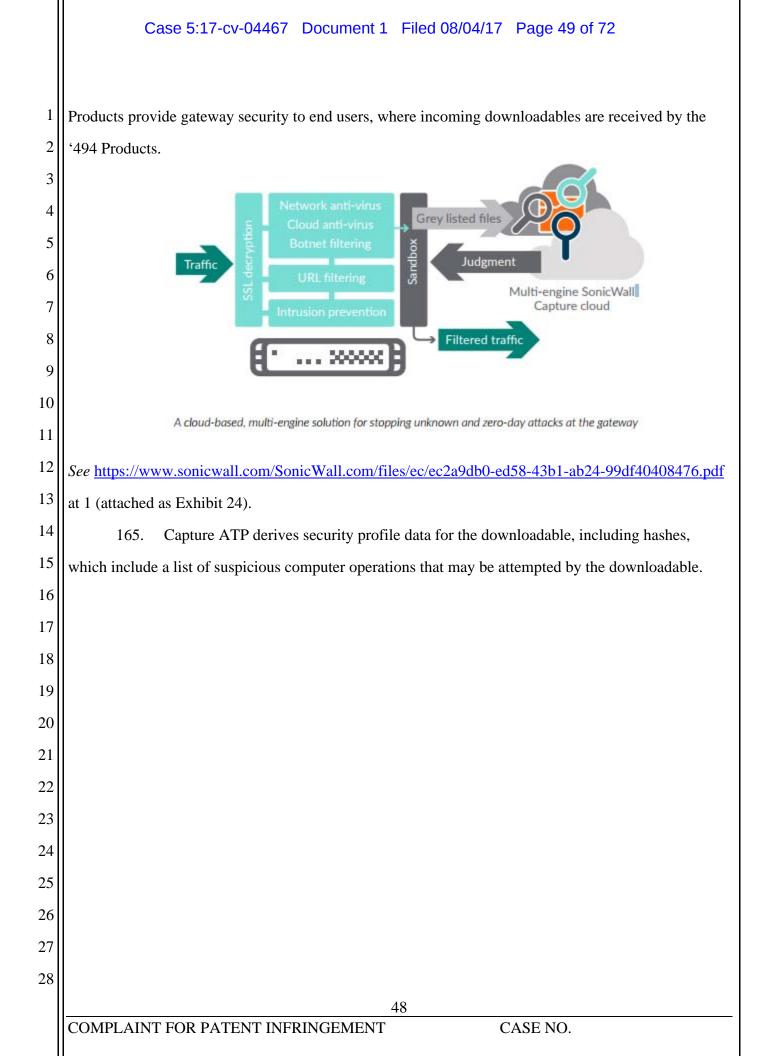
14 161. Defendant's infringement is based upon literal infringement or, in the alternative,15 infringement under the doctrine of equivalents.

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

18 163. Defendant's infringement includes, but is not limited to, the manufacture, use, sale,
19 importation and/or offer for sale of Defendant's products and services, including the Appliance
20 Products utilizing Capture ATP and/or Gateway Security Services and the Email Security Products
21 utilizing Capture ATP and/or Gateway Security Services (collectively, the "494 Accused Products").

164. The '494 Accused Products embody the patented invention of the '494 Patent and
infringe the '494 Patent because they practice a computer-based method comprising receiving an
incoming downloadable, deriving security profile data for the downloadable, including a list of
suspicious computer operations that may be attempted by the downloadable and storing the
downloadable security profile data in a database. For example, as shown below, the '494 Accused

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For each environment, the columns provide the analysis duration and a summary of actions once detonated:

2				
3		Time	Time taken by the analysis, using s for seconds, m for minutes, and timeout if the analysis did not complete.	
4		Libraries	Cumulative count of malware libraries that were read during the analysis.	
5 6		Files	Cumulative count of files that were created, read, updated, or deleted during the analysis.	
7		Registries	Cumulative count of OS registries that were read during the analysis.	
8		Processes	Cumulative count of processes that were created during the analysis.	
9		Mutexes	Cumulative count of mutual exclusion objects that were used during the analysis to lock a resource for exclusive access.	
10		Functions	Cumulative count of functions executed during the analysis.	
11 12		Connection	Cumulative count of network connections that were created during the analysis	
13				
14	See	https://www	w.sonicwall.com/en-us/support/technical-documentation/sonicos-6-2-7-admin-	
15	guio	de/capture-a	atp at 8 (attached as Exhibit 35).	
16		166.	Capture ATP stores the downloadable security profile data in databases and provi	ides
17	full	analysis the	reat reports.	
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1	Analysis Engine	Results Ta	bles									
			y of actions	once detor	nated				See ever	ything the engin	ts saw	
2	Engine Alpha 100 Windows XP Pro	time libraries	files	registries	processes 6	mutexes 37	functions 1	7	download	full details	CAP	
3	92 Windows 7	124s 9	89	1	5	36	1	12	۵ xmL	Screenshots	CAP	
4	Engine Beta											
4	12 Windows Phone 0 Android	130s 9 timeout	73		6	37	1	7	▲ XML	Creenshots	C PCAP	
5	Engine Gamma											
6	100 Windows XP Pro	130s 9	73		6	37	1	7	۵ xml	C Screenshots	CAP	
	63 Windows 7	124s 9	89	1	5	36	1		∆ XML	Screenshots		
7											ving the results fr pha, Beta, Gamm	rom each analysis
8											which the engin	
9												of the operating sys
	The color of the											
0	Red ir	ndicates a	malicio	us judg	ment.							
1				, .	·							
	• Grevi	indicates a	non-m	aliciou	s iudgr	nent.						
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3		• 11		,	,		. / 1					
4	See <u>https://www.so</u>	<u>nıcwal</u>	.com	<u>/en-u</u>	<u>is/su</u> j	opor	t/tech	<u>inica</u>	<u>ll-do</u>	cument	ation/sonico	<u>s-6-2-/-admin</u>
2	<u>guide/capture-atp</u> a	t 8 (<i>Id.</i>)).									
5		The	report fo	oter is v	ery simi	lar amo	ng the v	arious t	hreat re	ports.		
6		MD5:	entifiers 1d24327b1781 9d19f750cf3d0	c99456677e6 0fbc766ef9a1a	92a6b47f0 #58102a27a0	lc457					Serial Number 18B16902C6AC Capture ATP Version 1.0	
7			6: 24f860706a								n Sat, 23 Jul 2016 18:19:24 GMT	
		ine			e dispiay	yed at ti	ne iert s	de of tr	ie loote	r, one per lir	e:	
8			• 1/1	D5								
9			• SH	IA1								
0			• SH	IA258								
1		This	informat	tion is di	splayed	on the i	right sid	e of the	footer:			
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5		Rep		Ti	mestam	p, in UT	C forma	t, of wh	en the r	eport was g	enerated.	
			erated									
6	See <u>https://www.so</u>	nicwall	.com	<u>/en-u</u>	is/suj	opor	t/tecl	nica	<u>ll-do</u>	<u>cument</u>	ation/sonico	<u>s-6-2-7-admin</u>
7	<u>guide/capture-atp</u> a	ut 5 (<i>Id.</i>)).									
8												
_				<u> </u>				50			<u></u>	
117	COMPLAINT FOR	K PATE	ENT I	INFR	ING	EMI	ENT				CASE NO.	

1 167. Defendant's infringement of the '494 Patent has injured and continues to injure Finjan 2 in an amount to be proven at trial.

3 168. Defendant has been long-aware of Finjan's patents, including the '494 Patent, and has 4 continued its infringing activity despite this knowledge. On or about June 10, 2014, Finjan informed 5 Defendant of its patent portfolio, including the Asserted Patents and Defendant's infringement thereof, 6 and provided representative claim charts mapping the Asserted Patents' claims to Defendant's accused 7 products and services. Finjan actively and diligently, but unsuccessfully, attempted to engage in good 8 faith negotiations with Defendant for over three years regarding Finjan's patent portfolio, including 9 through a number of telephonic meetings and in-person meetings in Round Rock, Texas, explaining 10 Defendant's infringement of each claim element-by-element.

11 169. Even after being shown that its products infringe Finjan's patents, on information and 12 belief Defendant has made no effort to design its products or services around Finjan's patents, in order 13 to avoid infringement. Instead, Defendant incorporated infringing technology into additional products, 14 such as those identified in this complaint. Moreover, Defendant sent representatives to at least one 15 licensing meeting with Finjan who had no authority to accept a license. Defendant took at least one 16 meeting with Finjan while knowing that it would soon be sold by Dell, Inc. On at least two occasions, 17 most recently on July 11, 2017, Defendant cancelled a meeting with Finjan on short notice, but did not 18 tell Finjan that the meeting was cancelled until after Finjan's representatives had flown from New 19 York to attend the meeting, all while continuing to infringe Finjan's patents. Defendant's 20 representative's explanation was simply that he needed to attend a sales conference, the occurrence of 21 which should have been known well in advance of the meeting with Finjan. All of these actions 22 demonstrate Defendant's blatant and egregious disregard for Finjan's patent rights.

23 170. Despite its knowledge of Finjan's patent portfolio and Asserted Patents, being provided 24 representative claim charts of several of Finjan patents, and engaging in technical meetings regarding 25 infringement of Defendant's products and services, Defendant has sold and continues to sell the 26 accused products and services in complete and reckless disregard of Finjan's patent rights. As such, 27 Defendant has acted recklessly and continues 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.

COUNT XIII

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

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

7 172. Defendant has induced and continues to induce infringement of at least Claims 1-9 of
8 the '494 Patent under 35 U.S.C. § 271(b).

9 173. In addition to directly infringing the '494 Patent, Defendant indirectly infringes the '494 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including 10 customers, purchasers, users and developers, to perform one or more of the steps of the method claims, 11 either literally or under the doctrine of equivalents, of the '494 Patent, where all the steps of the 12 method claims are performed by either Defendant, its customers, purchasers, users, and developers, or 13 some combination thereof. Defendant knew or was willfully blind to the fact that it was inducing 14 others, including customers, purchasers, users, and developers, to infringe by practicing, either 15 themselves or in conjunction with Defendant, one or more method claims of the '494 Patent, including 16 Claims 1-9. 17

18 174. Defendant knowingly and actively aided and abetted the direct infringement of the
'494 Patent by instructing and encouraging its customers, purchasers, users, and developers to use the
'494 Accused Products. Such instructions and encouragement included, but are not limited to,
advising third parties to use the '494 Accused Products in an infringing manner, providing a
mechanism through which third parties may infringe the '494 Patent, and by advertising and
promoting the use of the '494 Accused Products in an infringing manner, and distributing guidelines
and instructions to third parties on how to use the '494 Accused Products in an infringing manner.

25 175. Defendant updates and maintains an HTTP site with Defendant's quick start guides,
26 administration guides, user guides, and operating instructions which cover in depth aspects of
27 operating Defendant's offerings. *See, e.g.*, <u>https://www.sonicwall.com/en-us/support/video-tutorials</u>;

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1	https://www.sonicwall.com/en-us/support; https://www.sonicwall.com/en-us/resources;
2	https://www.mysonicwall.com/help/Help.aspx?locale=en&context=PRODUCTREGISTRATION⊂
3	context=SERIALNUMBER, attached hereto as Exhibits 31-34.
4	COUNT XIV
5	(Direct Infringement of the '305 Patent pursuant to 35 U.S.C. § 271(a))
6	176. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the
7	allegations of the preceding paragraphs, as set forth above.
8	177. Defendant has infringed and continues to infringe Claims 1-25 of the '305 Patent in
9	violation of 35 U.S.C. § 271(a).
10	178. Defendant's infringement is based upon literal infringement or, in the alternative,
11	infringement under the doctrine of equivalents.
12	179. Defendant 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	180. 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 the Appliance
16	Products utilizing Capture ATP and/or Gateway Security Services and the Email Security Products
17	utilizing Capture ATP and/or Gateway Security Services (collectively, the "305 Accused Products").
18	181. The '305 Accused Products embody the patented invention of the '305 Patent and
19	infringe the '305 Patent because they practice a method of receiving incoming content from the
20	Internet, selectively diverting content from its intended destination, scanning the content to recognize
21	potential computer exploits using analyzer and parser rules, and updating those rules to incorporate
22	new behavioral rules. For example, as shown below, the '305 Accused Products provide gateway
23	security to end users, where incoming internet content is received by the '305 Accused Products.
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1			Bloc	ked viruses,		
2		1	intrusio	ns and spyware		
3		Ċ			Remote worker	
4		\square	24x7 support and firmware updates			
5		20	f	for threats	Internet	
6				~		
7			66		E.	
, 8		1				
0 9					Incoming email, files and documents	
9 10						
10	See <u>https://www</u>	v.sonicwall.com/So	onicWall.com/fil	les/ae/ae16472e-	f79d-4a60-bf34-5c62a2d3fd0	<u>f.pdf</u>
	at 1 (attached as	s Exhibit 26).				
12	182. 7	The '305 Accused	Products will div	vert content from	the gateway if the content re-	quires
13		, as shown below.				
14	Four areas of prep	rocessor analysis				
	Preprocessor	Virus scanners	Vendor reputation	Domain reputation	Embedded code	
15	Preprocessor phase result	detect malware?	- on Allow list?	Domain reputation - on Allow list?	found in the file?	
	Preprocessor			Domain reputation - on Allow list? Non-malicious Continue analysis		
15	Preprocessor phase result True False	detect malware? Malicious Continue analysis	- on Allow list? Non-malicious Continue analysis	- on Allow list? Non-malicious Continue analysis	found in the file? Continue analysis	
15 16	Preprocessor phase result True False Some phase results trigger state.	detect malware? Malicious Continue analysis	- on Allow list? Non-malicious Continue analysis Malicious or Non-malicious, a	- on Allow list? Non-malicious Continue analysis as indicated in the above table.	found in the file? Continue analysis Non-malicious Otherwise, that phase ends with the Continue analysis	
15 16 17	Preprocessor phase result True False Some phase results trigger state. If all phases of preprocess	detect malware? Malicious Continue analysis an immediate judgment of either ing result in the Continue analysis	on Allow list? Non-malicious Continue analysis Malicious or Non-malicious, a state, the file is sent to the clo	- on Allow list? Non-malicious Continue analysis as indicated in the above table. ud for full analysis by Capture	found in the file? Continue analysis Non-malicious Otherwise, that phase ends with the Continue analysis ATP.	
15 16 17 18	Preprocessor phase result True False Some phase results trigger state. If all phases of preprocess See <u>https://www</u>	detect malware? Malicious Continue analysis an immediate judgment of either ing result in the Continue analysis	on Allow list? Non-malicious Continue analysis Malicious or Non-malicious, a state, the file is sent to the clo	- on Allow list? Non-malicious Continue analysis as indicated in the above table. ud for full analysis by Capture	found in the file? Continue analysis Non-malicious Otherwise, that phase ends with the Continue analysis	
15 16 17 18 19	Preprocessor phase result True False Some phase results trigger state. If all phases of preprocess See <u>https://www</u> Exhibit 27).	detect malware? Malicious Continue analysis an immediate judgment of either ing result in the Continue analysis v.sonicwall.com/er	- on Allow list? Non-malicious Continue analysis Malicious or Non-malicious, i state, the file is sent to the clo n-us/support/kno	- on Allow list? Non-malicious Continue analysis as indicated in the above table. ud for full analysis by Capture wledge-base/170	found in the file? Continue analysis Non-malicious Otherwise, that phase ends with the Continue analysis ATP. 505384715913 at 7 (attached	as
15 16 17 18 19 20	Preprocessor phase result True False Some phase results trigger state. If all phases of preprocess See <u>https://www</u> Exhibit 27). 183.	detect malware? Malicious Continue analysis r an immediate judgment of either ing result in the Continue analysis v.sonicwall.com/er The '305 Accused 1	- on Allow list? Non-malicious Continue analysis Malicious or Non-malicious, a state, the file is sent to the clo n-us/support/kno Products, such a	- on Allow list? Non-malicious Continue analysis as indicated in the above table. ud for full analysis by Capture wledge-base/170 s the Appliance I	found in the file? Continue analysis Non-malicious Otherwise, that phase ends with the Continue analysis ATP. 505384715913 at 7 (attached Products, also use passive heu	as ristics
 15 16 17 18 19 20 21 	Preprocessor phase result True False Some phase results trigger state. If all phases of preprocess See <u>https://www</u> Exhibit 27). 183. T to look for patter	detect malware? Malicious Continue analysis an immediate judgment of either ing result in the Continue analysis w.sonicwall.com/er The '305 Accused for erns, routines of pre-	- on Allow list? Non-malicious Continue analysis Malicious or Non-malicious, a state, the file is sent to the clo n-us/support/kno Products, such a ogram calls that	- on Allow list? Non-malicious Continue analysis as indicated in the above table. ud for full analysis by Capture wledge-base/17C s the Appliance I indicate maliciou	found in the file? Continue analysis Non-malicious Otherwise, that phase ends with the Continue analysis ATP. 505384715913 at 7 (attached Products, also use passive heu as behavior, and select those o	as ristics content
 15 16 17 18 19 20 21 22 	Preprocessor phase result True False Some phase results trigger state. If all phases of preprocess See <u>https://www</u> Exhibit 27). 183. To to look for patter to be further sca	detect malware? Malicious Continue analysis an immediate judgment of either ing result in the Continue analysis v.sonicwall.com/er The '305 Accused for erns, routines of pre- unned. The scanner	- on Allow list? Non-malicious Continue analysis Malicious or Non-malicious, a state, the file is sent to the clo n-us/support/kno Products, such a ogram calls that	- on Allow list? Non-malicious Continue analysis as indicated in the above table. ud for full analysis by Capture wledge-base/17C s the Appliance I indicate maliciou	found in the file? Continue analysis Non-malicious Otherwise, that phase ends with the Continue analysis ATP. 505384715913 at 7 (attached Products, also use passive heu	as ristics content
 15 16 17 18 19 20 21 22 23 	Preprocessor phase result True False Some phase results trigger state. If all phases of preprocess See <u>https://www</u> Exhibit 27). 183. T to look for patter	detect malware? Malicious Continue analysis an immediate judgment of either ing result in the Continue analysis v.sonicwall.com/er The '305 Accused for erns, routines of pre- unned. The scanner	- on Allow list? Non-malicious Continue analysis Malicious or Non-malicious, a state, the file is sent to the clo n-us/support/kno Products, such a ogram calls that	- on Allow list? Non-malicious Continue analysis as indicated in the above table. ud for full analysis by Capture wledge-base/17C s the Appliance I indicate maliciou	found in the file? Continue analysis Non-malicious Otherwise, that phase ends with the Continue analysis ATP. 505384715913 at 7 (attached Products, also use passive heu as behavior, and select those o	as ristics content
 15 16 17 18 19 20 21 22 23 24 	Preprocessor phase result True False Some phase results trigger state. If all phases of preprocess See <u>https://www</u> Exhibit 27). 183. To to look for patter to be further sca	detect malware? Malicious Continue analysis an immediate judgment of either ing result in the Continue analysis v.sonicwall.com/er The '305 Accused for erns, routines of pre- unned. The scanner	- on Allow list? Non-malicious Continue analysis Malicious or Non-malicious, a state, the file is sent to the clo n-us/support/kno Products, such a ogram calls that	- on Allow list? Non-malicious Continue analysis as indicated in the above table. ud for full analysis by Capture wledge-base/17C s the Appliance I indicate maliciou	found in the file? Continue analysis Non-malicious Otherwise, that phase ends with the Continue analysis ATP. 505384715913 at 7 (attached Products, also use passive heu as behavior, and select those o	as ristics content
 15 16 17 18 19 20 21 22 23 24 25 	Preprocessor phase result True False Some phase results trigger state. If all phases of preprocess See <u>https://www</u> Exhibit 27). 183. To to look for patter to be further sca	detect malware? Malicious Continue analysis an immediate judgment of either ing result in the Continue analysis v.sonicwall.com/er The '305 Accused for erns, routines of pre- unned. The scanner	- on Allow list? Non-malicious Continue analysis Malicious or Non-malicious, a state, the file is sent to the clo n-us/support/kno Products, such a ogram calls that	- on Allow list? Non-malicious Continue analysis as indicated in the above table. ud for full analysis by Capture wledge-base/17C s the Appliance I indicate maliciou	found in the file? Continue analysis Non-malicious Otherwise, that phase ends with the Continue analysis ATP. 505384715913 at 7 (attached Products, also use passive heu as behavior, and select those o	as ristics content
 15 16 17 18 19 20 21 22 23 24 25 26 	Preprocessor phase result True False Some phase results trigger state. If all phases of preprocess See <u>https://www</u> Exhibit 27). 183. To to look for patter to be further sca	detect malware? Malicious Continue analysis an immediate judgment of either ing result in the Continue analysis v.sonicwall.com/er The '305 Accused for erns, routines of pre- unned. The scanner	- on Allow list? Non-malicious Continue analysis Malicious or Non-malicious, a state, the file is sent to the clo n-us/support/kno Products, such a ogram calls that	- on Allow list? Non-malicious Continue analysis as indicated in the above table. ud for full analysis by Capture wledge-base/17C s the Appliance I indicate maliciou	found in the file? Continue analysis Non-malicious Otherwise, that phase ends with the Continue analysis ATP. 505384715913 at 7 (attached Products, also use passive heu as behavior, and select those o	as ristics content
 15 16 17 18 19 20 21 22 23 24 25 26 27 	Preprocessor phase result True False Some phase results trigger state. If all phases of preprocess See <u>https://www</u> Exhibit 27). 183. To to look for patter to be further sca	detect malware? Malicious Continue analysis an immediate judgment of either ing result in the Continue analysis v.sonicwall.com/er The '305 Accused for erns, routines of pre- unned. The scanner	- on Allow list? Non-malicious Continue analysis Malicious or Non-malicious, a state, the file is sent to the clo n-us/support/kno Products, such a ogram calls that r uses advanced 1	- on Allow list? Non-malicious Continue analysis as indicated in the above table. ud for full analysis by Capture wledge-base/17C s the Appliance I indicate maliciou	found in the file? Continue analysis Non-malicious Otherwise, that phase ends with the Continue analysis ATP. 505384715913 at 7 (attached Products, also use passive heu as behavior, and select those o	as ristics content

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1	Abstract
2	Next-gen firewalls leverage signatures and heuristics with great success. But when defending against today's malicious attacks,
3	they are no longer sufficient. The challenges of targeted attacks
4	and zero-day threats make the addition of sandboxing critical to an effective security posture.
5	Heuristics
6	Unlike signatures, which look for specific matches within a database,
7	heuristic-based scanning uses rules
8	and algorithms to detect code that might have malicious intent.
9	See https://www.sonicwall.com/SonicWall.com/files/26/26fed90a-d761-4dc3-9a7b-b4700c73461a.pdf.
10	at 1-2 (attached as Exhibit 28).
11	184. The '305 Accused Products selectively divert content from its intended destination,
12	scanning it to recognize potential computer exploits using analyzer and parser rules.
13	
14	Network anti-virus Grey listed files
15	Botnet filtering
16	Traffic by URL filtering URL filtering Multi-engine SonicWall
17	Intrusion prevention Capture cloud
18	Filtered traffic
19	
20	A cloud-based, multi-engine solution for stopping unknown and zero-day attacks at the gateway
21	A cloud based, main engine solution for stopping anishorm and zero day access at the gatemay
22	See https://www.sonicwall.com/SonicWall.com/files/ec/ec2a9db0-ed58-43b1-ab24-99df40408476.pdf
23	at 1 (attached as Exhibit 24).
24 25	185. As a result of Defendant's unlawful activities, Finjan has suffered and will continue to
25 26	suffer irreparable harm for which there is no adequate remedy at law. Finjan and Defendant both
26 27	compete in the security software space, as described for example in paragraphs 7-8 and 45-56 above.
27 28	
28	55
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And Finjan is actively engaged in licensing its patent portfolio, as described for example in
paragraphs 39-44 above. Defendant's continued infringement of the Asserted Patents causes harm to
Finjan in the form of price erosion, loss of goodwill, damage to reputation, loss of business
opportunities, inadequacy of money damages, and direct and indirect competition. Monetary
damages are insufficient to compensate Finjan for these harms. Accordingly, Finjan is entitled to
preliminary and/or permanent injunctive relief.

7 186. Defendant's infringement of the '305 Patent has injured and continues to injure Finjan
8 in an amount to be proven at trial.

9 187. Defendant has been long-aware of Finjan's patents, including the '305 Patent, and has 10 continued its infringing activity despite this knowledge. On or about June 10, 2014, Finjan informed 11 Defendant of its patent portfolio, including the Asserted Patents and Defendant's infringement thereof, 12 and provided representative claim charts mapping the Asserted Patents' claims to Defendant's accused 13 products and services. Finjan actively and diligently, but unsuccessfully, attempted to engage in good 14 faith negotiations with Defendant for over three years regarding Finjan's patent portfolio, including 15 through a number of telephonic meetings and in-person meetings in Round Rock, Texas, explaining 16 Defendant's infringement of each claim element-by-element.

17 188. Even after being shown that its products infringe Finjan's patents, on information and 18 belief Defendant has made no effort to design its products or services around Finjan's patents, in order 19 to avoid infringement. Instead, Defendant incorporated infringing technology into additional products, 20 such as those identified in this complaint. Moreover, Defendant sent representatives to at least one 21 licensing meeting with Finjan who had no authority to accept a license. Defendant took at least one 22 meeting with Finjan while knowing that it would soon be sold by Dell, Inc. On at least two occasions, 23 most recently on July 11, 2017, Defendant cancelled a meeting with Finjan on short notice, but did not 24 tell Finjan that the meeting was cancelled until after Finjan's representatives had flown from New 25 York to attend the meeting, all while continuing to infringe Finjan's patents. Defendant's 26 representative's explanation was simply that he needed to attend a sales conference, the occurrence of 27

28

<u> 5</u>6

which should have been known well in advance of the meeting with Finjan. All of these actions
 demonstrate Defendant's blatant and egregious disregard for Finjan's patent rights.

189. Despite its knowledge of Finjan's patent portfolio and Asserted Patents, being provided
representative claim charts of several of Finjan patents, and engaging in technical meetings regarding
infringement of Defendant's products and services, Defendant has sold and continues to sell the
accused products and services in complete and reckless disregard of Finjan's patent rights. As such,
Defendant has acted recklessly and continues to willfully, wantonly, and deliberately engage in acts of
infringement of the '305 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.

10

11

(Indirect Infringement of the '305 Patent pursuant to 35 U.S.C. § 271(b))

12 190. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the13 allegations of the preceding paragraphs, as set forth above.

14 191. Defendant has induced and continues to induce infringement of at least Claims 13-24
15 of the '305 Patent under 35 U.S.C. § 271(b).

192. In addition to directly infringing the '305 Patent, Defendant indirectly infringes the '305 16 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including 17 customers, purchasers, users and developers, to perform one or more of the steps of the method claims, 18 19 either literally or under the doctrine of equivalents, of the '305 Patent, where all the steps of the method claims are performed by either Defendant, its customers, purchasers, users, and developers, or 20some combination thereof. Defendant knew or was willfully blind to the fact that it was inducing 21 others, including customers, purchasers, users, and developers, to infringe by practicing, either 22 themselves or in conjunction with Defendant, one or more method claims of the '305 Patent, including 23 24 Claims 13-24.

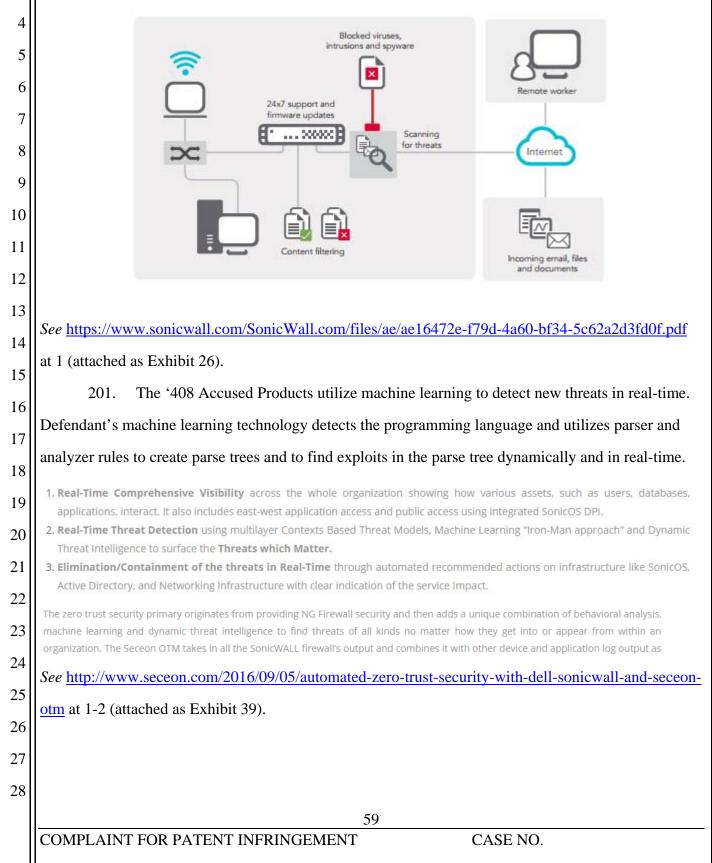
25 193. Defendant knowingly and actively aided and abetted the direct infringement of the
26 '305 Patent by instructing and encouraging its customers, purchasers, users, and developers to use the
27 '305 Accused Products. Such instructions and encouragement included, but are not limited to,

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1 advising third parties to use the '305 Accused Products in an infringing manner, providing a 2 mechanism through which third parties may infringe the '305 Patent, and by advertising and 3 promoting the use of the '305 Accused Products in an infringing manner, and distributing guidelines 4 and instructions to third parties on how to use the '305 Accused Products in an infringing manner. 5 194. Defendant updates and maintains an HTTP site with Defendant's quick start guides, 6 administration guides, user guides, and operating instructions which cover in depth aspects of 7 operating Defendant's offerings. See, e.g., https://www.sonicwall.com/en-us/support/video-tutorials; 8 https://www.sonicwall.com/en-us/support; https://www.sonicwall.com/en-us/resources; 9 https://www.mysonicwall.com/help/Help.aspx?locale=en&context=PRODUCTREGISTRATION&sub 10 context=SERIALNUMBER, attached hereto as Exhibits 31-34. 11 **COUNT XVI** (Direct Infringement of the '408 Patent pursuant to 35 U.S.C. § 271(a)) 12 13 195. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above. 14 15 196. Defendant has infringed and continues to infringe Claims 1-35 of the '408 Patent in violation of 35 U.S.C. § 271(a). 16 197. Defendant's infringement is based upon literal infringement or, in the alternative, 17 infringement under the doctrine of equivalents. 18 19 198. Defendant acts of making, using, importing, selling, and/or offering for sale infringing products and services have been without the permission, consent, authorization or license of Finjan. 20199. 21 Defendant's infringement includes, but is not limited to, the manufacture, use, sale, importation and/or offer for sale of Defendant's products and services, including the Appliance 22 Products utilizing Capture ATP and/or Gateway Security Services and the Email Security Products 23 24 utilizing Capture ATP and/or Gateway Security Services (collectively, the "408 Accused Products"). 25 200. The '408 Accused Products embody the patented invention of the '408 Patent and infringe the '408 Patent because they practice a method of receiving an incoming content stream, 26 27 determine the programming language, use parser and analyzer rules to express the stream into patterns 28 58

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of tokens in a parse tree, and finding exploits. For example, as shown below, the '408 Accused
 Products provide gateway security to end users, where incoming internet content is received by the
 '408 Accused Products.



1 202. 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. Finjan and Defendant both 3 compete in the security software space, as described for example in paragraphs 7-8 and 45-56 above. 4 And Finjan is actively engaged in licensing its patent portfolio, as described for example in 5 paragraphs 39-44 above. Defendant's continued infringement of the Asserted Patents causes harm to 6 Finjan in the form of price erosion, loss of goodwill, damage to reputation, loss of business 7 opportunities, inadequacy of money damages, and direct and indirect competition. Monetary 8 damages are insufficient to compensate Finjan for these harms. Accordingly, Finjan is entitled to 9 preliminary and/or permanent injunctive relief.

10 203. Defendant's infringement of the '408 Patent has injured and continues to injure Finjan
11 in an amount to be proven at trial.

12 204. Defendant has been long-aware of Finjan's patents, including the '408 Patent, and has 13 continued its infringing activity despite this knowledge. On or about June 10, 2014, Finjan informed 14 Defendant of its patent portfolio, including the Asserted Patents and Defendant's infringement thereof, 15 and provided representative claim charts mapping the Asserted Patents' claims to Defendant's accused 16 products and services. Finjan actively and diligently, but unsuccessfully, attempted to engage in good 17 faith negotiations with Defendant for over three years regarding Finjan's patent portfolio, including 18 through a number of telephonic meetings and in-person meetings in Round Rock, Texas, explaining 19 Defendant's infringement of each claim element-by-element.

20205. Even after being shown that its products infringe Finjan's patents, on information and 21 belief Defendant has made no effort to design its products or services around Finjan's patents, in order 22 to avoid infringement. Instead, Defendant incorporated infringing technology into additional products, 23 such as those identified in this complaint. Moreover, Defendant sent representatives to at least one 24 licensing meeting with Finjan who had no authority to accept a license. Defendant took at least one 25 meeting with Finjan while knowing that it would soon be sold by Dell, Inc. On at least two occasions, 26 most recently on July 11, 2017, Defendant cancelled a meeting with Finjan on short notice, but did not 27 tell Finjan that the meeting was cancelled until after Finjan's representatives had flown from New

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York to attend the meeting, all while continuing to infringe Finjan's patents. Defendant's
 representative's explanation was simply that he needed to attend a sales conference, the occurrence of
 which should have been known well in advance of the meeting with Finjan. All of these actions
 demonstrate Defendant's blatant and egregious disregard for Finjan's patent rights.

206. Despite its knowledge of Finjan's patent portfolio and Asserted Patents, being provided
representative claim charts of several of Finjan patents, and engaging in technical meetings regarding
infringement of Defendant's products and services, Defendant has sold and continues to sell the
accused products and services in complete and reckless disregard of Finjan's patent rights. As such,
Defendant has acted recklessly and continues to willfully, wantonly, and deliberately engage in acts of
infringement of the '408 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.

- 12
- 13

(Indirect Infringement of the '408 Patent pursuant to 35 U.S.C. § 271(b))

14 207. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the15 allegations of the preceding paragraphs, as set forth above.

208. Defendant has induced and continues to induce infringement of at least Claims 1-8 and
23-28 of the '408 Patent under 35 U.S.C. § 271(b).

209. In addition to directly infringing the '408 Patent, Defendant indirectly infringes the '408 18 19 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including customers, purchasers, users and developers, to perform one or more of the steps of the method claims, 20either literally or under the doctrine of equivalents, of the '408 Patent, where all the steps of the 21 method claims are performed by either Defendant, its customers, purchasers, users, and developers, or 22 some combination thereof. Defendant knew or was willfully blind to the fact that it was inducing 23 24 others, including customers, purchasers, users, and developers, to infringe by practicing, either themselves or in conjunction with Defendant, one or more method claims of the '408 Patent, including 25 Claims 1-8 and 23-28. 26

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210. Defendant knowingly and actively aided and abetted the direct infringement of the '408
 Patent by instructing and encouraging its customers, purchasers, users, and developers to use the '408
 Accused Products. Such instructions and encouragement included, but are not limited to, advising
 third parties to use the '408 Accused Products in an infringing manner, providing a mechanism through
 which third parties may infringe the '408 Patent, and by advertising and promoting the use of the '408
 Accused Products in an infringing manner, and distributing guidelines and instructions to third parties
 on how to use the '408 Accused Products in an infringing manner.

8 211. Defendant updates and maintains an HTTP site with Defendant's quick start guides, 9 administration guides, user guides, and operating instructions which cover in depth aspects of 10 operating Defendant's offerings. See, e.g., https://www.sonicwall.com/en-us/support/video-tutorials; 11 https://www.sonicwall.com/en-us/support; https://www.sonicwall.com/en-us/resources; 12 https://www.mysonicwall.com/help/Help.aspx?locale=en&context=PRODUCTREGISTRATION&sub 13 context=SERIALNUMBER, attached hereto as Exhibits 31-34. 14 COUNT XVIII (Direct Infringement of the '968 Patent pursuant to 35 U.S.C. § 271(a)) 15 212. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the 16 allegations of the preceding paragraphs, as set forth above. 17 213. Defendant has infringed and continues to infringe Claims 1-38 of the '968 Patent in 18 violation of 35 U.S.C. § 271(a). 19 Defendant's infringement is based upon literal infringement or, in the alternative, 20214. 21 infringement under the doctrine of equivalents. 22 215. Defendant acts of making, using, importing, selling, and/or offering for sale infringing products and services have been without the permission, consent, authorization or license of Finjan. 23

24 216. Defendant's infringement includes, but is not limited to, the manufacture, use, sale,
25 importation and/or offer for sale of Defendant's products and services, including the Appliance
26 Products utilizing Capture ATP and/or Gateway Security Services with and without WXA Series
27 Appliances (collectively, the "968 Accused Products").

217. The '968 Accused Products embody the patented invention of the '968 Patent and
 infringe the '968 Patent because they store digital content under associated policies and indexes,
 contain a content scanner to scan incoming digital content and derive a profile for that content, and
 determine whether the incoming digital content is allowable under the policies, according to the
 profile, which is saved as an entry in the policy index. For example, as shown below, the '968
 Accused Products provide gateway security to end users, where incoming digital content is received,
 stored, and scanned by the '968 Accused Products.

218. As shown below, the '968 Accused Products include a web cache that includes URL ratings and caches digital content.

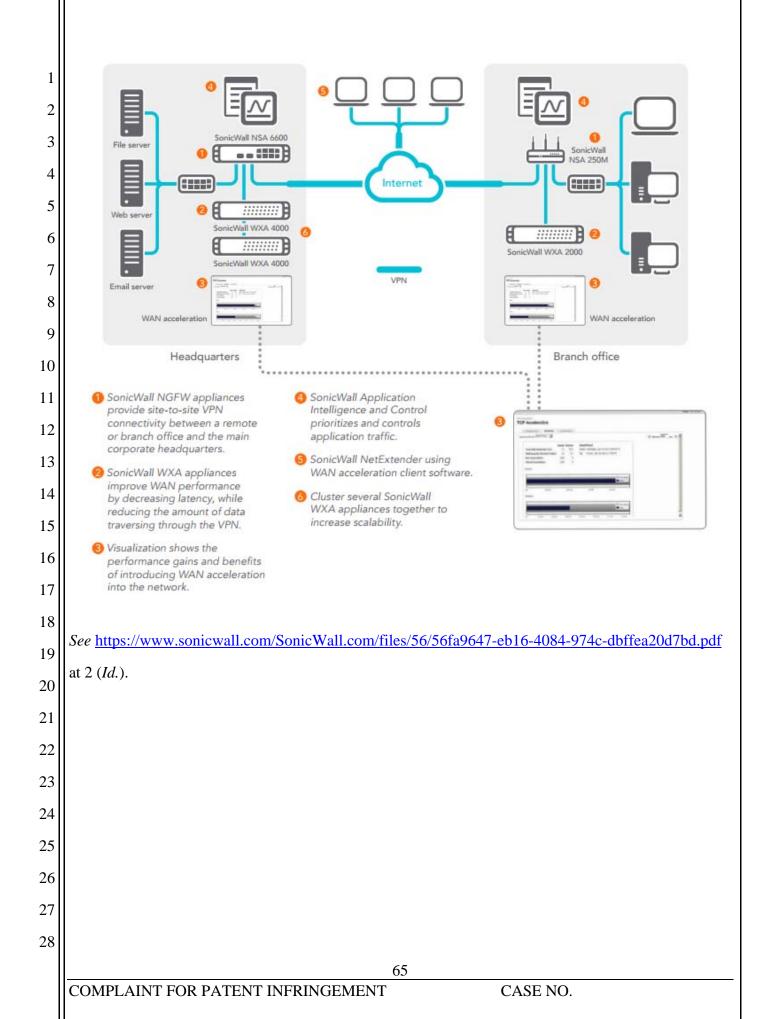
WAN Acceleration > Web Cache

The WAN Acceleration > Web Cache page provides options to configure and monitor the Web Cache service through these tabs: Status, Statistics, Tools.

	Web Cache											
	Status Statistics Tools											
	Apply Changes	Restart Web Cache	6	2								
	Abbit changes	Transfer transfer transfer	Flush Cache	Admin Email		*						
	Web Cache											
	Enable Web C	ache *										
	Caching Strategy	Mo	derate 💌 *									
	Note: anability the V	VA Wah Carba allarre sarring	e on the Network Mich	Done nana								
		Notes enabling the WXA Web Cache effects settings on the <u>Network/Web Prony</u> page.										
	Cache Status											
	Operational Statu	se 🕜 Web Ca	che service is running r	omally *								
	Web Requests:	Respon	e Time: 4.36 seconds									
	Cache Size:	17.30 MB										
	Cache Free Space											
	Number of Cache	d Objects: 34										
		So when a user i	equests one	of these Web	ough the network that are pages, it is retrieved from							
<u>)0_RevH_</u>	SonicOS_5.8_	<u>Administrati</u>	onGuide.	<u>pdf</u> at 113	4 (attached as Exhib	vit 40).						
Web cachi	ing	URL ratings are cacl sites is only a fraction		SonicWall firewa	I so that the response time for sub	sequent access to frequently v						
			Enforced an	ti virus and ant	CDUW2F0							
				63								
				05								

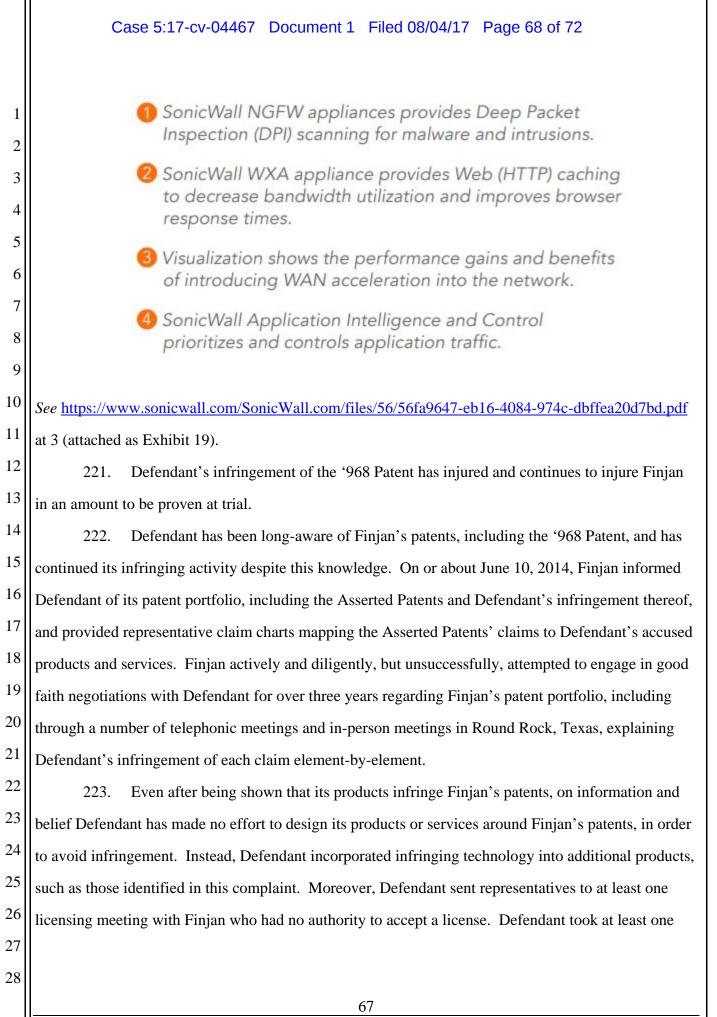
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1	See https://www.sonicwall.com/SonicWall.com/files/e1/e16f7df3-a203-40d4-b751-7f241db24c36.pdf
2	at 10 (attached as Exhibit 16).
3	The powerful combination of a SonicWall
4	NGFW and WXA enables you to more
5	efficiently manage your bandwidth and simplify NGFW and WAN acceleration
6	deployment and management without
7	compromising security. SonicWall makes
8	it easy for you to add one or more WXA solutions into your network by providing
9	a variety of platform options including
10	both hardware and virtual appliances as
11	well as software.
12	See https://www.sonicwall.com/SonicWall.com/files/56/56fa9647-eb16-4084-974c-dbffea20d7bd.pdf
13	at 1 (attached as Exhibit 19).
14	
15	
16	SonicWall NSA 6600
17	
18	
19	
20	SonicWall WXA 4000
21	Clients
22	
23	See https://www.sonicwall.com/SonicWall.com/files/56/56fa9647-eb16-4084-974c-dbffea20d7bd.pdf
24	at 3 (<i>Id.</i>).
25 25	219. The '968 Products derive a profile for the incoming digital content such as webpages.
26	
27	
28	64
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1	Analysis Eng	ine Resi	ults Tal	oles												
2	Engine Alpha	time	Summary		once deto		-	hadian			ything the engine	s saw				
	100 Windows XP		9	fies 73	registries	processes 6	mutexes 37	functions 1	connection	A XML	Screenshots	CAP				
3	92 Windows 7	124s	9	89	1	5	36	1	12	∆ xml	Screenshots	CAP				
4	Engine Beta	100							-							
5	12 Windows Ph 0 Android	one 130s timeout	9	73		6	37	'	7	Cs XML	Construction Screenshots	CAP				
-	Engine Gamma															
6	100 Windows XP		9	73		6	37	1	7	A XML	Creenshots	CAP				
7	63 Windows 7	124s	9	89	1	5	36	1		▲ XML	Screenshots			-		
8	Under the status boxes, the full analysis threat report displays multiple tables showing the results from each analysis engine. The engines are designated by names from the Greek alphabet, such as Alpha, Beta, Gamma.															
9	Each row rep														executed	
9	The overall s															
10	The color of															
11	• Re	ed indica	ites a n	nalicio	us judg	gment.										
12																
13	• G	rey indic	ates a	non-m	aliciou	s judgr	nent.									
14	See https://ww	WW SOI	nicws		m/en.	-110/01	nnor	t/tecł	mica	l-doc	umentat	ion/so	nicos-	6_2_7	_admin	_
15	_								mea	<u>1 uoc</u>	uniontat	1011/ 50	meos	021	uuiiiii	_
16	guide/capture	<u>s-atp</u> at	: 8 (ai	ttache	ed as	Exhit	oit 35).								
17	220.	The	' 968	Produ	ucts s	ave p	orofile	es in	the p	olicy	index, a	ind de	termin	e whe	ether to	allow
18	the digital co	ntent a	ccord	ling t	o the	signa	atures	s and	curre	ent po	olicies.					
19																
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	COMPLAIN	T FOR	PA1	TENT] INF	RINC	GEMI	ENT			(CASE	NO.			



COMPLAINT FOR PATENT INFRINGEMENT

meeting with Finjan while knowing that it would soon be sold by Dell, Inc. On at least two occasions,
most recently on July 11, 2017, Defendant cancelled a meeting with Finjan on short notice, but did not
tell Finjan that the meeting was cancelled until after Finjan's representatives had flown from New
York to attend the meeting, all while continuing to infringe Finjan's patents. Defendant's
representative's explanation was simply that he needed to attend a sales conference, the occurrence of
which should have been known well in advance of the meeting with Finjan. All of these actions
demonstrate Defendant's blatant and egregious disregard for Finjan's patent rights.

8 224. Despite its knowledge of Finjan's patent portfolio and Asserted Patents, being provided 9 representative claim charts of several of Finjan patents, including the '968 Patent, and engaging in 10 technical meetings regarding infringement of Defendant's products and services, Defendant has sold 11 and continues to sell the accused products and services in complete and reckless disregard of Finjan's 12 patent rights. As such, Defendant has acted recklessly and continues to willfully, wantonly, and 13 deliberately engage in acts of infringement of the '968 Patent, justifying an award to Finjan of 14 increased damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. § 15 285.

16

17

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

18 225. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the19 allegations of the preceding paragraphs, as set forth above.

20 226. Defendant has induced and continues to induce infringement of at least Claims 13-22
21 and 26-31 of the '968 Patent under 35 U.S.C. § 271(b).

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

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COMPLAINT FOR PATENT INFRINGEMENT

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others, including customers, purchasers, users, and developers, to infringe by practicing, either
 themselves or in conjunction with Defendant, one or more method claims of the '968 Patent, including
 Claims 13-22 and 26-31.

228. Defendant knowingly and actively aided and abetted the direct infringement of the
'968 Patent by instructing and encouraging its customers, purchasers, users, and developers to use the
'968 Accused Products. Such instructions and encouragement included, but are not limited to,
advising third parties to use the '968 Accused Products in an infringing manner, providing a
mechanism through which third parties may infringe the '968 Patent, and by advertising and
promoting the use of the '968 Accused Products in an infringing manner, and distributing guidelines
and instructions to third parties on how to use the '968 Accused Products in an infringing manner.

229. Defendant updates and maintains an HTTP site with Defendant's quick start guides,
 administration guides, user guides, and operating instructions which cover in depth aspects of
 operating Defendant's offerings. *See, e.g.*, <u>https://www.sonicwall.com/en-us/support/video-tutorials</u>;
 <u>https://www.sonicwall.com/en-us/support; https://www.sonicwall.com/en-us/resources;</u>
 <u>https://www.mysonicwall.com/help/Help.aspx?locale=en&context=PRODUCTREGISTRATION&sub</u>

16 <u>context=SERIALNUMBER</u>, attached hereto as Exhibits 31-34.

PRAYER FOR RELIEF

WHEREFORE, Finjan prays for judgment and relief as follows:

A. An entry of judgment holding that Defendant has infringed and is infringing the '844
Patent, the '822 Patent, the '780 Patent, the '926 Patent, the '633 Patent, the '154 Patent, the '494
Patent, the '305 Patent, the '408 Patent, and the '968 Patent; and has induced infringement and is
inducing infringement of the '844 Patent, the '822 Patent, the '780 Patent, the '926 Patent, the '633
Patent, the '494 Patent, the '305 Patent, the '408 Patent, and the '968 Patent;

B. A preliminary and permanent injunction against Defendant and its officers, employees,
agents, servants, attorneys, instrumentalities, and/or those in privity with them, from infringing the
'822 Patent, the '780 Patent, the '926 Patent, the '633 Patent, the '154 Patent, the '305 Patent, the
'408 Patent, and the '968 Patent, or inducing the infringement of the '822 Patent, the '780 Patent, the

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'926 Patent, the '633 Patent, the '305 Patent, the '408 Patent, and the '968 Patent, and for all further
and proper injunctive relief pursuant to 35 U.S.C. § 283;

C. An award to Finjan of such damages as it shall prove at trial against Defendant that is
adequate to fully compensate Finjan for Defendant's infringement of the '844 Patent, the '822 Patent,
the '780 Patent, the '633 Patent, the '926 Patent, the '154 Patent, the '494 Patent, the '305 Patent, the
'408 Patent, and the '968 Patent, said damages to be no less than a reasonable royalty;

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

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

F. An accounting of all infringing sales and revenues, together with post judgment
interest and prejudgment interest from the first date of infringement of the '844 Patent, the '822
Patent, the '780 Patent, the '633 Patent, the '926 Patent, the '154 Patent, the '494 Patent, the '305
Patent, the '408 Patent, and the '968 Patent; and

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

18 Dated: August 4, 2017

G.

Respectfully submitted,

By: /s/ Paul J. Andre Paul J. Andre (State Bar No. 196585) Lisa Kobialka (State Bar No. 191404) James Hannah (State Bar No. 237978) KRAMER LEVIN NAFTALIS & FRANKEL LLP 990 Marsh Road Menlo Park, CA 94025 Telephone: (650) 752-1700 Facsimile: (650) 752-1800 pandre@kramerlevin.com lkobialka@kramerlevin.com jhannah@kramerlevin.com

Attorneys for Plaintiff FINJAN, INC.

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	DEMAND FOR JURY TRIAL	
1 2	Finjan demands a jury trial on all issues so triable.	
2		Respectfully submitted,
4		/s/ Paul J. Andre
5		Paul J. Andre (State Bar No. 196585)
6		Lisa Kobialka (State Bar No. 191404) James Hannah (State Bar No. 237978)
7		KRAMER LEVIN NAFTALIS & FRANKEL LLP
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9		Telephone: (650) 752-1700 Facsimile: (650) 752-1800
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