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*Attorneys for Plaintiff*
FINJAN, INC.

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

| | |
|---|---|
| FINJAN, INC., a Delaware Corporation,<br><br>Plaintiff,<br><br>v.<br><br>SONICWALL, INC., a Delaware Corporation,<br><br>Defendant. | Case No.:<br><br>**COMPLAINT FOR PATENT INFRINGEMENT**<br><br>**DEMAND FOR JURY TRIAL** |

## 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

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

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

## JURISDICTION AND VENUE

3. This action arises under the Patent Act, 35 U.S.C. § 101 *et seq*. This Court has original jurisdiction 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).

5. 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 jurisdiction over Defendant because minimum contacts have been established with the forum and the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.

## INTRADISTRICT ASSIGNMENT

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

## FINJAN'S INNOVATIONS

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.

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

## 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.

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

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.

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

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

14. The '822 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 determining whether any part of such web-based content can be executed and then trapping such content and neutralizing possible harmful effects using mobile protection code. Additionally, the system provides a way to analyze such web-content to determine whether it can be executed.

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

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

17. 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.

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

19. All rights, title, and interest in the '926 Patent have been assigned to Finjan, who is the 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.

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

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

23. The '633 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 determining whether

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

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

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

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

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

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

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

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.

31. All rights, title, and interest in the '305 Patent have been assigned to Finjan, who is the 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.

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

34. 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.

35. 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.

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.

**FINJAN'S NOTICE OF INFRINGEMENT TO DEFENDANT**

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

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

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

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

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

**SONICWALL**

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

Security Products, SonicWall Capture Advanced Threat Protection Service ("Capture ATP"), and SonicWall Gateway Security Services. *See*: https://www.sonicwall.com/en-us/products/firewalls/security-services/capture-advanced-threat-protection; https://www.sonicwall.com/en-us/products/firewalls/security-services/comprehensive-gateway-security-suite; and https://www.sonicwall.com/en-us/products/firewalls/security-services/advanced-gateway-security-suite, attached hereto as Exhibits 11-13.

**The SonicWall Appliance Products**

46. Defendant's SuperMassive Series is Defendant's next-generation firewall platform designed for large networks, including enterprise, government, education, retail, healthcare, and service provider networks, among others. Defendant's SuperMassive Series appliances can subscribe to Capture ATP and to Gateway Security Services. Defendant's SuperMassive Series appliances include: the SuperMassive E10000 Series (including but not limited to the E10400 and E10800) and the SuperMassive 9000 Series (including but not limited to the 9200, 9400, 9600, and 9800) (collectively, "SuperMassive Series Appliances"). *See* https://www.sonicwall.com/SonicWall.com/files/26/268d704a-d513-4830-886e-6bbfae67e930.pdf, attached hereto as Exhibit 14.

47. Defendant's Network Security Appliances ("NSA") Series is Defendant's next-generation firewall platform designed for organizations of all sizes. Defendant's NSA Series appliances can subscribe to Capture ATP and to Gateway Security Services. Defendant's NSA Series appliances include, but are not limited to, the NSA 2600, NSA 3600, NSA 4600, NSA 5600, and the NSA 6600 (collectively, "NSA Series Appliances"). *See* http://www.sonicguard.com/datasheets/nsa/DS_NSA_Series_US-new.pdf, attached hereto as Exhibit 15. *See also* https://www.sonicwall.com/SonicWall.com/files/e1/e16f7df3-a203-40d4-b751-7f241db24c36.pdf, attached hereto as Exhibit 16.

48. Defendant's TZ Series is Defendant's Unified Threat Management ("UTM") firewall series designed to provide enterprise-grade network protection to organizations of all sizes, including emerging enterprises and retail or branch offices. Defendant's TZ Series appliances can subscribe to

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 https://www.sonicwall.com/SonicWall.com/files/1f/1f1e879e-c911-4aaf-9b8c-3f1f34836e96.pdf , attached hereto as Exhibit 17.

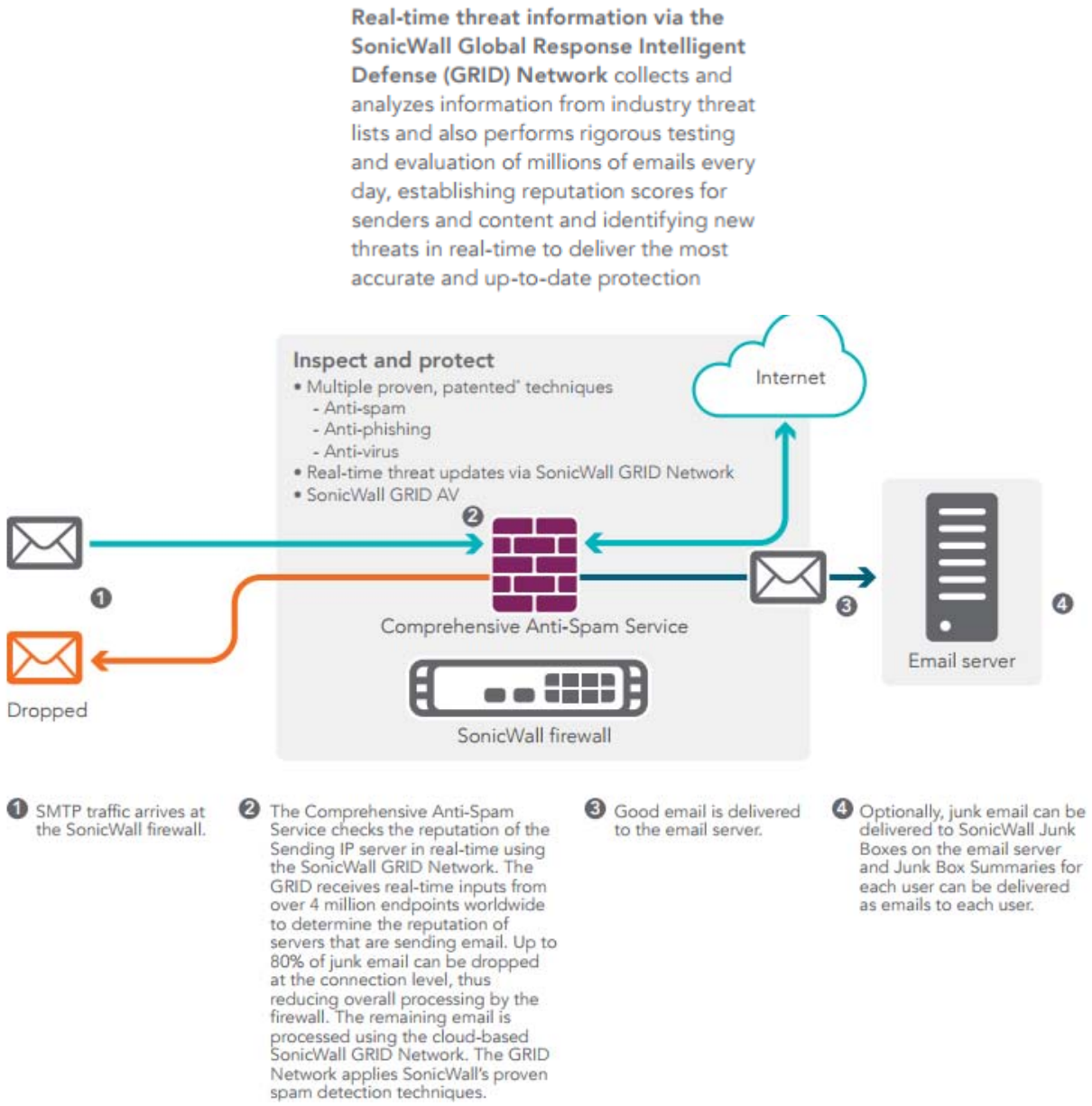
49. The SuperMassive Series, NSA Series, and TZ Series Appliances are collectively referred to as the "Appliance Products" herein.

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.

**The SonicWall Email Security Products**

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

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

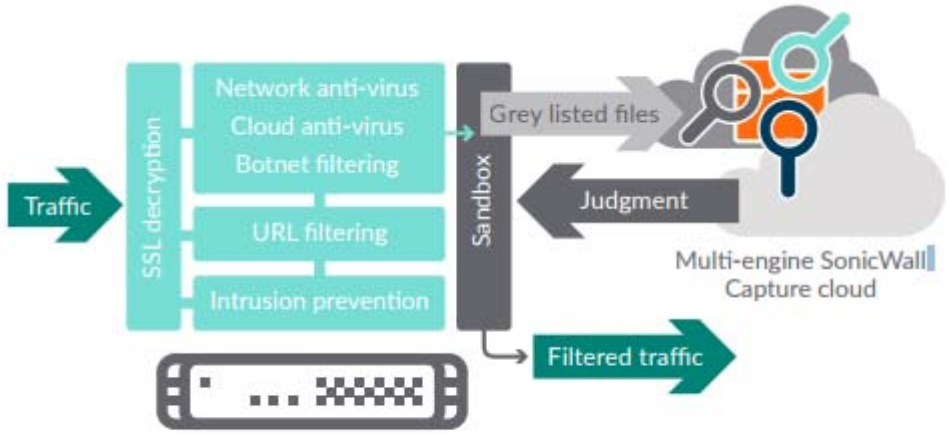



*See* https://www.sonicwall.com/SonicWall.com/files/1c/1c98ce01-7ece-4b06-a88b-d1d309f05ffd.pdfhttps:/www.sonicwall.com/SonicWall.com/files/3c/3c03ab7c-98ee-4257-88b1-bc5958eaa369.pdf at 2-3 (attached as Exhibit 22).

**Capture ATP**

53. Defendant's Capture ATP service is a cloud-based multi-engine sandbox designed to discover and stop unknown, zero-day attacks with automated signature remediation. Capture ATP

scans or inspects traffic and extracts suspicious code for analysis across a broad range of file sizes and types. Capture ATP sends suspicious files to Defendant's Capture cloud service for analysis, using a multi-engine sandbox platform, which includes virtualized sandboxing, full system emulation, and hypervisor level analysis technology. Capture ATP executes suspicious code and analyzes behavior, providing comprehensive visibility to malicious activity in the form of reports to the end user that show the malicious activity attempted by the downloadable. Capture ATP also creates an immediate hash of the incoming traffic and performs static and dynamic analysis using Defendant's Sonic Sandbox threat detection analysis engine. *See e.g.*, http://www.dell.com/learn/us/en/uscorp1/press-releases/2016-02-29-dell-security-multi-engine-approach-advances-sandboxing-beyond-threat-detection, attached hereto as Exhibit 23. Defendant will use the information and verdicts generated by its sandbox to provide intelligence to other subscribers of the Capture ATP service. Capture ATP is sometimes referred to as Defendant's Analyzer.



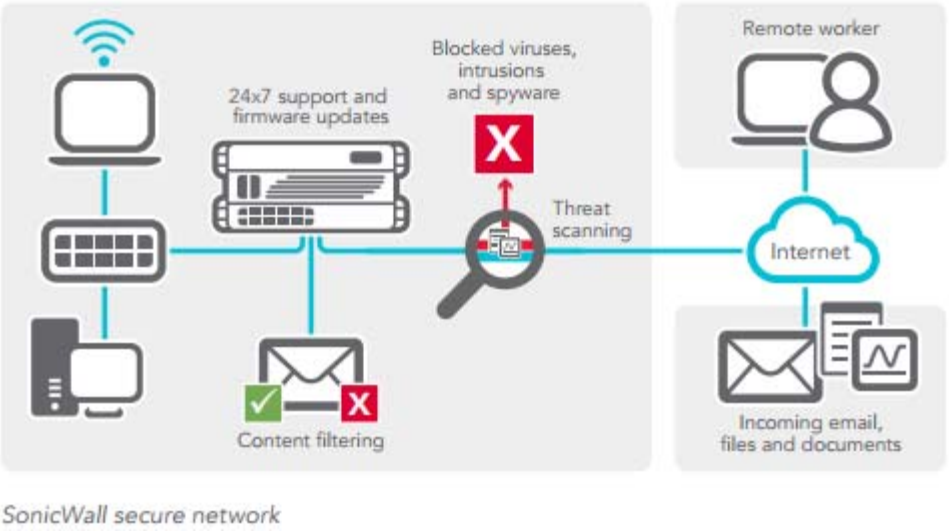

*A cloud-based, multi-engine solution for stopping unknown and zero-day attacks at the gateway*

*See* https://www.sonicwall.com/SonicWall.com/files/ec/ec2a9db0-ed58-43b1-ab24-99df40408476.pdf at 1 (attached as Exhibit 24)

**Gateway Security Services**

54. Defendant's Gateway Security Services include Defendant's Comprehensive Gateway Security Suite ("CGSS") and Advanced Gateway Security Suite ("AGSS") (collectively, the "Gateway Security Services"). Defendant's Gateway Security Services combine gateway security anti-virus,

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




*See* https://www.sonicwall.com/SonicWall.com/files/ff/ff78caea-ed31-4382-83bd-dd2f8f8b8255.pdf at 1 (attached as Exhibit 25).

55. CGSS provides real-time gateway analyses to the Appliance Products. CGSS provides subscriptions to Gateway Anti-Virus, Anti-Spyware, Intrusion Prevention and Application Intelligence, Control Service, and Content Filtering Service. CGSS is also sometimes referred to as Defendant's Gateway Anti-Virus and Anti-Spyware ("GAV"), Defendant's Intrusion Prevention System ("IPS"), Defendant's TotalSecure, and Defendant's TotalSecure Advanced Edition.

56. AGSS provides real-time gateway analyses and access to a "[m]ulti-engine sandbox to prevent unknown threats such as zero-day attacks and ransomware." *See* https://www.sonicwall.com/SonicWall.com/files/ae/ae16472e-f79d-4a60-bf34-5c62a2d3fd0f.pdf, attached hereto as Exhibit 26. AGSS provides subscriptions to Gateway Anti-Virus, Anti-Spyware, Intrusion Prevention and Application Intelligence, Control Service, Content Filtering Service, and Capture ATP service. *Id.*

**SONICWALL'S INFRINGEMENT OF FINJAN'S PATENTS**

57. Defendant has been and is now infringing, and will continue to infringe, 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 (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.

**COUNT I**

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

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

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

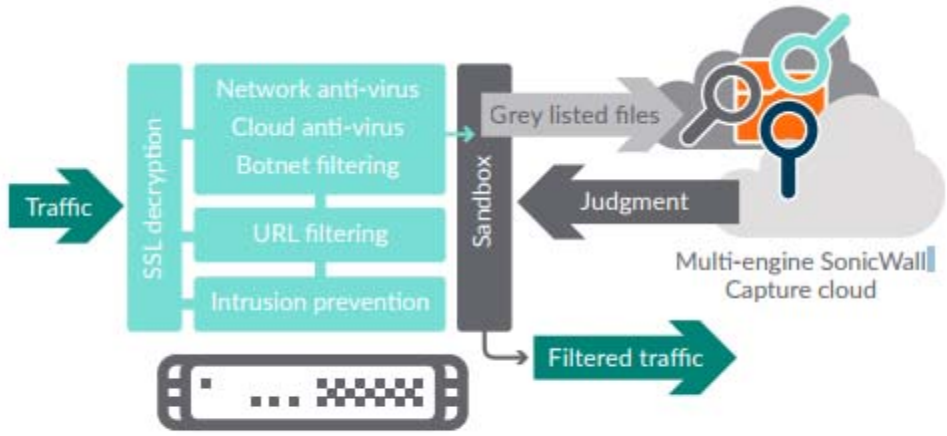
61. Defendant's infringement is based upon literal infringement or infringement under the doctrine of equivalents, or both.

62. Defendant's 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.

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").

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

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.




*A cloud-based, multi-engine solution for stopping unknown and zero-day attacks at the gateway*

*See* https://www.sonicwall.com/SonicWall.com/files/ec/ec2a9db0-ed58-43b1-ab24-99df40408476.pdf at 1 (attached as Exhibit 24).

65. Capture ATP generates a downloadable security profile that analyzes suspicious behavior and provides a report with comprehensive visibility into the malicious activity attempted by the downloadable. Capture ATP's sandbox captures a list of suspicious computer operations and uses rules to determine whether the content is malicious.

**MULTI-ENGINE ADVANCED THREAT ANALYSIS**

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.

*See* https://www.sonicwall.com/en-us/products/firewalls/security-services/capture-advanced-threat-protection at 2 (attached as Exhibit 11).

66. For example, Capture ATP identifies registry operations and certain suspicious operations captured during dynamic and static analysis of the downloadable.

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

**Registries** Cumulative count of OS registries that were read during the analysis.

**Processes** Cumulative count of processes that were created during the analysis.

*See* https://www.sonicwall.com/en-us/support/knowledge-base/170505384715913 at 10 (attached as Exhibit 27).

**How a sandbox works**

The sandbox acts as a "sacrificial lamb" environment, monitoring malicious code and its interaction with the OS. Sandboxes look for the following:

- OS calls: Including monitoring system calls and API functions
- File system changes: Any kind of action, including creating, modifying, deleting and encrypting files
- Network changes: Any kind of abnormal establishment of outbound connections
- Registry changes: Any modifications to establish persistence or changes to security or network settings
- Beyond and between: Monitoring of instructions that a program executes between OS calls, to supplement context of other observations

*See* https://www.sonicwall.com/SonicWall.com/files/26/26fed90a-d761-4dc3-9a7b-b4700c73461a.pdf at 4 (attached as Exhibit 28).

67. Capture ATP also links the downloadable security profile to the downloadable before it is made available to the client. For example, Capture ATP links the downloadable security profile to the downloadable by using a verdict to preventing access to the downloadable via a blocking mechanism.

# Custom blocking behavior

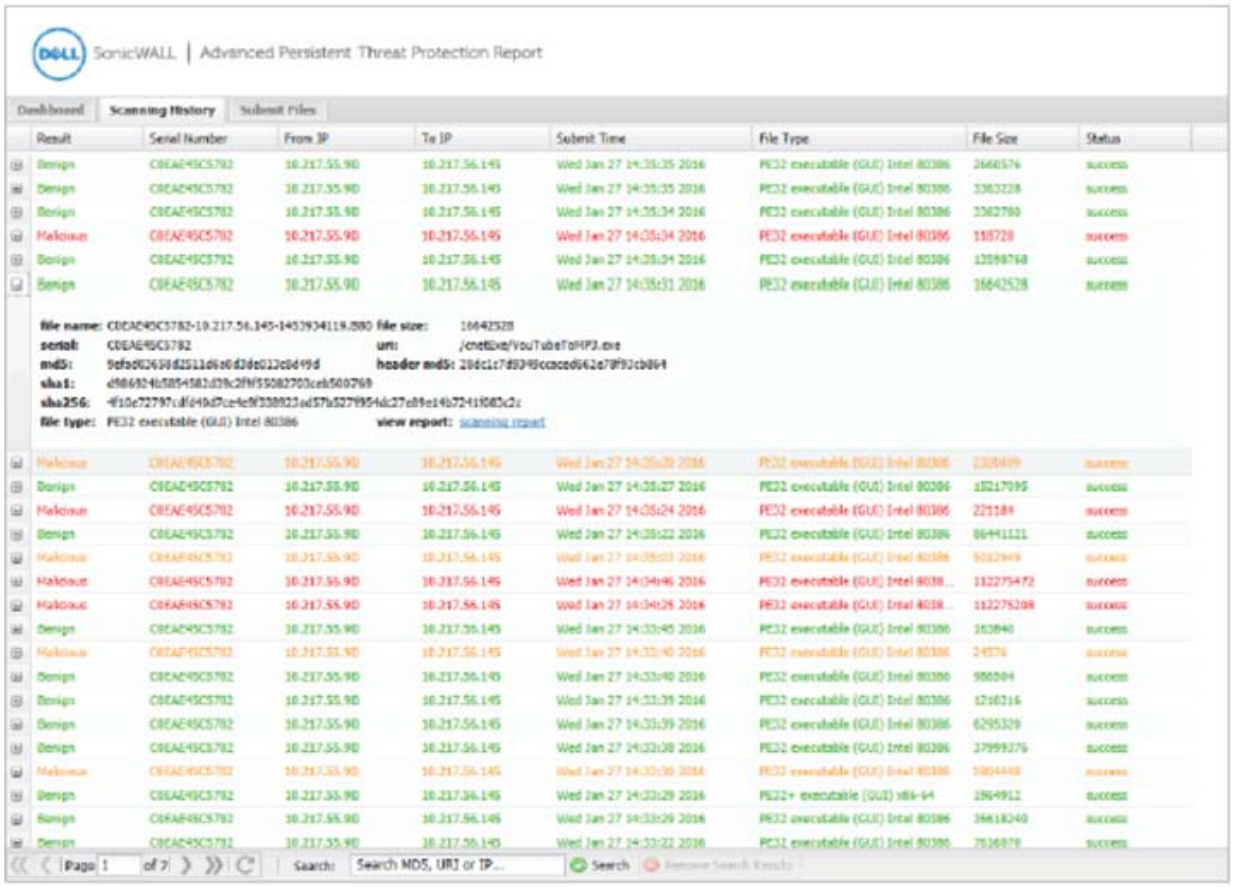
The Custom Blocking Behavior section allows you to customize the **Block all files until a verdict is returned** feature.

**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.

- (●) Allow all files by default
  Less secure. You will be alerted via email when files have been determined to be malicious after they were allowed onto your network.
- ( ) 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.
  **Note: Only applies to HTTP/S file downloads**

*See* http://software.sonicwall.com/Manual/232-003345-00_RevA_SonicOS_6.2.6_CaptureATP_FeatureGuide.pdf at 12 (attached as Exhibit 29).

68. Capture ATP also allows the user to review reports of the inspection.




*A detailed analysis report is also available for analyzed files to facilitate remediation.*

*See* http://www.sonicguard.com/SonicWALL-Capture.asp 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.

71. Even after being shown that its products infringe Finjan's patents, on information and belief Defendant has made no effort to design its products or services around Finjan's patents, in order to avoid infringement. Instead, Defendant incorporated infringing technology into additional products, such as those identified in this complaint. Moreover, Defendant sent representatives to at least one licensing meeting with Finjan who had no authority to accept a license. Defendant took at least one 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.

72. Despite its knowledge of Finjan's patent portfolio and Asserted Patents, being provided representative claim charts of several of Finjan patents, including the '844 Patent, and engaging in multiple 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 '844 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 II**

**(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.

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

75. In addition to directly infringing the '844 Patent, Defendant indirectly infringes the '844 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing, and/or requiring others, including its 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 '844 Patent, where all the steps of the method claims are performed by either Defendant, its customers, purchasers, users or developers, or some combination thereof. Defendant knew or was willfully blind to the fact that it was inducing others, including customers, purchasers, users or developers, to infringe by practicing, either themselves or in conjunction with Defendant, one or more method claims of the '844 Patent, including 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.

77. 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.*, https://www.sonicwall.com/en-us/support/video-tutorials; https://www.sonicwall.com/en-us/support; https://www.sonicwall.com/en-us/resources; https://www.mysonicwall.com/help/Help.aspx?locale=en&context=PRODUCTREGISTRATION&subcontext=SERIALNUMBER, attached hereto as Exhibits 31-34.

**COUNT III**

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

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

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

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

81. Defendant's 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.

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").

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

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

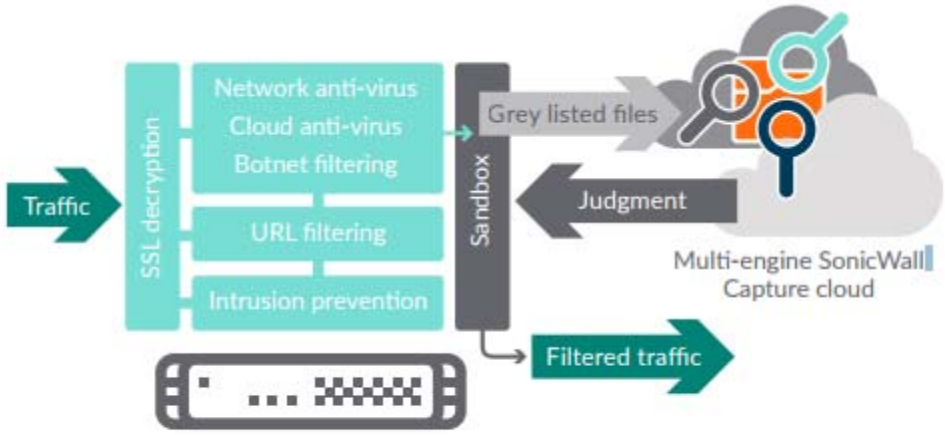
> **Broad file type analysis —** The service supports analysis of a broad range of file sizes and types, including executable programs (PE), DLL, PDFs, MS Office documents, archives, JAR and APK, plus multiple operating systems including Windows and Android. Administrators can customize protection by 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.

*See* https://www.sonicwall.com/SonicWall.com/files/ec/ec2a9db0-ed58-43b1-ab24-99df40408476.pdf at 2 (attached as Exhibit 24).

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

**Multi-engine advanced threat analysis —** SonicWall Capture Service extends firewall threat protection to detect and prevent zero-day attacks. The firewall inspects traffic, and detects and blocks intrusions and known malware. Suspicious files are sent to the SonicWall Capture cloud service for analysis. The multi-engine sandbox platform, which includes virtualized sandboxing, full system emulation and hypervisor-level analysis technology, executes suspicious code and analyzes behavior, provides comprehensive visibility to malicious activity while resisting evasion tactics and maximizing zero-day threat detection.

*See* https://www.sonicwall.com/SonicWall.com/files/ec/ec2a9db0-ed58-43b1-ab24-99df40408476.pdf at 2 (attached as Exhibit 24).




*A cloud-based, multi-engine solution for stopping unknown and zero-day attacks at the gateway*

*See* https://www.sonicwall.com/SonicWall.com/files/ec/ec2a9db0-ed58-43b1-ab24-99df40408476.pdf at 1 (*Id.*).

86. As a result of Defendant's unlawful activities, Finjan has suffered and will continue to suffer irreparable harm for which there is no adequate remedy at law. Finjan and Defendant both compete in the security software space, as described for example in paragraphs 7-8 and 45-56 above.

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.

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

88. Defendant has been long-aware of Finjan's patents, including the '822 Patent, and has 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.

89. Even after being shown that its products infringe Finjan's patents, on information and belief Defendant has made no effort to design its products or services around Finjan's patents, in order to avoid infringement. Instead, Defendant incorporated infringing technology into additional products, such as those identified in this complaint. Moreover, Defendant sent representatives to at least one licensing meeting with Finjan who had no authority to accept a license. Defendant took at least one 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.

90. Despite its knowledge of Finjan's patent portfolio and Asserted Patents, being provided representative claim charts of several of Finjan patents, including the '822 Patent, 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 '822 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 IV**

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

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

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

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 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 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 '822 Patent, including Claims 1-8 and 16-27.

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

'822 Accused Products. Such instructions and encouragement included, but are not limited to, advising third parties to use the '822 Accused Products in an infringing manner, providing a mechanism through which third parties may infringe the '822 Patent, and by advertising and promoting the use of the '822 Accused Products in an infringing manner, and distributing guidelines and instructions to third parties on how to use the '822 Accused Products in an infringing manner.

95. 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.*, https://www.sonicwall.com/en-us/support/video-tutorials; https://www.sonicwall.com/en-us/support; https://www.sonicwall.com/en-us/resources; https://www.mysonicwall.com/help/Help.aspx?locale=en&context=PRODUCTREGISTRATION&subcontext=SERIALNUMBER, attached hereto as Exhibits 31-34.

**COUNT V**

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

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

97. Defendant has infringed and continues to infringe Claims 1-18 of the '780 Patent in violation of 35 U.S.C. § 271(a).

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

99. Defendant's 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.

100. 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 "'780 Accused Products").

101. The '780 Accused Products embody the patented invention of the '780 Patent and infringe the '780 Patent because they practice a method of obtaining a downloadable that includes one

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.

The report footer is very similar among the various threat reports.

**File Identifiers**
MD5: 7d24327b1781c99456677e692a6b47f0
SHA1: 9d19f750cf3d0fbc766ef9a1a858102a27a0c457
SHA256: 24f860706a932039a07cdf12f07e06defb0b87e5f3ae104d5503f3edeed97131

Serial Number 18B16902C6AC
Capture ATP Version 1.0
Report Generated on Sat, 23 Jul 2016 18:19:24 GMT

The File Identifiers are displayed at the left side of the footer, one per line:

- MD5
- SHA1
- SHA258

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 Generated** | Timestamp, in UTC format, of when the report was generated. |

*See* https://www.sonicwall.com/en-us/support/technical-documentation/sonicos-6-2-7-admin-guide/capture-atp at 5 (attached as Exhibit 35).

RAPID DEPLOYMENT OF REMEDIATION SIGNATURES

When a file is identified as malicious, a hash is immediately created within Capture and later a signature is sent to firewalls to prevent follow-on attacks.

*See* https://www.sonicwall.com/en-us/products/firewalls/security-services/capture-advanced-threat-protection at 2-3 (attached as Exhibit 11).

102. As a result of Defendant's unlawful activities, Finjan has suffered and will continue to suffer irreparable harm for which there is no adequate remedy at law. Finjan and Defendant both compete in the security software space, as described for example in paragraphs 7-8 and 45-56 above. 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.

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

104. Defendant has been long-aware of Finjan's patents, including the '780 Patent, and has 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.

105. Even after being shown that its products infringe Finjan's patents, on information and belief Defendant has made no effort to design its products or services around Finjan's patents, in order to avoid infringement. Instead, Defendant incorporated infringing technology into additional products, such as those identified in this complaint. Moreover, Defendant sent representatives to at least one licensing meeting with Finjan who had no authority to accept a license. Defendant took at least one 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.

106. Despite its knowledge of Finjan's patent portfolio and Asserted Patents, being provided representative claim charts of several of Finjan patents, including the '780 Patent, 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 '780 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 VI**
**(Indirect Infringement of the '780 Patent pursuant to 35 U.S.C. § 271(b))**

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

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

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 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 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 '780 Patent, including Claims 1-8.

110. Defendant knowingly and actively aided and abetted the direct infringement of the '780 Patent by instructing and encouraging its customers, purchasers, users and developers to use the '780 Accused Products. Such instructions and encouragement included, but are not limited to, advising third parties to use the '780 Accused Products in an infringing manner, providing a mechanism through which third parties may infringe the '780 Patent, and by advertising and promoting the use of the '780 Accused Products in an infringing manner, and distributing guidelines and instructions to third parties on how to use the '780 Accused Products in an infringing manner.

111. 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.*, https://www.sonicwall.com/en-us/support/video-tutorials; https://www.sonicwall.com/en-us/support; https://www.sonicwall.com/en-us/resources; https://www.mysonicwall.com/help/Help.aspx?locale=en&context=PRODUCTREGISTRATION&subcontext=SERIALNUMBER, attached hereto as Exhibits 31-34.

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

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

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

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

115. Defendant's 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.

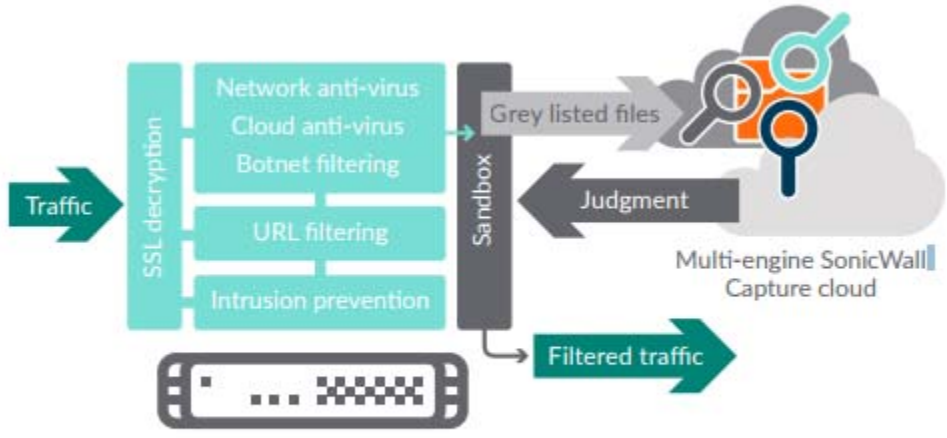
116. Defendant's infringement includes, but is not limited to, the manufacture, use, sale, importation and/or offer for sale of Defendant's products and services, including the Appliance Products utilizing Capture ATP and/or Gateway Security Services and the Email Security Products utilizing Capture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

117. The '633 Accused Products embody the patented invention of the '633 Patent and infringe the '633 Patent because they practice a method and a system of receiving downloadable information, determining whether that the downloadable information includes executable code, and transmitting mobile protection code to at least one information destination of the downloadable information if the downloadable information is determined to include executable code. For example, as shown below, the '633 Accused Products provide firewall gateway security to end users, where they 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* https://www.sonicwall.com/SonicWall.com/files/26/268d704a-d513-4830-886e-6bbfae67e930.pdf at 7 (attached as Exhibit 14).

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




*A cloud-based, multi-engine solution for stopping unknown and zero-day attacks at the gateway*

*See* https://www.sonicwall.com/SonicWall.com/files/ec/ec2a9db0-ed58-43b1-ab24-99df40408476.pdf at 1 (attached as Exhibit 24).

119. As a result of Defendant's unlawful activities, Finjan has suffered and will continue to suffer irreparable harm for which there is no adequate remedy at law. Finjan and Defendant both compete in the security software space, as described for example in paragraphs 7-8 and 45-56 above. 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.

120. Defendant's infringement of the '633 Patent has injured and continues to injure Finjan in an amount to be proven at trial.

121. Defendant has been long-aware of Finjan's patents, including the '633 Patent, and has 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.

122. Even after being shown that its products infringe Finjan's patents, on information and belief Defendant has made no effort to design its products or services around Finjan's patents, in order to avoid infringement. Instead, Defendant incorporated infringing technology into additional products, such as those identified in this complaint. Moreover, Defendant sent representatives to at least one licensing meeting with Finjan who had no authority to accept a license. Defendant took at least one 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.

123. Despite its knowledge of Finjan's patent portfolio and Asserted Patents, being provided representative claim charts of several of Finjan patents, including the '633 Patent, 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 '633 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 VIII**
**(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.*, https://www.sonicwall.com/en-us/support/video-tutorials; https://www.sonicwall.com/en-us/support; https://www.sonicwall.com/en-us/resources;

https://www.mysonicwall.com/help/Help.aspx?locale=en&context=PRODUCTREGISTRATION&subcontext=SERIALNUMBER, attached hereto as Exhibits 31-34.

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

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

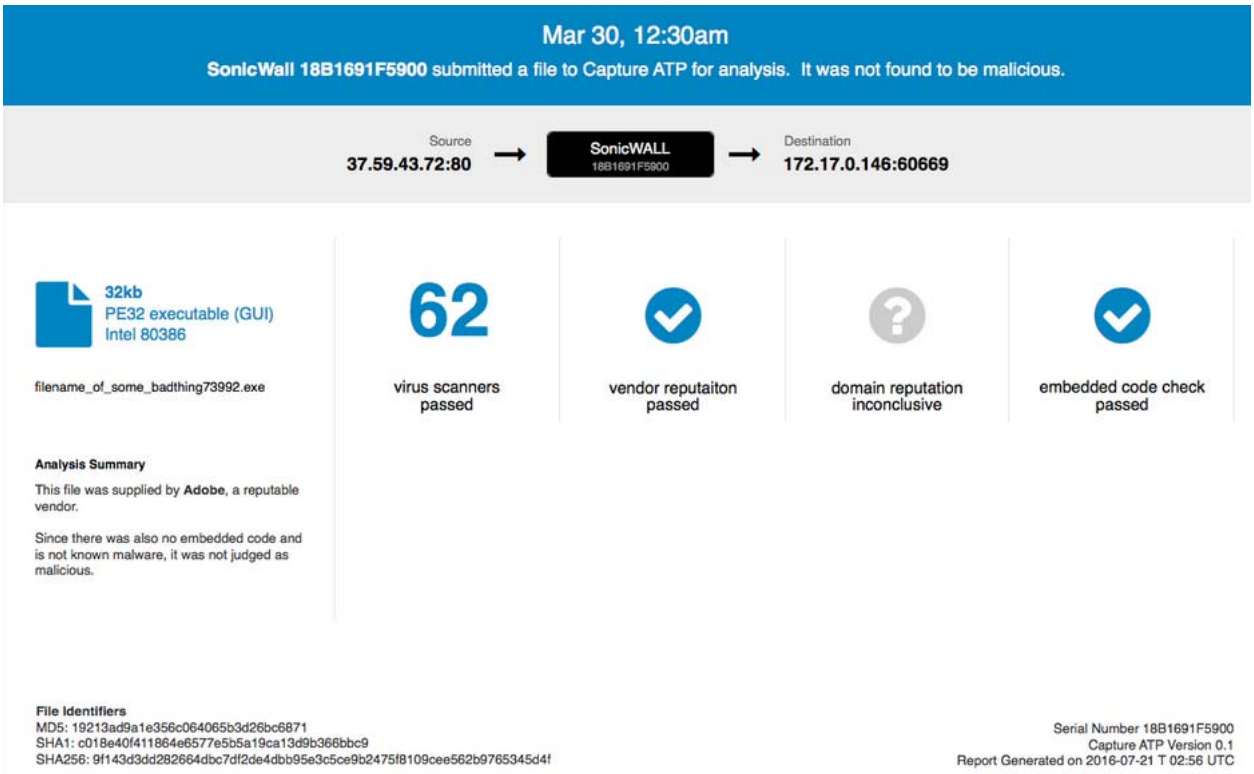
130. Defendant has infringed and continues to infringe Claims 1-30 of the '926 Patent in violation of 35 U.S.C. § 271(a).

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

132. Defendant's 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.

133. 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 "'926 Accused Products").

134. The '926 Accused Products embody the patented invention of the ''926 Patent and infringe the '926 Patent because they practice a method and a system of covers a method and system 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. For example, as shown below, the '926 Accused Products provide gateway security to end users, where they receive downloadables and generate downloadable identifiers such as SHA256 hashes as shown below as "File Identifiers."




*See* https://www.sonicwall.com/en-us/support/knowledge-base/170505384715913 at 6 (attached as Exhibit 27).

135. The '926 Accused Products will retrieve the downloadable security profile data from a database, such as a SQL or SQL like database located on Appliance Products or on the Capture ATP cloud. For example, the preprocessor phase of the analysis may store downloadable security profile data in a SQL database. The '926 Accused Products will retrieve that data and determine it is necessary to continue analysis by sending both the downloadable and a representation of the downloadable data to the Sonic Sandbox for further analysis. Examples of preprocessor analysis stored on the '926 Accused Products is shown below.

Four areas of preprocessor analysis

| 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 |

Some phase results trigger an immediate judgment of either Malicious or Non-malicious, as indicated in the above table. Otherwise, that phase ends with the Continue analysis state.

If all phases of preprocessing result in the Continue analysis state, the file is sent to the cloud for full analysis by Capture ATP.

*See* https://www.sonicwall.com/en-us/support/knowledge-base/170505384715913 at 7 (*Id.*).

## MySQL Requirements

Previously, SonicWall Analyzer automatically installed MySQL as part of the base installation package. The SonicWall Analyzer 8.1 upgrade replaces the Infobright with MySQL database formerly used in earlier versions with Infobright with Postgres (IB-PG). The installer will ask if you want to perform the data migration to the new database. Separately installed instances of MySQL are not supported with the SonicWall Analyzer Virtual Appliance.

*See* http://software.sonicwall.com/Manual/232-003848-00_RevA_Analyzer_8.3_AdministrationGuide.pdf at 14 (attached as Exhibit 36)

136. The '926 Accused Products will transmit the representation of the downloadable security profile data and the downloadable to a destination computer, such as Capture ATP or the sandbox within the Capture ATP cloud. *See* Exhibit 27 at 7, https://www.sonicwall.com/en-us/support/knowledge-base/170505384715913 ("If all phases of preprocessing result in the Continue analysis state, the file is sent to the cloud for full analysis by Capture ATP").

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

138. Defendant has been long-aware of Finjan's patents, including the '926 Patent, and has 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.

139. Even after being shown that its products infringe Finjan's patents, on information and belief Defendant has made no effort to design its products or services around Finjan's patents, in order to avoid infringement. Instead, Defendant incorporated infringing technology into additional products, such as those identified in this complaint. Moreover, Defendant sent representatives to at least one licensing meeting with Finjan who had no authority to accept a license. Defendant took at least one 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. All of these actions demonstrate Defendant's blatant and egregious disregard for Finjan's patent rights.

140. 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 '926 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 X
**(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, the allegations of the preceding paragraphs, as set forth above.

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

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

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.

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

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.*, https://www.sonicwall.com/en-us/support/video-tutorials; https://www.sonicwall.com/en-us/support; https://www.sonicwall.com/en-us/resources; https://www.mysonicwall.com/help/Help.aspx?locale=en&context=PRODUCTREGISTRATION&subcontext=SERIALNUMBER, attached hereto as Exhibits 31-34.

**COUNT XI**

**(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, the allegations of the preceding paragraphs, as set forth above.

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

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

149. Defendant's 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.

150. 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 "'154 Accused Products").

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

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

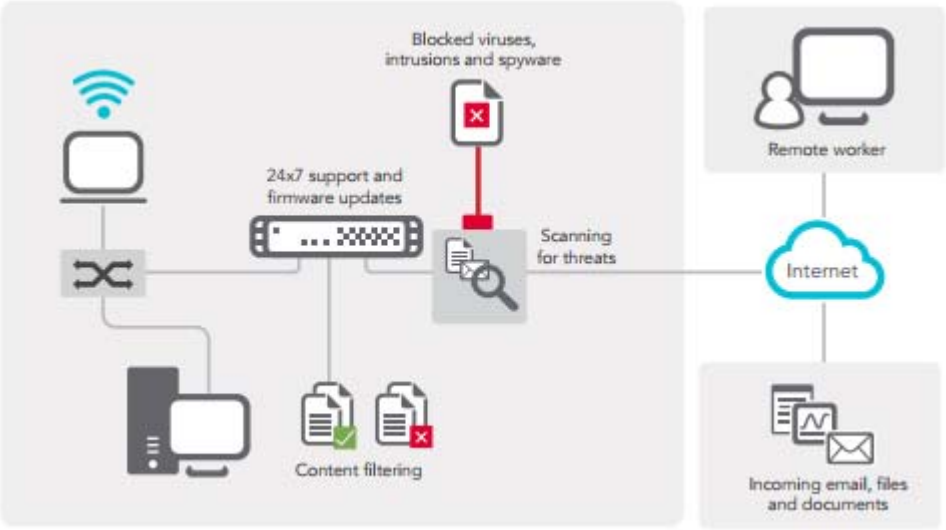
Four areas of preprocessor analysis

| 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 |

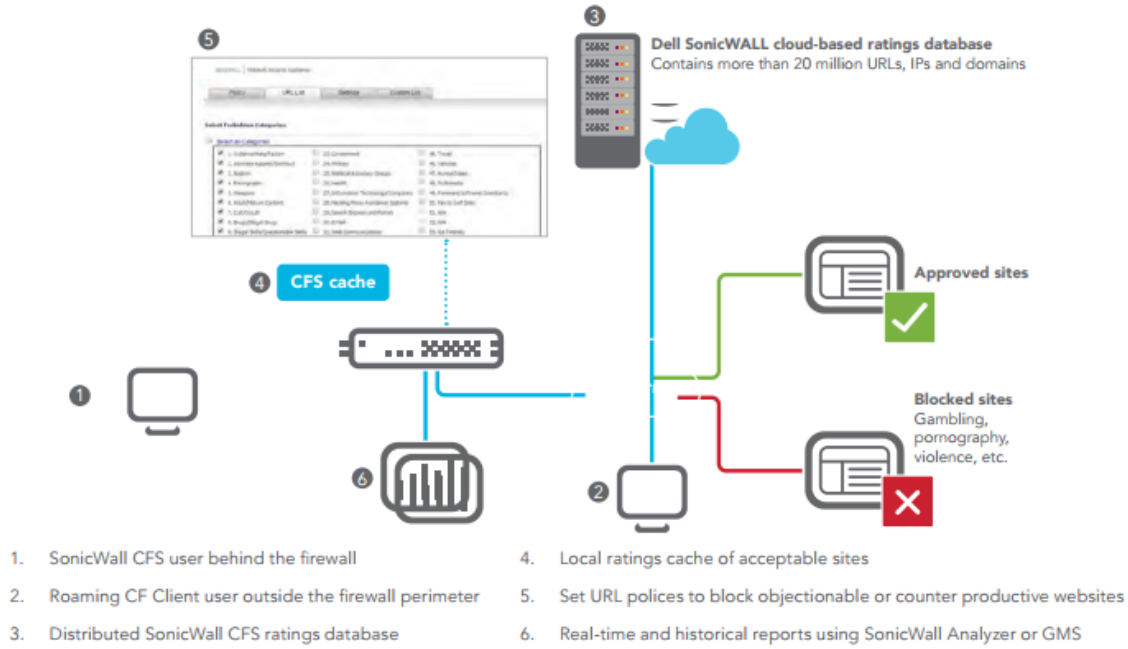
Some phase results trigger an immediate judgment of either Malicious or Non-malicious, as indicated in the above table. Otherwise, that phase ends with the Continue analysis state.

If all phases of preprocessing result in the Continue analysis state, the file is sent to the cloud for full analysis by Capture ATP.

*See* https://www.sonicwall.com/en-us/support/knowledge-base/170505384715913 at 7 (attached as Exhibit 27) (showing that Appliance Products will analyze the content for embedded code such as JavaScript).




*See* https://www.sonicwall.com/SonicWall.com/files/ae/ae16472e-f79d-4a60-bf34-5c62a2d3fd0f.pdf at 1 (attached as Exhibit 26).




*See* https://www.sonicwall.com/SonicWall.com/files/89/89ea5b88-66fb-4c61-91a3-07708facd54a.pdf at 3 (attached as Exhibit 37).

153. Similarly, as shown below, Defendant provides client-side protection with its IPS technology. Defendant will prevent the opening of a remote host by performing a look up to the SonicWall cloud.

**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 **medium risk alert** has been issued for this threat.

Description
This signature indicates suspicious obfuscated JavaScript being sent to an HTTP client.Web-Client This SonicWALL 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 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 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 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 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 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 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 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. 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.

*See* https://www.mysonicwall.com/sonicalert/searchresults.aspx?ev=sig&sigid=3656 at 1 (attached as Exhibit 38).

Cutting-edge IPS technology protects against worms, Trojans, software vulnerabilities and other intrusions by scanning all network traffic for malicious or anomalous patterns, thereby increasing network reliability and performance.

*See* https://www.sonicwall.com/SonicWall.com/files/ae/ae16472e-f79d-4a60-bf34-5c62a2d3fd0f.pdf at 2 (attached as Exhibit 26).

154. As a result of Defendant's unlawful activities, Finjan has suffered and will continue to suffer irreparable harm for which there is no adequate remedy at law. Finjan and Defendant both compete in the security software space, as described for example in paragraphs 7-8 and 45-56 above. 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.

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

156. Defendant has been long-aware of Finjan's patents, including the '154 Patent, and has 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.

157. Even after being shown that its products infringe Finjan's patents, on information and belief Defendant has made no effort to design its products or services around Finjan's patents, in order to avoid infringement. Instead, Defendant incorporated infringing technology into additional products, such as those identified in this complaint. Moreover, Defendant sent representatives to at least one licensing meeting with Finjan who had no authority to accept a license. Defendant took at least one 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.

158. 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 '154 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 XII**
**(Direct Infringement of the '494 Patent pursuant to 35 U.S.C. § 271(a))**

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

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

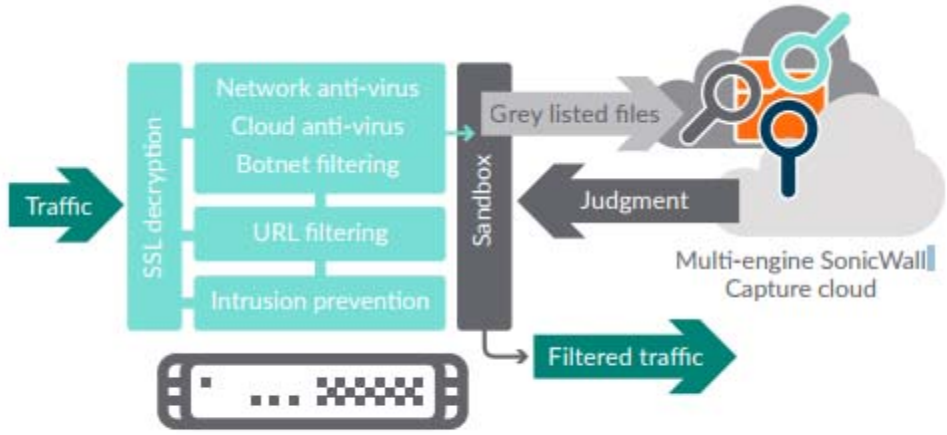
161. Defendant's infringement is based upon literal infringement or, in the alternative, infringement under the doctrine of equivalents.

162. 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.

163. 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 "'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

Products provide gateway security to end users, where incoming downloadables are received by the '494 Products.




*A cloud-based, multi-engine solution for stopping unknown and zero-day attacks at the gateway*

*See* https://www.sonicwall.com/SonicWall.com/files/ec/ec2a9db0-ed58-43b1-ab24-99df40408476.pdf at 1 (attached as Exhibit 24).

165. Capture ATP derives security profile data for the downloadable, including hashes, which include a list of suspicious computer operations that may be attempted by the downloadable.

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

| | |
|---|---|
| **Time** | Time taken by the analysis, using `s` for seconds, `m` for minutes, and `timeout` if the analysis did not complete. |
| **Libraries** | Cumulative count of malware libraries that were read during the analysis. |
| **Files** | Cumulative count of files that were created, read, updated, or deleted during the analysis. |
| **Registries** | Cumulative count of OS registries that were read during the analysis. |
| **Processes** | Cumulative count of processes that were created during the analysis. |
| **Mutexes** | Cumulative count of mutual exclusion objects that were used during the analysis to lock a resource for exclusive access. |
| **Functions** | Cumulative count of functions executed during the analysis. |
| **Connection** | Cumulative count of network connections that were created during the analysis |

*See* https://www.sonicwall.com/en-us/support/technical-documentation/sonicos-6-2-7-admin-guide/capture-atp at 8 (attached as Exhibit 35).

166. Capture ATP stores the downloadable security profile data in databases and provides full analysis threat reports.

Analysis Engine Results Tables

| | | Summary of actions once detonated | | | | | | | See everything the engines saw |
|---|---|---|---|---|---|---|---|---|---|
| **Engine Alpha** | time | libraries | files | registries | processes | mutexes | functions | connection | download full details |
| 100 Windows XP Pro | 130s | 9 | 73 | | 6 | 37 | 1 | 7 | XML Screenshots PCAP |
| 92 Windows 7 | 124s | 9 | 89 | 1 | 5 | 36 | 1 | 12 | XML Screenshots PCAP |
| **Engine Beta** | | | | | | | | | |
| 12 Windows Phone | 130s | 9 | 73 | | 6 | 37 | 1 | 7 | XML Screenshots PCAP |
| 0 Android | timeout | | | | | | | | XML Screenshots PCAP |
| **Engine Gamma** | | | | | | | | | |
| 100 Windows XP Pro | 130s | 9 | 73 | | 6 | 37 | 1 | 7 | XML Screenshots PCAP |
| 63 Windows 7 | 124s | 9 | 89 | 1 | 5 | 36 | 1 | | XML Screenshots PCAP |

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.

Each row represents a separate environment and indicates the operating system in which the engine was executed.

The overall score from the analysis in each environment is displayed in a highlighted box to the left of the operating system. The color of the box indicates whether the score triggered a malicious or non-malicious judgment:

- Red indicates a malicious judgment.
- Grey indicates a non-malicious judgment.

*See* https://www.sonicwall.com/en-us/support/technical-documentation/sonicos-6-2-7-admin-guide/capture-atp at 8 (*Id.*).

The report footer is very similar among the various threat reports.

**File Identifiers**
MD5: 7d24327b1781c99456677e692a6b47f0
SHA1: 9d19f750cf3d0fbc766ef9a1a858102a27a0c457
SHA256: 24f860706a932039a07cdf12f07e06defb0b87e5f3ae104d5503f3edeed97131

Serial Number 18B16902C6AC
Capture ATP Version 1.0
Report Generated on Sat, 23 Jul 2016 18:19:24 GMT

The File Identifiers are displayed at the left side of the footer, one per line:

- MD5
- SHA1
- SHA258

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 Generated** | Timestamp, in UTC format, of when the report was generated. |

*See* https://www.sonicwall.com/en-us/support/technical-documentation/sonicos-6-2-7-admin-guide/capture-atp at 5 (*Id.*).

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

168. Defendant has been long-aware of Finjan's patents, including the '494 Patent, and has 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.

169. Even after being shown that its products infringe Finjan's patents, on information and belief Defendant has made no effort to design its products or services around Finjan's patents, in order to avoid infringement. Instead, Defendant incorporated infringing technology into additional products, such as those identified in this complaint. Moreover, Defendant sent representatives to at least one licensing meeting with Finjan who had no authority to accept a license. Defendant took at least one 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.

170. 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 '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))**

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

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

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 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 '494 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 '494 Patent, including Claims 1-9.

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.

175. 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.*, https://www.sonicwall.com/en-us/support/video-tutorials;

https://www.sonicwall.com/en-us/support; https://www.sonicwall.com/en-us/resources; https://www.mysonicwall.com/help/Help.aspx?locale=en&context=PRODUCTREGISTRATION&subcontext=SERIALNUMBER, attached hereto as Exhibits 31-34.

**COUNT XIV**

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

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

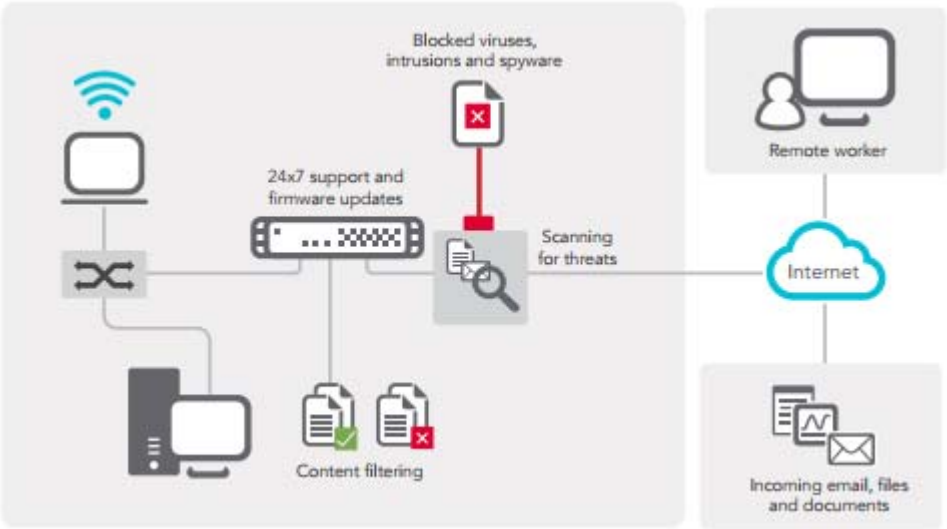
177. Defendant has infringed and continues to infringe Claims 1-25 of the '305 Patent in violation of 35 U.S.C. § 271(a).

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

179. 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.

180. 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 "'305 Accused Products").

181. The '305 Accused Products embody the patented invention of the '305 Patent and infringe the '305 Patent because they practice a method of receiving incoming content from the Internet, selectively diverting content from its intended destination, scanning the content to recognize potential computer exploits using analyzer and parser rules, and updating those rules to incorporate new behavioral rules. For example, as shown below, the '305 Accused Products provide gateway security to end users, where incoming internet content is received by the '305 Accused Products.




*See* https://www.sonicwall.com/SonicWall.com/files/ae/ae16472e-f79d-4a60-bf34-5c62a2d3fd0f.pdf at 1 (attached as Exhibit 26).

182. The '305 Accused Products will divert content from the gateway if the content requires further analysis, as shown below.

Four areas of preprocessor analysis

| 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 |

Some phase results trigger an immediate judgment of either Malicious or Non-malicious, as indicated in the above table. Otherwise, that phase ends with the Continue analysis state.

If all phases of preprocessing result in the Continue analysis state, the file is sent to the cloud for full analysis by Capture ATP.

*See* https://www.sonicwall.com/en-us/support/knowledge-base/170505384715913 at 7 (attached as Exhibit 27).

183. The '305 Accused Products, such as the Appliance Products, also use passive heuristics to look for patterns, routines of program calls that indicate malicious behavior, and select those content to be further scanned. The scanner uses advanced heuristics and analyzer and parser rules to determine if the content is malicious.

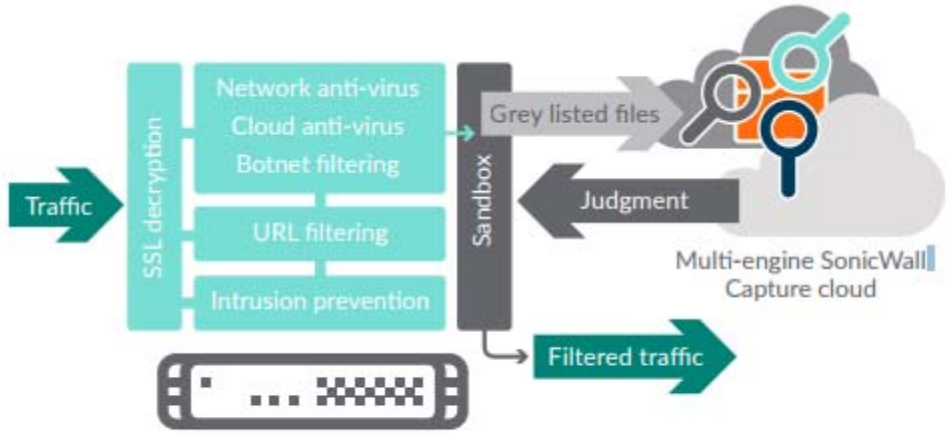
Abstract

Next-gen firewalls leverage signatures and heuristics with great success. But when defending against today's malicious attacks, they are no longer sufficient. The challenges of targeted attacks and zero-day threats make the addition of sandboxing critical to an effective security posture.

- **Heuristics**
  Unlike signatures, which look for specific matches within a database, heuristic-based scanning uses rules and algorithms to detect code that might have malicious intent.

*See* https://www.sonicwall.com/SonicWall.com/files/26/26fed90a-d761-4dc3-9a7b-b4700c73461a.pdf. at 1-2 (attached as Exhibit 28).

184. The '305 Accused Products selectively divert content from its intended destination, scanning it to recognize potential computer exploits using analyzer and parser rules.




*A cloud-based, multi-engine solution for stopping unknown and zero-day attacks at the gateway*

*See* https://www.sonicwall.com/SonicWall.com/files/ec/ec2a9db0-ed58-43b1-ab24-99df40408476.pdf at 1 (attached as Exhibit 24).

185. As a result of Defendant's unlawful activities, Finjan has suffered and will continue to suffer irreparable harm for which there is no adequate remedy at law. Finjan and Defendant both compete in the security software space, as described for example in paragraphs 7-8 and 45-56 above.

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.

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

187. Defendant has been long-aware of Finjan's patents, including the '305 Patent, and has 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.

188. Even after being shown that its products infringe Finjan's patents, on information and belief Defendant has made no effort to design its products or services around Finjan's patents, in order to avoid infringement. Instead, Defendant incorporated infringing technology into additional products, such as those identified in this complaint. Moreover, Defendant sent representatives to at least one licensing meeting with Finjan who had no authority to accept a license. Defendant took at least one 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.

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.

**COUNT XV**

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

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

191. Defendant has induced and continues to induce infringement of at least Claims 13-24 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 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 '305 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 '305 Patent, including Claims 13-24.

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

advising third parties to use the '305 Accused Products in an infringing manner, providing a mechanism through which third parties may infringe the '305 Patent, and by advertising and promoting the use of the '305 Accused Products in an infringing manner, and distributing guidelines and instructions to third parties on how to use the '305 Accused Products in an infringing manner.

194. 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.*, https://www.sonicwall.com/en-us/support/video-tutorials; https://www.sonicwall.com/en-us/support; https://www.sonicwall.com/en-us/resources; https://www.mysonicwall.com/help/Help.aspx?locale=en&context=PRODUCTREGISTRATION&subcontext=SERIALNUMBER, attached hereto as Exhibits 31-34.

**COUNT XVI**

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

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

196. Defendant has infringed and continues to infringe Claims 1-35 of the '408 Patent in violation of 35 U.S.C. § 271(a).

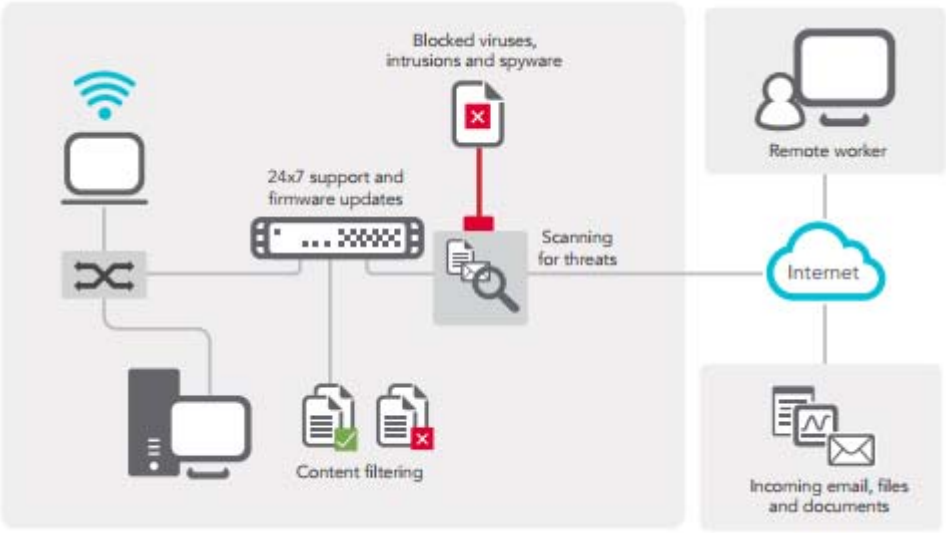
197. Defendant's infringement is based upon literal infringement or, in the alternative, infringement under the doctrine of equivalents.

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.

199. 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 "'408 Accused Products").

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, determine the programming language, use parser and analyzer rules to express the stream into patterns

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.




*See* https://www.sonicwall.com/SonicWall.com/files/ae/ae16472e-f79d-4a60-bf34-5c62a2d3fd0f.pdf at 1 (attached as Exhibit 26).

201. The '408 Accused Products utilize machine learning to detect new threats in real-time. Defendant's machine learning technology detects the programming language and utilizes parser and analyzer rules to create parse trees and to find exploits in the parse tree dynamically and in real-time.

1. **Real-Time Comprehensive Visibility** across the whole organization showing how various assets, such as users, databases, applications, interact. It also includes east-west application access and public access using integrated SonicOS DPI.
2. **Real-Time Threat Detection** using multilayer Contexts Based Threat Models, Machine Learning "Iron-Man approach" and Dynamic Threat Intelligence to surface the **Threats which Matter.**
3. **Elimination/Containment of the threats in Real-Time** through automated recommended actions on infrastructure like SonicOS, Active Directory, and Networking Infrastructure with clear indication of the service Impact.

The zero trust security primary originates from providing NG Firewall security and then adds a unique combination of behavioral analysis, machine learning and dynamic threat intelligence to find threats of all kinds no matter how they get into or appear from within an organization. The Seceon OTM takes in all the SonicWALL firewall's output and combines it with other device and application log output as

*See* http://www.seceon.com/2016/09/05/automated-zero-trust-security-with-dell-sonicwall-and-seceon-otm at 1-2 (attached as Exhibit 39).

202. As a result of Defendant's unlawful activities, Finjan has suffered and will continue to suffer irreparable harm for which there is no adequate remedy at law. Finjan and Defendant both compete in the security software space, as described for example in paragraphs 7-8 and 45-56 above. 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.

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

204. Defendant has been long-aware of Finjan's patents, including the '408 Patent, and has 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.

205. Even after being shown that its products infringe Finjan's patents, on information and belief Defendant has made no effort to design its products or services around Finjan's patents, in order to avoid infringement. Instead, Defendant incorporated infringing technology into additional products, such as those identified in this complaint. Moreover, Defendant sent representatives to at least one licensing meeting with Finjan who had no authority to accept a license. Defendant took at least one 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.

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.

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

207. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the 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 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 '408 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 '408 Patent, including Claims 1-8 and 23-28.

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.

211. 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.*, https://www.sonicwall.com/en-us/support/video-tutorials; https://www.sonicwall.com/en-us/support; https://www.sonicwall.com/en-us/resources; https://www.mysonicwall.com/help/Help.aspx?locale=en&context=PRODUCTREGISTRATION&subcontext=SERIALNUMBER, attached hereto as Exhibits 31-34.

**COUNT XVIII**
**(Direct Infringement of the '968 Patent pursuant to 35 U.S.C. § 271(a))**

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

213. Defendant has infringed and continues to infringe Claims 1-38 of the '968 Patent in violation of 35 U.S.C. § 271(a).

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

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.

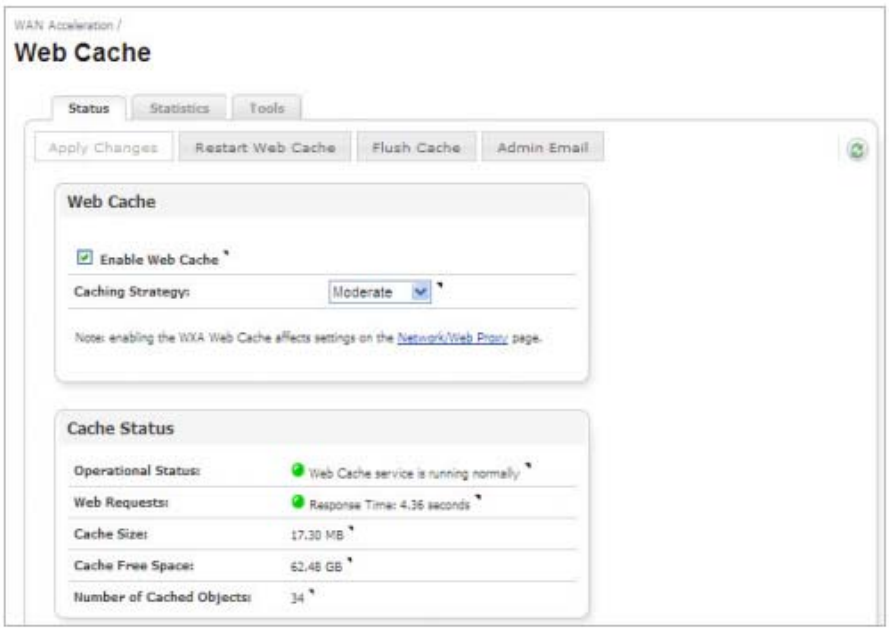
216. Defendant's infringement includes, but is not limited to, the manufacture, use, sale, importation and/or offer for sale of Defendant's products and services, including the Appliance Products utilizing Capture ATP and/or Gateway Security Services with and without WXA Series Appliances (collectively,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




The Web Cache feature stores copies of Web pages passing through the network that are frequently and recently requested. So when a user requests one of these Web pages, it is retrieved from the local Web cache

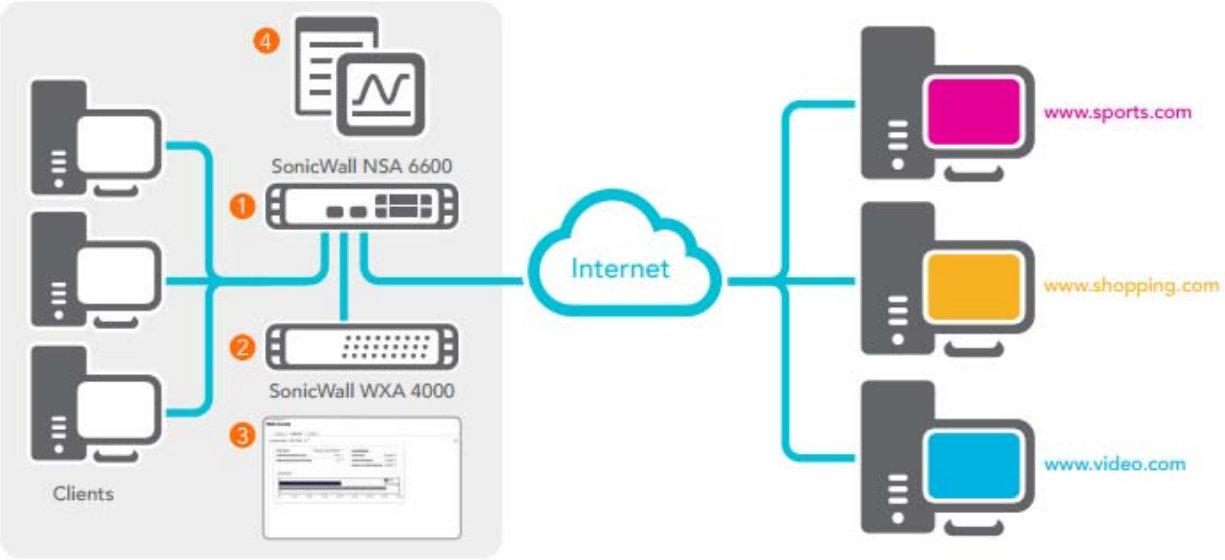
*See* http://software.sonicwall.com/Manual/232-000738-00_RevH_SonicOS_5.8_AdministrationGuide.pdf at 1134 (attached as Exhibit 40).

| | |
|---|---|
| Web caching | URL ratings are cached locally on the SonicWall firewall so that the response time for subsequent access to frequently visited sites is only a fraction of a second. |

*See* https://www.sonicwall.com/SonicWall.com/files/e1/e16f7df3-a203-40d4-b751-7f241db24c36.pdf at 10 (attached as Exhibit 16).

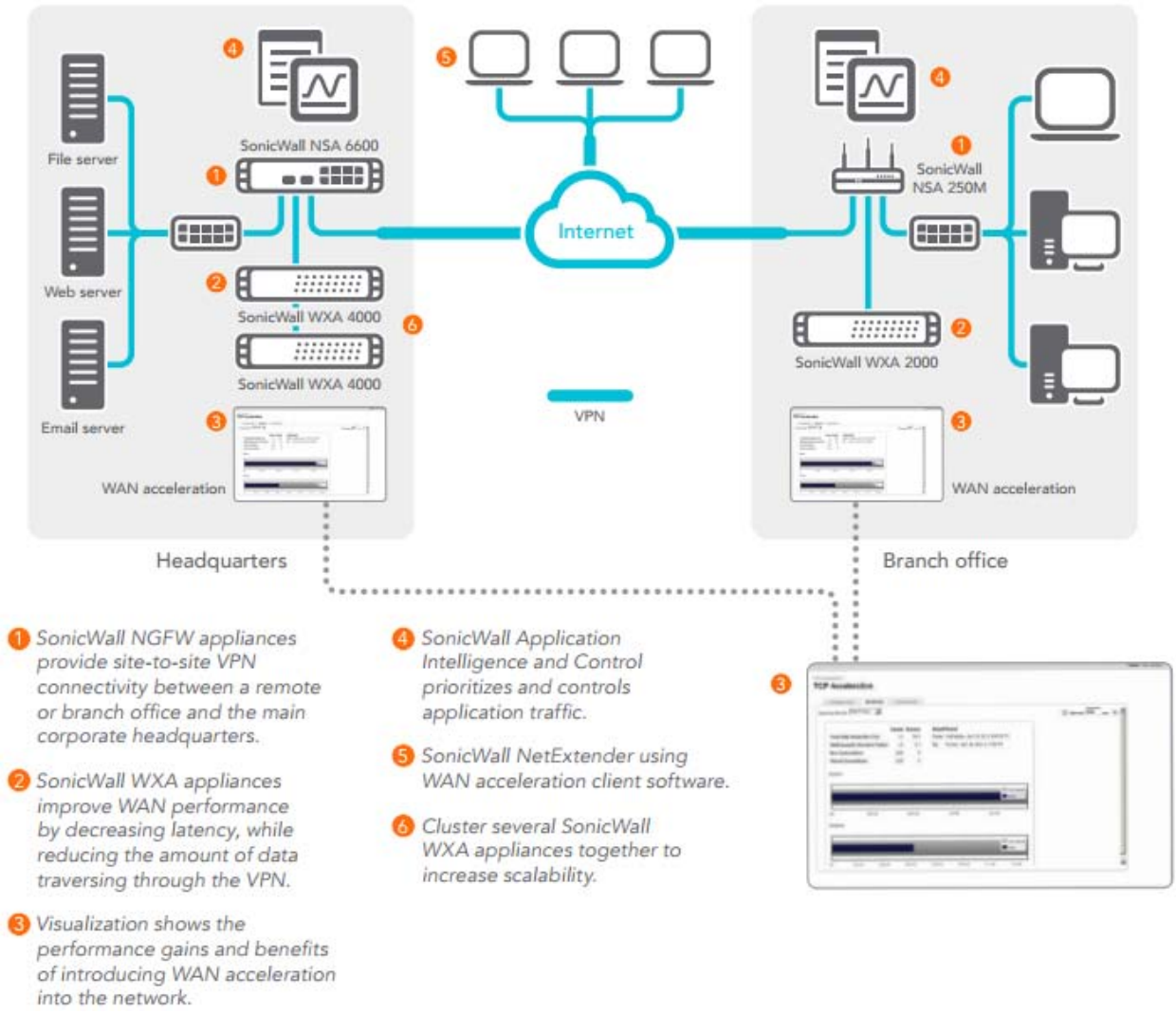
> The powerful combination of a SonicWall NGFW and WXA enables you to more efficiently manage your bandwidth and simplify NGFW and WAN acceleration deployment and management without compromising security. SonicWall makes it easy for you to add one or more WXA solutions into your network by providing a variety of platform options including both hardware and virtual appliances as well as software.

*See* https://www.sonicwall.com/SonicWall.com/files/56/56fa9647-eb16-4084-974c-dbffea20d7bd.pdf at 1 (attached as Exhibit 19).




*See* https://www.sonicwall.com/SonicWall.com/files/56/56fa9647-eb16-4084-974c-dbffea20d7bd.pdf at 3 (*Id.*).

219. The '968 Products derive a profile for the incoming digital content such as webpages.




*See* https://www.sonicwall.com/SonicWall.com/files/56/56fa9647-eb16-4084-974c-dbffea20d7bd.pdf at 2 (*Id.*).

**Analysis Engine Results Tables**

| | | Summary of actions once detonated | | | | | | | See everything the engines saw |
|---|---|---|---|---|---|---|---|---|---|
| **Engine Alpha** | time | libraries | files | registries | processes | mutexes | functions | connection | download full details |
| 100 Windows XP Pro | 130s | 9 | 73 | | 6 | 37 | 1 | 7 | XML Screenshots PCAP |
| 92 Windows 7 | 124s | 9 | 85 | 1 | 5 | 36 | 1 | 12 | XML Screenshots PCAP |
| **Engine Beta** | | | | | | | | | |
| 12 Windows Phone | 130s | 9 | 73 | | 6 | 37 | 1 | 7 | XML Screenshots PCAP |
| 0 Android | timeout | | | | | | | | XML Screenshots PCAP |
| **Engine Gamma** | | | | | | | | | |
| 100 Windows XP Pro | 130s | 9 | 73 | | 6 | 37 | 1 | 7 | XML Screenshots PCAP |
| 63 Windows 7 | 124s | 9 | 89 | 1 | 5 | 36 | 1 | | XML Screenshots PCAP |

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.

Each row represents a separate environment and indicates the operating system in which the engine was executed.

The overall score from the analysis in each environment is displayed in a highlighted box to the left of the operating system. The color of the box indicates whether the score triggered a malicious or non-malicious judgment:

- Red indicates a malicious judgment.
- Grey indicates a non-malicious judgment.

*See* https://www.sonicwall.com/en-us/support/technical-documentation/sonicos-6-2-7-admin-guide/capture-atp at 8 (attached as Exhibit 35).

220. The '968 Products save profiles in the policy index, and determine whether to allow the digital content according to the signatures and current policies.

1. SonicWall NGFW appliances provides Deep Packet Inspection (DPI) scanning for malware and intrusions.
2. SonicWall WXA appliance provides Web (HTTP) caching to decrease bandwidth utilization and improves browser response times.
3. Visualization shows the performance gains and benefits of introducing WAN acceleration into the network.
4. SonicWall Application Intelligence and Control prioritizes and controls application traffic.

*See* https://www.sonicwall.com/SonicWall.com/files/56/56fa9647-eb16-4084-974c-dbffea20d7bd.pdf at 3 (attached as Exhibit 19).

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

222. Defendant has been long-aware of Finjan's patents, including the '968 Patent, and has 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.

223. Even after being shown that its products infringe Finjan's patents, on information and belief Defendant has made no effort to design its products or services around Finjan's patents, in order to avoid infringement. Instead, Defendant incorporated infringing technology into additional products, such as those identified in this complaint. Moreover, Defendant sent representatives to at least one licensing meeting with Finjan who had no authority to accept a license. Defendant took at least one

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.

224. Despite its knowledge of Finjan's patent portfolio and Asserted Patents, being provided representative claim charts of several of Finjan patents, including the '968 Patent, 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 '968 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 XIX**

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

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

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

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

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.*, https://www.sonicwall.com/en-us/support/video-tutorials; https://www.sonicwall.com/en-us/support; https://www.sonicwall.com/en-us/resources; https://www.mysonicwall.com/help/Help.aspx?locale=en&context=PRODUCTREGISTRATION&subcontext=SERIALNUMBER, 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

'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

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

Respectfully submitted,

Dated: August 4, 2017

By: */s/ Paul J. Andre*

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**DEMAND FOR JURY TRIAL**

Finjan demands a jury trial on all issues so triable.

Respectfully submitted,

Dated: August 4, 2017

By: */s/ Paul J. Andre*

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