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FINJAN, INC.

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

13 FINJAN, INC., a Delaware Corporation,

14 Plaintiff,

15 v.

16 JUNIPER NETWORKS, INC., a Delaware
17 Corporation,

18 Defendant.

Case No.: 3:17-cv-05659-WHA

**SECOND AMENDED COMPLAINT
FOR PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

22 **REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED**

1 **COMPLAINT FOR PATENT INFRINGEMENT**

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

4 **THE PARTIES**

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

7 2. Defendant is a Delaware Corporation with its headquarters and principal place of
8 business at 1133 Innovation Way, Sunnyvale, California 94089. Defendant may be served through its
9 agent for service of process, CT Corporation System, at 818 W. 7th Street, Suite 930, Los Angeles,
10 California 90017.

11 **JURISDICTION AND VENUE**

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

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

15 5. This Court has personal jurisdiction over Defendant. Upon information and belief,
16 Defendant is headquartered and has its principal place of business in this District (Sunnyvale,
17 California). Defendant also regularly and continuously does business in this District and has infringed,
18 and continues to do so, in this District. In addition, this Court has personal jurisdiction over Defendant
19 because minimum contacts have been established with this forum and the exercise of jurisdiction
20 would not offend traditional notions of fair play and substantial justice.

21 **INTRADISTRICT ASSIGNMENT**

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

FINJAN’S INNOVATIONS

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2 7. Finjan was founded in 1997 as a wholly-owned subsidiary of Finjan Software Ltd., an
3 Israeli corporation. In 1998, Finjan moved its headquarters to San Jose, California. Finjan was a
4 pioneer in developing proactive security technologies capable of detecting previously unknown and
5 emerging online security threats, recognized today under the umbrella term “malware.” These
6 technologies protect networks and endpoints by identifying suspicious patterns and behaviors of
7 content delivered over the Internet. Finjan has been awarded, and continues to prosecute, numerous
8 patents covering innovations in the United States and around the world resulting directly from Finjan’s
9 more than decades-long research and development efforts, supported by a dozen inventors and over
10 \$65 million in R&D investments.

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

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

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

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

13 12. On October 12, 2004, U.S. Patent No. 6,804,780 (“the ‘780 Patent”), titled SYSTEM
14 AND METHOD FOR PROTECTING A COMPUTER AND A NETWORK FROM HOSTILE
15 DOWNLOADABLES, was issued to Shlomo Touboul. A true and correct copy of the ‘780 Patent is
16 attached to this Complaint as Exhibit 2 and is incorporated by reference herein.

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

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

23 15. On January 12, 2010, U.S. Patent No. 7,647,633 (“the ‘633 Patent”), titled
24 MALICIOUS MOBILE CODE RUNTIME MONITORING SYSTEM AND METHODS, was issued
25 to Yigal Mordechai Edery, Nimrod Itzhak Vered, David R. Kroll, and Shlomo Touboul. A true and
26 correct copy of the ‘633 Patent is attached to this Complaint as Exhibit 3 and is incorporated by
27 reference herein.

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

3 17. The ‘633 Patent is generally directed toward computer networks and, more particularly,
4 provides a system that protects devices connected to the Internet from undesirable operations from
5 web-based content. One of the ways this is accomplished is by determining whether any part of such
6 web-based content can be executed and then trapping such content and neutralizing possible harmful
7 effects using mobile protection code.

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

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

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

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

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

26 23. The ‘154 Patent is generally directed toward a gateway computer protecting a client
27 computer from dynamically generated malicious content. One of the ways this is accomplished is by
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