

PAUL ANDRE (State Bar No. 196585)
pandre@kramerlevin.com
LISA KOBIALKA (State Bar No. 191404)
lkobialka@kramerlevin.com
JAMES HANNAH (State Bar No. 237978)
jhannah@kramerlevin.com
KRISTOPHER KASTENS (State Bar No. 254797)
kkastens@kramerlevin.com
KRAMER LEVIN NAFTALIS & FRANKEL LLP
990 Marsh Road
Menlo Park, CA 94025
Telephone: (650) 752-1700
Facsimile: (650) 752-1800

Attorneys for Plaintiff
FINJAN, INC.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

FINJAN, INC., a Delaware Corporation,

Plaintiff,

V.

JUNIPER NETWORKS, INC., a Delaware Corporation,

Defendant.

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

PLAINTIFF FINJAN, INC.'S OPENING CLAIM CONSTRUCTION BRIEF

Date: TBD
Time: 8:00 a.m.
Courtroom: Courtroom 12, 19th Floor
Before: Hon. William Alsup

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	STATEMENT OF FACTS	1
A.	Summary of Finjan's Patents at Issue in this Brief.....	2
1.	The '633 Patent.....	2
2.	The '844 Patent.....	2
3.	The '926 Patent.....	3
4.	The '154 Patent.....	4
III.	ARGUMENT.....	4
A.	Terms in the '633 Patent.....	4
Term 1.	"mobile protection code" ('633 Patent, Claims 1, 8, 14 and 19).....	4
Term 2.	"A computer program product, comprising a computer usable medium having a computer readable program code therein, the computer readable program code adapted to be executed for computer security, the method comprising:" ('633 Patent, Claim 14)	6
Term 3.	"information-destination/downloadable-information destination" ('633 Patent, Claims 1, 8, 14 and 19).....	8
Term 4.	"if the downloadable-information is determined to include executable code / determining, by the computer, whether the downloadable information includes executable code" ('633 Patent, Claims 1 and 8).....	9
B.	Terms in the '844 Patent	11
Term 5.	"inspector" ('844 Patent, Claims 1, 15 and 41).....	11
Term 6.	"before a web server makes the Downloadable available to web clients" (Claims 1, 15, and 41)	13
C.	Terms in the '926 Patent	16
Term 7.	"a transmitter coupled with said receiver, for transmitting the incoming Downloadable and a representation of the retrieved Downloadable security profile data to a	

1	destination computer, via a transport protocol transmission” ('926 Patent, Claim 22)	16
2	D. Terms in the ‘154 Patent.....	17
3	Term 8. “A content processor (i) for processing content received 4 over a network the content including a call to a first 5 function, and the call including an input, and (ii) for 6 invoking a second function with the input, only if a security 7 computer indicates that such invocation is safe” ('154 8 Patent, Claim 1).....	17
9	Term 9. “invoking a second function with the input” ('154 Patent, 10 Claim 1).....	19
11	Term 10. “safe” ('154 Patent, Claim 1)	20
12	IV. CONCLUSION.....	21
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

TABLE OF AUTHORITIES

	Page(s)
Federal Cases	
<i>Accent Packaging, Inc. v. Leggett & Platt, Inc.</i> , 707 F.3d 1318 (Fed. Cir. 2013).....	9, 17, 19
<i>Acromed Corp. v. Sofamor Danek Grp., Inc.</i> , 253 F.3d 1371 (Fed. Cir. 2001).....	12
<i>Aventis Pharmas. Inc. v. Amino Chems. Ltd.</i> , 715 F.3d 1363 (Fed. Cir. 2013).....	9, 10, 11, 13, 17
<i>Avid Tech., Inc. v. Harmonic, Inc.</i> , 812 F.3d 1040 (Fed. Cir. 2016).....	12
<i>EPOS Techs. Ltd. v. Pegasus Techs. Ltd.</i> , 766 F.3d 1338 (Fed. Cir. 2014).....	16
<i>Finjan, Inc. v. Blue Coat Sys., Inc.</i> , 879 F.3d 1299 (Fed. Cir. 2018).....	2, 15
<i>Finjan, Inc. v. Blue Coat Sys., Inc.</i> , No. 13-cv-03999-BLF, 2014 WL 5361976 (N.D. Cal. Oct. 20, 2014).....	<i>passim</i>
<i>Finjan, Inc. v. Blue Coat Sys., Inc.</i> , No. 13-cv-03999-BLF, 2016 WL 3880774 (N.D. Cal. July 18, 2016), <i>aff'd in part</i> <i>and reversed in part by</i> <i>Blue Coat Sys., Inc.</i> , 879 F.3d 1299 (Fed. Cir. 2018).....	15
<i>Finjan, Inc. v. Blue Coat Systems, LLC</i> , No. 15-cv-03295-BLF, 2016 WL 7212322 (N.D. Cal. Dec. 13, 2016).....	3
<i>Finjan, Inc. v. Cisco Sys., Inc.</i> , No. 17-cv-00072-BLF, 2018 WL 3537142 (N.D. Cal. July 23, 2018).....	13, 15
<i>Finjan, Inc. v. Proofpoint, Inc.</i> , No. 13-cv-05808-HSG, 2015 WL 7770208 (N.D. Cal. Dec. 3, 2015)	5, 8, 21
<i>Finjan, Inc. v. Proofpoint, Inc.</i> , No. 13-cv-05808-HSG, 2016 WL 1427492 (N.D. cal. April 12, 2016)	15
<i>Finjan, Inc. v. Sophos, Inc.</i> , 244 F. Supp. 3d 1016 (N.D. Cal. 2017)	15, 17
<i>Finjan, Inc. v. Sophos, Inc.</i> , No. 14-cv-01197-WHO, 2016 WL 2988834 (N.D. Cal. May 24, 2016)	15

1	<i>Finjan, Inc. v. Symantec Corp.</i> , No. 14-cv-02998-HSG, 2017 WL 550453 (N.D. Cal. Feb. 10, 2017).....	4, 13, 15
2	<i>IPXL Holdings, LLC v. Amazon.com, Inc.</i> , 430 F.3d 1377 (Fed. Cir. 2005).....	6, 7
3		
4	<i>K-2 Corp. v. Salomon S.A.</i> , 191 F.3d 1356 (Fed. Cir. 1999).....	10
5		
6	<i>Nautilus, Inc. v. Biosig Instruments, Inc.</i> , 134 S. Ct. 2120 (2014).....	6, 7
7		
8	<i>On-Line Techs., Inc. v. Bodenseewerk Perkin-Elmer GmbH</i> , 386 F.3d 1133 (Fed. Cir. 2004).....	17
9		
10	<i>Resonate Inc. v. Alteon Websystems, Inc.</i> , 338 F.3d 1360 (Fed. Cir. 2003).....	10
11		
12	<i>Thorner v. Sony Computer Entm't Am. LLC</i> , 669 F.3d 1362 (Fed. Cir. 2012).....	12, 18
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.