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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,

Plaintiff,

v.

CHECK POINT SOFTWARE TECHNOLOGIES INC., a Delaware Corporation, CHECK POINT SOFTWARE TECHNOLOGIES LTD., an Israeli Limited Company,

Defendants.

Case No.:

COMPLAINT FOR PATENT INFRINGEMENT

DEMAND FOR JURY TRIAL

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Finjan, Inc. ("Finjan") files this Complaint for Patent Infringement and Demand for Jury Trial against Check Point Software Technologies Ltd. ("Check Point Israel") and Check Point Software Technologies, Inc. ("Check Point USA") (collectively, "Defendant" or "Check Point") and alleges as follows:

THE PARTIES

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

2. Check Point USA is a Delaware Corporation with its headquarters and principal place of business at 959 Skyway Road, Suite 300, San Carlos, CA 94070. Defendant may be served through its agent for service of process, Corporation Service Company, 2710 Gateway Oaks Drive, Suite 150N, Sacramento, CA 95833.

3. Check Point Israel is limited company organized under the law of Israel with its headquarters and principal place of business at 5 Ha'Solelim Street, Tel Aviv 67897, Israel. On information and belief, Check Point USA is a wholly-owned subsidiary of Check Point Israel.

JURISDICTION AND VENUE

4. 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.

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and (c) and/or 1400(b). Venue is proper at least because Check Point's U.S. Headquarters is located in this District at 959 Skyway Road Suite 300, San Carlos, CA 94070.

6. This Court has personal jurisdiction over Defendant. Upon information and belief, Defendant regularly and continuously does business in this District and has infringed or induced infringement, and continues to do so, in this District. Upon information and belief, Check Point's U.S. Headquarters is located in this District in the city of San Carlos, California and is a regular and established place of business. In fact, Defendant's website regularly advertises active job listings in this District for its U.S. Headquarters in this District. *See* Exhibit 1 attached hereto

(https://careers.checkpoint.com/careers/index.php?m=careers&a=jobs&country_code=US). As such, the Court has personal jurisdiction over Check Point because minimum contacts have been established within this forum and the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.

INTRADISTRICT ASSIGNMENT

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

FINJAN'S INNOVATIONS

8. 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.

9. 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

10. 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 2 and is incorporated by reference herein.

11. 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.

12. The '844 Patent is generally directed toward 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.

13. On November 15, 2005, U.S. Patent No. 6,965,968 ("the '968 Patent"), entitled POLICY-BASED CACHING, was issued to Shlomo Touboul. A true and correct copy of the '968 Patent is attached to this Complaint as Exhibit 3 and is incorporated by reference herein.

14. 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.

15. 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.

16. On August 26, 2008, U.S. Patent No. 7,418,731 ("the '731 Patent"), entitled METHOD AND SYSTEM FOR CACHING AT SECURE GATEWAYS, was issued to Shlomo Touboul. A true and correct copy of the '731 Patent is attached to this Complaint as Exhibit 4 and is incorporated by reference herein.

17. All rights, title, and interest in the '731 Patent have been assigned to Finjan, who is the sole owner of the '731 Patent. Finjan has been the sole owner of the '731 Patent since its issuance.

18. The '731 Patent is generally directed towards methods and systems for providing an efficient security system. One of the ways this is accomplished is by implementing a variety of caches to increase performance of the system.

19. On January 12, 2010, U.S. Patent No. 7,647,633 ("the '633 Patent"), entitled 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.

20. 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.

21. The '633 Patent is generally directed towards computer networks, and more particularly, provides a system that protects devices connected to the Internet from undesirable 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 using mobile protection code.

22. On December 13, 2011, U.S. Patent No. 8,079,086 ("the '086 Patent"), entitled 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 '086 Patent is attached to this Complaint as Exhibit 6 and is incorporated herein.

23. All rights, title, and interest in the '086 Patent have been assigned to Finjan, who is the sole owner of the '086 Patent. Finjan has been the sole owner of the '086 Patent since its issuance.

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