

1 PAUL J. ANDRE (State Bar No. 196585)
2 pandre@kramerlevin.com
3 LISA KOBIALKA (State Bar No. 191404)
4 lkobialka@kramerlevin.com
5 JAMES HANNAH (State Bar No. 237978)
6 jhannah@kramerlevin.com
7 HANNAH LEE (State Bar No. 253197)
8 hlee@kramerlevin.com
9 KRAMER LEVIN NAFTALIS
& FRANKEL LLP
990 Marsh Road
Menlo Park, CA 94025
Telephone: (650) 752-1700
Facsimile: (650) 752-1800

10 *Attorneys for Plaintiff*
11 FINJAN, INC.

12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN JOSE DIVISION**

15
16 FINJAN, INC., a Delaware Corporation,

17 Plaintiff,

18 v.

19 BLUE COAT SYSTEMS, LLC, a Delaware
20 Corporation,

21 Defendant.

Case No.: 15-cv-3295-BLF-SVK

**PLAINTIFF FINJAN, INC.'S
OPPOSITION TO BLUE COAT'S RULE
50(A) MOTION FOR JUDGMENT AS A
MATTER OF LAW**

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1 **I. INTRODUCTION**

2 Finjan, Inc. (“Finjan”) presented substantial evidence to support its claims of infringement and
3 damages during its case, including sworn testimony on the stand from numerous fact and expert
4 witnesses, deposition testimony of Blue Coat Systems LLC’s (“Blue Coat”) employees, source code
5 testing of the accused products, and numerous Finjan and Blue Coat documents that were admitted into
6 evidence. Blue Coat disagrees with the evidence that Finjan presented in its case, but its disagreement
7 is not enough to prove that “as a matter of law” Finjan did not present substantial evidence to support
8 its claims. Under Federal Rule of Civil Procedure Rule 50(a), when the evidence is viewed “in the
9 light most favorable” to Finjan and “all reasonable inferences” are drawn in its favor, the Court should
10 deny Blue Coat’s motion for judgment as a matter of law (“Motion”). *Bell v. Clackamus County*, 341
11 F.3d 858, 865 (9th Cir. 2003); *Informatica Corp. v. Business Objects Data Integration, Inc.*, No. C 02-
12 03378 EDL, 2007 WL 2344962, at *1 (N.D. Cal. Aug. 16, 2007).¹

13 **II. FINJAN PRESENTED SUBSTANTIAL EVIDENCE OF BLUE COAT’S**
14 **INFRINGEMENT OF THE ASSERTED CLAIMS**

15 **A. Finjan Presented Substantial Evidence That Blue Coat Infringes, Literally and**
16 **Under the Doctrine of Equivalents, Claim 15 of the ‘844 Patent.**

17 Finjan presented substantial evidence that Blue Coat is liable for infringement of Claim 15 of
18 the ‘844 Patent, both literally and under the doctrine of equivalents. *See generally* Trial Tr. at 469:16-
19 539:9, 560:9-23, 565:14-591:9, 603:18-605:11; PTX-49; PTX-105; PTX-211; PTX-216; PTX-290;
20 PTX-295; PTX-368; PTX-423; PTX-427; PTX-499; PTX-516; PTX-564; PTX-575; PTX-1025; PTX-
21 1274; JTX-3001; JTX-3043; JTX-3050; and JTX-3060. Blue Coat’s assertions otherwise lack merit.

22 *First*, Finjan presented substantial evidence that Blue Coat’s accused GIN/WebPulse product
23 generates a Downloadable security profile in accordance with the Court’s claim construction. Trial Tr.
24 at 514:18-515:3, 517:11-537:13. Dr. Cole supported his opinion that GIN/WebPulse generates a
25 Downloadable security profile that “identifies code in the received Downloadable that performs hostile
26 or potentially hostile operations” with substantial evidence, including the testimony of Blue Coat

27 ¹ Finjan incorporates by reference the arguments and evidence set forth in its (i) Motion for Judgment
28 as a Matter of Law Pursuant to Fed. R. Civ. P. 50(a) (Dkt. No. 423) and (ii) oral opposition to Blue
29 Coat’s motion for JMOL regarding doctrine of equivalents.

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