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17 **IN THE UNITED STATES DISTRICT COURT**  
18 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN JOSE DIVISION**

20 FINJAN, INC., a Delaware Corporation,

21 Plaintiff,

22 v.

23 BLUE COAT SYSTEMS, LLC, a Delaware  
24 Corporation,

25 Defendant.

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

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

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1 **I. INTRODUCTION**

2 Finjan, Inc. (“Finjan”) presented more than sufficient evidence at trial to support its  
3 infringement and damages claims, including sworn testimony on the stand from numerous fact  
4 witnesses, deposition testimony of Blue Coat Systems LLC’s (“Blue Coat”) employees, source code,  
5 testing of the accused products, numerous Finjan and Blue Coat documents that were admitted into  
6 evidence, and testimony of highly reputable expert witnesses. When all reasonable inferences are  
7 drawn in Finjan’s favor, the Court should deny Blue Coat’s motion for judgment as a matter of law  
8 (“Motion”).<sup>1</sup>

9 **II. LITERAL INFRINGEMENT OF THE ‘844 PATENT**

10 Finjan presented substantial evidence that Blue Coat is liable for infringement of Claim 15 of  
11 U.S. Patent No. 6,154,844 (“’844 Patent”), both literally and under the doctrine of equivalents. *See*  
12 *generally* Trial Tr. at 469:16-539:9, 560:9-23, 565:14-591:9, 603:18-605:11; PTX-49; PTX-105; PTX-  
13 211; PTX-216; PTX-290; PTX-295; PTX-368; PTX-423; PTX-427; PTX-499; PTX-516; PTX-564;  
14 PTX-575; PTX-1025; PTX-1274; JTX-3001; JTX-3043; JTX-3050; and JTX-3060. Blue Coat’s  
15 assertions otherwise lack merit.

16 **A. Substantial Evidence That The Accused Products Identify Suspicious Code.**

17 Finjan presented substantial evidence that Blue Coat’s accused GIN/WebPulse product meets  
18 all elements of Claim 15 of the ‘844 Patent, including “*a first content inspection engine for using the*  
19 *first rule set to generate a Downloadable security profile that identifies suspicious code in a*  
20 *Downloadable*” in accordance with the Court’s claim construction. *See* ‘844 Patent, Claim 15; Trial  
21 Tr. at 514:18-515:3, 517:11-537:13. In doing so, Finjan’s expert Dr. Cole applied the Court’s claim  
22 construction for this element that the downloadable security profile generated by the inspector  
23 “*identifies code in the received Downloadable that performs hostile or potentially hostile operations*”  
24 and supported his opinion with substantial evidence of source code, testimony of Blue Coat engineers,  
25

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26 <sup>1</sup> Finjan incorporates by reference the arguments and evidence set forth in its (i) Opposition to Blue  
27 Coat’s Rule 50(a) Motion for Judgment as a Matter of Law (Dkt. No. 459) (ii) Motion for Judgment as  
28 a Matter of Law Pursuant to Fed. R. Civ. P. 50(a) (Dkt. No. 423) and (iii) oral opposition to Blue  
29 Coat’s motion for JMOL regarding doctrine of equivalents.

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