

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FINJAN, INC., a Delaware Corporation)	
)	
Plaintiff,)	
)	
v.)	C.A. No. _____
)	
TRUSTWAVE HOLDINGS, INC., a)	DEMAND FOR JURY TRIAL
Delaware Corporation and SINGAPORE)	
TELECOMMUNICATIONS LIMITED, a)	
Singapore Corporation,)	
)	
Defendants.)	

COMPLAINT FOR PATENT INFRINGEMENT

1. Plaintiff Finjan, Inc. (“Finjan”), by and through its undersigned counsel, files this Complaint for Patent Infringement and Jury Demand against Trustwave Holdings, Inc. (“Trustwave”) and its parent entity, Singapore Telecommunications Limited (“Singtel”) (collectively, “Defendants”), and alleges as follows:

NATURE OF THE ACTION

1. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 100 *et seq.*

2. Singtel and Trustwave have infringed literally or under the doctrine of equivalents, and continue to infringe, have contributed to, and continue to contribute to the infringement of, and have induced, and continue to induce the infringement of U.S. Patent No. 8,141,154 (“the ’154 Patent”) at least by making, using, selling, offering for sale and/or importing into the United States cybersecurity products and services that infringe one or more claims of the ’154 Patent. A true and correct copy of the ’154 Patent is attached as **Exhibit A**.

3. Finjan is the legal owner by assignment of the ’154 Patent, which was duly and legally issued by the United States Patent and Trademark Office (“USPTO”).

Finjan seeks monetary damages and injunctive relief to address ongoing and willful infringement by Defendants of the '154 Patent.

PARTIES

4. Finjan is a Delaware corporation with a principal place of business at 2000 University Avenue, Suite 600, East Palo Alto, California 94303.

5. Upon information and belief, Defendant Trustwave Holdings, Inc., is a Delaware corporation with a principal place of business at 70 W. Madison St., Suite 600, Chicago, Illinois 60602.

6. Upon information and belief, Defendant Singapore Telecommunications Limited is a corporation existing under the laws of Singapore with a principal place of business at 31 Exeter Road, Comcentre, Singapore, 239732, Singapore.

JURISDICTION AND VENUE

7. This is a civil action for patent action arising under the Patent Act, 35 U.S.C. § 100 *et seq.* This Court has subject matter jurisdiction over this controversy pursuant to 28 U.S.C. §§ 1331 and 1338.

8. This Court has personal jurisdiction over Defendants. This Court has personal jurisdiction over Trustwave because it is incorporated in the State of Delaware.

9. This Court also has personal jurisdiction over Singtel because it has established minimum contacts with the State of Delaware, and the exercise of personal jurisdiction over Singtel would not offend traditional notions of fair play and substantial justice. Singtel has integrated its cybersecurity capabilities, technologies, and resources under the Trustwave brand, a wholly owned Delaware subsidiary that sells the products at issue in this litigation, including in this District. For example, Trustwave's December 4, 2018 News Release states: "Singtel ... has pooled the cybersecurity capabilities, technologies and resources of Singtel, Optus, Trustwave and NCS into a single global corporate identity operating under the Trustwave brand." *See Exhibit B*

(<https://www.trustwave.com/en-us/company/newsroom/news/singtel-integrates-global->

cybersecurity-capabilities-under-trustwave-to-create-an-industry-powerhouse/).

10. Further, this Court also has personal jurisdiction over Singtel because it has purposefully availed itself of the privilege of conducting business activities in the State of Delaware through a number of subsidiaries besides Trustwave, including, but not limited to, Singtel USA, Inc. (registered agent at Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801), Singtel Enterprise Security (US), Inc. (registered agent at 251 Little Falls Drive, Wilmington, Delaware 19808), Singtel Communications LLC (registered agent at 108 West 13th Street, Wilmington, Delaware 19801), Singtel Innov8 Ventures LLC (registered agent at Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801), Singtel Mobile Marketing, Inc. (registered agent at 251 Little Falls Drive, Wilmington, Delaware 19808), Amobee Inc. (registered agent at 850 New Burton Road Suite 201), Lucid Media Networks, Inc. (registered agent at Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801), and Pixable Inc. (registered agent at Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801). Singtel places its products into the stream of U.S. commerce through its subsidiaries (including Trustwave, a wholly owned Delaware subsidiary) that are incorporated in this District, including the products at issue in this case.

11. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b).

FINJAN'S INVENTIONS

12. 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, and has been recognized as, a pioneer in developing proactive security technologies capable of detecting previously unknown and emerging cybersecurity threats, recognized today under the umbrella term “malware.” These technologies protect, among other things, networks and endpoints by identifying

suspicious patterns and behaviors of content delivered over the Internet. Finjan has been granted numerous patents covering inventions 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 more than US \$65 million in R&D investments.

13. 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 cybersecurity drew equity investments from two major software and technology companies—the first in 2005 followed by the second in 2006. Finjan has generated millions of dollars in product sales and related services and support revenues. Additionally, Finjan has generated more than US \$350 million in revenue from over 25 patent licenses covering Finjan's patented inventions to date.

14. In 2015, Finjan formed Finjan Mobile, Inc. ("Finjan Mobile") to focus on cybersecurity in the mobile space. Finjan Mobile's first product, released in June 2015, was the Finjan Mobile Secure Browser. Featuring Finjan's patented inventions, including those from the '154 Patent, the Finjan Mobile Secure Browser is a simple-to-use, secure browser that protects users from potentially malicious Uniform Resource Locators (URLs).

15. In October 2016, Finjan Mobile released the next version of its product—namely, the Gen3 VitalSecurity™ Browser. Finjan Mobile's Gen3 VitalSecurity™ Browser offered complete browser functionality while guarding users' privacy by not collecting any personal data. It also provided detailed analyses of virus and malware threats aggregated from more than 60 top virus companies. It also featured biometric and

passcode security to further protect the users' experience. Finjan Mobile continued to update its VitalSecurity™ Browser product, releasing, for example, Gen 3.5 in April 2017, Gen 3.7 in June 2017, and Gen 4.0 in September 2017. Each upgrade to Finjan Mobile's VitalSecurity™ Browser product continued to embody Finjan's patented inventions, including the '154 Patent.

16. In addition to developing secure browser products, Finjan Mobile has also developed and released Virtual Private Network ("VPN") products. Finjan Mobile's first VPN product was incorporated into the VitalSecurity™ Gen 4.0 Secure Mobile Browser (also known as VitalSecurity™ VPN), which was the first fully functional browser with an integrated VPN for use on mobile platforms. In September 2018, Finjan Mobile released InvinciBull™, a stand-alone VPN mobile app that keeps global consumer data safe by encrypting all Internet traffic when using public Wi-Fi, such as in a coffee shop, a hotel, or an airport.

IMPACT OF FINJAN'S TECHNOLOGY ON TRUSTWAVE'S SUCCESS

17. One of the many companies that recognized the value of Finjan's products and technology was M86 Security, Inc. ("M86 Security"). In 2009, M86 Security entered into an agreement with Finjan whereby M86 Security would share revenues generated through the use of Finjan's technology, along with a nonexclusive license to practice certain Finjan patents ("Licensed Patents") to offer products and services. The Licensed Patents do not include the '154 Patent. Through this agreement, M86 Security continued Finjan's success through the use of the Licensed Patents in the cybersecurity marketplace.

18. Trustwave struggled to compete in the increasingly crowded cybersecurity marketplace. In 2010, Trustwave posted US \$4.6 million in losses despite recording US \$115 million in revenues and had to abandon its plans for an Initial Public Offering (IPO). *See Exhibit C*

(<https://www.chicagobusiness.com/article/20110811/NEWS01/110819976/trustwave->

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