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8 *Attorneys for Plaintiff*
FINJAN, INC.

9
10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
12

13 FINJAN, INC., a Delaware Corporation,

14 Plaintiff,

15 v.

16 CISCO SYSTEMS, INC., a California
17 Corporation,

18 Defendant.
19

Case No.:

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 **COMPLAINT FOR PATENT INFRINGEMENT**

2 Plaintiff Finjan, Inc. (“Finjan”) files this Complaint for Patent Infringement and Demand for
3 Jury Trial against Cisco Systems, Inc. (“Defendant” or “Cisco”) and allege as follows:

4 **THE PARTIES**

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

7 2. Cisco is a California Corporation with its principal place of business at 170 West
8 Tasman Drive, San Jose, California 95134. Cisco may be served through its agent for service of
9 process CSC at 2710 Gateway Oaks Dr. Ste. 150N, Sacramento, California 95833.

10 **JURISDICTION AND VENUE**

11 3. This action arises under the Patent Act, 35 U.S.C. § 101 *et seq.* This Court has original
12 jurisdiction over this controversy pursuant to 28 U.S.C. §§ 1331 and 1338.

13 4. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and (c) and/or 1400(b).

14 5. This Court has personal jurisdiction over Defendant. Upon information and belief,
15 Defendant does business in this District and have, and continues to, infringe and/or induce the
16 infringement in this District. In addition, the Court has personal jurisdiction over Defendant because
17 minimum contacts have been established with the forum and the exercise of jurisdiction would not
18 offend traditional notions of fair play and substantial justice.

19 **INTRADISTRICT ASSIGNMENT**

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

22 **FINJAN’S INNOVATIONS**

23 7. Finjan was founded in 1997 as a wholly-owned subsidiary of Finjan Software Ltd., an
24 Israeli corporation. In 1998, Finjan moved its headquarters to San Jose, California. Finjan was a
25 pioneer in developing proactive security technologies capable of detecting previously unknown and
26 emerging online security threats recognized today under the umbrella of “malware.” These
27 technologies protect networks and endpoints by identifying suspicious patterns and behaviors of
28

1 content delivered over the Internet. Finjan has been awarded, and continues to prosecute, numerous
2 patents covering innovations in the United States and around the world resulting directly from Finjan's
3 more than decades-long research and development efforts, supported by a dozen inventors, and over
4 \$65 million in R&D investments.

5 8. Finjan built and sold software, including application program interfaces (APIs), and
6 appliances for network security using these patented technologies. These products and related
7 customers continue to be supported by Finjan's licensing partners. At its height, Finjan employed
8 nearly 150 employees around the world building and selling security products and operating the
9 Malicious Code Research Center through which it frequently published research regarding network
10 security and current threats on the Internet. Finjan's pioneering approach to online security drew
11 equity investments from two major software and technology companies, the first in 2005, followed by
12 the second in 2006. Finjan generated millions of dollars in product sales and related services and
13 support revenues through 2009 when it spun off certain hardware and technology assets in a merger.
14 Pursuant to this merger, Finjan was bound to a non-compete and confidentiality agreement, under
15 which it could not make or sell a competing product or disclose the existence of the non-compete
16 clause. Finjan became a publicly traded company in June 2013, capitalized with \$30 million. After
17 Finjan's obligations under the non-compete and confidentiality agreement expired in March 2015,
18 Finjan re-entered the development and production sector of secure mobile products for the consumer
19 market.

20 9. Finjan and Cisco's relationship dates back to the early 2000's when Cisco invested in
21 Finjan, seeing the value of Finjan's technology. Throughout the years Cisco and Finjan maintained an
22 amicable relationship and consistently collaborated together on cybersecurity. In the second half of
23 2013, Cisco acquired the company Sourcefire, Inc. ("SourceFire") and integrated that company's
24 appliances and technology into Cisco's own product lines. It was after this acquisition that Finjan
25 approached Cisco about obtaining a license to Finjan's patents in order cover the technology acquired
26 in the SourceFire deal, along with other unlicensed technologies that Cisco has implemented over the
27 years. Finjan entered into licensing discussions with Cisco under a mutual non-disclosure and
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1 standstill agreement (“Agreement”) dated March 21, 2014, with an expectation that these discussions
2 would be meaningful and productive. To the contrary, Cisco consistently delayed meetings and
3 refused to hold material negotiations. The Agreement for these discussions had been extended five
4 times for a period of over two years, and has now expired.

5 10. On November 28, 2000, U.S. Patent No. 6,154,844 (“the ‘844 Patent”), titled SYSTEM
6 AND METHOD FOR ATTACHING A DOWNLOADABLE SECURITY PROFILE TO A
7 DOWNLOADABLE, was issued to Shlomo Touboul and Nachshon Gal. A true and correct copy of
8 the ‘844 Patent is attached to this Complaint as Exhibit 1 and is incorporated by reference herein.

9 11. All rights, title, and interest in the ‘844 Patent have been assigned to Finjan, who is the
10 sole owner of the ‘844 Patent. Finjan has been the sole owner of the ‘844 Patent since its issuance.

11 12. The ‘844 Patent is generally directed towards computer networks, and more
12 particularly, provides a system that protects devices connected to the Internet from undesirable
13 operations from web-based content. One of the ways this is accomplished is by linking a security
14 profile to such web-based content to facilitate the protection of computers and networks from
15 malicious web-based content.

16 13. On October 12, 2004, U.S. Patent No. 6,804,780 (“the ‘780 Patent”), titled SYSTEM
17 AND METHOD FOR PROTECTING A COMPUTER AND A NETWORK FROM HOSTILE
18 DOWNLOADABLES, was issued to Shlomo Touboul. A true and correct copy of the ‘780 Patent is
19 attached to this Complaint as Exhibit 2 and is incorporated by reference herein.

20 14. All rights, title, and interest in the ‘780 Patent have been assigned to Finjan, who is the
21 sole owner of the ‘780 Patent. Finjan has been the sole owner of the ‘780 Patent since its issuance.

22 15. The ‘780 Patent is generally directed towards methods and systems for generating a
23 Downloadable ID. By generating an identification for each examined Downloadable, the system may
24 allow for the Downloadable to be recognized without reevaluation. Such recognition increases
25 efficiency while also saving valuable resources, such as memory and computing power.

26 16. On January 12, 2010, U.S. Patent No. 7,647,633 (“the ‘633 Patent”), titled
27 MALICIOUS MOBILE CODE RUNTIME MONITORING SYSTEM AND METHODS, was issued
28

1 to Yigal Mordechai Edery, Nimrod Itzhak Vered, David R. Kroll, and Shlomo Touboul. A true and
2 correct copy of the '633 Patent is attached to this Complaint as Exhibit 3 and is incorporated by
3 reference herein.

4 17. All rights, title, and interest in the '633 Patent have been assigned to Finjan, who is the
5 sole owner of the '633 Patent. Finjan has been the sole owner of the '633 Patent since its issuance.

6 18. The '633 Patent is generally directed towards computer networks and, more
7 particularly, provides a system that protects devices connected to the Internet from undesirable
8 operations from web-based content. One of the ways this is accomplished is by determining whether
9 any part of such web-based content can be executed and then trapping such content and neutralizing
10 possible harmful effects using mobile protection code.

11 19. On March 20, 2012, U.S. Patent No. 8,141,154 ("the '154 Patent"), titled SYSTEM
12 AND METHOD FOR INSPECTING DYNAMICALLY GENERATED EXECUTABLE CODE, was
13 issued to David Guzman and Yuval Ben-Itzhak. A true and correct copy of the '154 Patent is attached
14 to this Complaint as Exhibit 4 and is incorporated by reference herein.

15 20. All rights, title, and interest in the '154 Patent have been assigned to Finjan, who is the
16 sole owner of the '154 Patent. Finjan has been the sole owner of the '154 Patent since its issuance.

17 21. The '154 Patent is generally directed towards a gateway computer protecting a client
18 computer from dynamically generated malicious content. One way this is accomplished is to use a
19 content processor to process a first function and invoke a second function if a security computer
20 indicates that it is safe to invoke the second function.

21 22. On March 18, 2014, U.S. Patent No. 8,677,494 ("the '494 Patent"), titled MALICIOUS
22 MOBILE CODE RUNTIME MONITORING SYSTEM AND METHODS, was issued to Yigal
23 Mordechai Edery, Nimrod Itzhak Vered, David R. Kroll, and Shlomo Touboul. A true and correct
24 copy of the '494 Patent is attached to this Complaint as Exhibit 5 and is incorporated by reference
25 herein.

26 23. All rights, title, and interest in the '494 Patent have been assigned to Finjan, who is the
27 sole owner of the '494 Patent. Finjan has been the sole owner of the '494 Patent since its issuance.
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