

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

9
10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN JOSE DIVISION**
13

14 FINJAN, INC., a Delaware Corporation,
15 Plaintiff,
16 v.
17 CISCO SYSTEMS, INC., a California
18 Corporation,
19 Defendant.

Case No.: 5:17-CV-00072-BLF

**SECOND AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

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

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

26 11. The '844 Patent is generally directed towards computer networks, and more
27 particularly, provides a system that protects devices connected to the Internet from undesirable
28

1 operations from web-based content. One of the ways this is accomplished is by linking a security
2 profile to such web-based content to facilitate the protection of computers and networks from
3 malicious web-based content.

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

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

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

14 15. On January 12, 2010, U.S. Patent No. 7,647,633 (“the ‘633 Patent”), titled
15 MALICIOUS MOBILE CODE RUNTIME MONITORING SYSTEM AND METHODS, was issued
16 to Yigal Mordechai Edery, Nimrod Itzhak Vered, David R. Kroll, and Shlomo Touboul. A true and
17 correct copy of the ‘633 Patent is attached to this Complaint as Exhibit 3 and is incorporated by
18 reference herein.

19 16. All rights, title, and interest in the ‘633 Patent have been assigned to Finjan, who is the
20 sole owner of the ‘633 Patent. Finjan has been the sole owner of the ‘633 Patent since its issuance.

21 17. The ‘633 Patent is generally directed towards computer networks and, more
22 particularly, provides a system that protects devices connected to the Internet from undesirable
23 operations from web-based content. One of the ways this is accomplished is by determining whether
24 any part of such web-based content can be executed and then trapping such content and neutralizing
25 possible harmful effects using mobile protection code.

26 18. On March 20, 2012, U.S. Patent No. 8,141,154 (“the ‘154 Patent”), titled SYSTEM
27 AND METHOD FOR INSPECTING DYNAMICALLY GENERATED EXECUTABLE CODE, was
28

1 issued to David Gruzman and Yuval Ben-Itzhak. A true and correct copy of the '154 Patent is attached
2 to this Complaint as Exhibit 4 and is incorporated by reference herein.

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

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

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

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

16 23. The '494 Patent is generally directed towards a method and system for deriving security
17 profiles and storing the security profiles. The claims generally cover deriving a security profile for a
18 downloadable, which includes a list of suspicious computer operations, and storing the security profile
19 in a database.

20 **CISCO**

21 24. Cisco makes, uses, sells, offers for sale, and/or imports into the United States and this
22 District products and services that utilize Cisco's Advanced Malware Protection ("AMP"), Cisco
23 Collective Security Intelligence ("CCSI"), Cisco Outbreak Filters, Talos Security Intelligence and
24 Research Group ("Talos"), and AMP Threat Grid technologies, including Cisco AMP for Endpoints,
25 Cisco AMP for Networks (also referred to by Cisco as "NGIPS"), Cisco AMP for ASA with
26 FirePOWER Services, Cisco AMP Private Cloud Virtual Appliance, Cisco AMP for CWS, ESA, or
27 WSA, Cisco AMP for Meraki MX, Cisco AMP Threat Grid (collectively, "Accused AMP Products").
28

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.