AO 120 (Rev. 2/99)

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court __Northern District California__ on the ✔ Patents or ☐ Trademarks:

DOCKET NO. CV 14-01197 JCS	DATE FILED 3/14/14	U.S. DISTRICT COURT 450 Golden Gate Avenue, 16th Floor, San Francisco CA 94102
PLAINTIFF FINJAN INC		DEFENDANT SOPHOS INC

PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,804,780		***see Attach Complaint***
2 8,141,154		
3 7,613,918		
4 7,757,289		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY

☐ Amendment   ☐ Answer   ☐ Cross Bill   ☐ Other Pleading

PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,613,926		
2 6,154,844		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wieking	(BY) DEPUTY CLERK Gina Agustine	DATE

1 also conduct cloud-based selective sandboxing to analyze suspicious content with both web

2 protection and intrusion prevention.   The following shows the cloud based sandboxing features:

3

4 Advanced Threat Protection Options
_____

5 ☑ Send suspicious content to SophosLabs for analysis   SophosLabs features a cloud-based sandbox where the behavior
                                                                of suspected malware can be automatically observed and
                                                                analysed. This helps ensure speedy delivery of protection updates
6   directly to your UTM. Disabling this functionality may increase
                                                                defense response time.

7   All submissions are sent over a secure channel and are handled
                                                                according to the SophosLabs Information Security Policy.

8   ✓ Apply

9 Cloud-based selective sandboxing allows SophosLabs to analyze suspicious content.

10

11 *See* http://blogs.sophos.com/2014/02/26/whats-coming-in-sophos-utm-accelerated-9-2-5-advanced-

12 threat-protection-atp/, a true and correct copy of which is attached hereto as Exhibit H.

13   32.   Sophos WebLENS technology blocks threats using content reassembly with JavaScript

14 emulation and behavioral analysis. Its purpose is to stop malicious code at the network layer before it

15 is passed to the browser.

16

17   **SOPHOS' INFRINGEMENT OF FINJAN'S PATENTS**

18   33.   Defendant has been and is now infringing the '780 Patent, the '154 Patent, the '918

19 Patent, the '289 Patent, the '926 Patent, and the '844 Patent (collectively "the Patents-In-Suit") in this

20 judicial District, and elsewhere in the United States by, among other things, making, using,

21 importing, selling, and/or offering for sale the claimed system and methods that utilize Sophos Live

22 Protection, Advanced Threat Protection, and WebLENS, including without limitation on Enduser

23 Protection Suites, Endpoint Antivirus, Endpoint Antivirus Cloud, Sophos Cloud, Unified Threat

24 Management, Next-Gen Firewall, Secure Web Gateway, Secure Email Gateway, and Server Security.

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26

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34.   In addition to directly infringing the Patents-In-Suit pursuant to 35 U.S.C. § 271(a) either literally or under the doctrine of equivalents, Defendant indirectly infringes the '780 Patent, the '918 Patent, the '289 Patent, the '926 Patent, and the '844 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including its users and developers, to perform all or some of the steps of the method claims of these patents, either literally or under the doctrine of equivalents.

COUNT I
(Direct Infringement of the '780 Patent pursuant to 35 U.S.C. § 271(a))

35.   Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

36.   Defendant has infringed and continues to infringe one or more claims of the '780 Patent in violation of 35 U.S.C. § 271(a).

37.   Defendant's infringement is based upon literal infringement or, in the alternative, infringement under the doctrine of equivalents.

38.   Defendant's acts of making, using, importing, selling, and/or offering for sale infringing products and services have been without the permission, consent, authorization or license of Finjan.

39.   Defendant's infringement includes, but is not limited to, the manufacture, use, sale, importation and/or offer for sale of Defendant's products and services, including but not limited to Sophos Live Protection, which embodies the patented invention of the '780 Patent.

40.   As a result of Defendant's unlawful activities, Finjan has suffered and will continue to suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Finjan is entitled to preliminary and/or permanent injunctive relief.

41.   Defendant's infringement of the '780 Patent has injured and continues to injure Finjan in an amount to be proven at trial.

COUNT II
(Indirect Infringement of the '780 Patent pursuant to 35 U.S.C. § 271(b))

42.   Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

43.   Defendant has induced and continues to induce infringement of at least claims 1-8 of the '780 Patent under 35 U.S.C. § 271(b).

44.   In addition to directly infringing the '780 Patent, Defendant indirectly infringes the '780 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including but not limited to its customers, users and developers, to perform some of the steps of the method claims, either literally or under the doctrine of equivalents, of the '780 Patent, where all the steps of the method claims are performed by either Sophos or its customers, users or developers, or some combination thereof. Defendant knew or was willfully blind to the fact that it was inducing others, including customers, users and developers, to infringe by practicing, either themselves or in conjunction with Defendant, one or more method claims of the '780 Patent.

45.   Defendant knowingly and actively aided and abetted the direct infringement of the '780 Patent by instructing and encouraging its customers, users and developers to use the Sophos Live Protection. Such instructions and encouragement include but are not limited to, advising third parties to use the Sophos Live Protection in an infringing manner, providing a mechanism through which third parties may infringe the '780 Patent, specifically through the use of the Sophos Live Protection, advertising and promoting the use of the Sophos Live Protection in an infringing manner, and distributing guidelines and instructions to third parties on how to use the Sophos Live Protection in an infringing manner.

46.   Sophos regularly updates and maintains the Sophos Support/Labs to provide

demonstration, instructions, and technical assistance to users to help them use the Sophos Live

Protection, including:

- Providing an overview of how Live Protections works. *See* http://www.sophos.com/en-us/support/knowledgebase/111334.aspx, a true and correct copy of which is attached hereto as Exhibit I;

- Giving step-by-step instructions on how to turn Live Protection on and off, combined with a video demonstration of the functionalities of Live Protection. *See* http://www.sophos.com/en-us/support/knowledgebase/116371.aspx, a true and correct copy of which is attached hereto as Exhibit J;

- Maintaining a list of behavior profiles such as SUS/ZelXor-A, created by Sophos' labs and posted on Sophos' website for download. *See* http://www.sophos.com/en-us/threat-center/threat-analyses/suspicious-behavior-and-files/Sus~ZelXor-A.aspx, a true and correct copy of which is attached hereto as Exhibit K;

- Maintaining a list of Live Protection errors and suggesting ways of resolving them. *See* http://www.sophos.com/en-us/support/knowledgebase/111244.aspx, a true and correct copy of which is attached hereto as Exhibit L.

47.   Sophos provides quick start guides, administration guides, user guides, and operating

instructions which cover in depth aspects of operating Sophos offerings. *See*

https://www.sophos.com/en-us/support/documentation.aspx, a true and correct copy of which is

attached hereto as Exhibit M.

48.   Sophos maintains and updates a YouTube channel where training and informational

videos are posted in order to promote the use of Sophos products. *See*

http://www.youtube.com/user/SophosGlobalSupport?feature=watch, a true and correct copy of which

is attached hereto as Exhibit N.

49.   Sophos maintains and promotes the Sophos Partner Program to encourage and expand

use of the Sophos Live Protection by offering up-to-date training and certification enabled by a full

curriculum of courses in order to increase skills and competency. *See* http://www.sophos.com/en-

us/partners.aspx, a true and correct copy of which is attached hereto as Exhibit O; *see also*

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