

Daily Journal

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TOP VERDICTS OF 2015

The largest and most significant verdicts and appellate reversals handed down in California in 2015

TOP PLAINTIFFS' VERDICTS BY DOLLAR

\$39.5 million

Finjan Inc. v. Blue Coat Systems Inc.

**case
INFO**

Patent infringement

Northern District

U.S. District Judge
Beth Labson Freeman

Plaintiffs' attorneys:

Kramer Levin Naftalis & Frankel LLP, Lisa Kobialka, Paul J. Andre, James Hannah, Benu M. Wells, Cristina L. Martinez, Hannah Yunkyung Lee, Kristopher Benjamin Kastens, Yuridia Caire

Defense attorneys:

Wilson Sonsini Goodrich & Rosati PC, Vera M. Elson, Edward G. Poplawski, Olivia M. Kim, Brian Lam, Christopher Don Mays, Laura Elizabeth Evans, Paul Morley McAdams, S. Ferrell Alman Jr.



LISA KOBIALKA



PAUL J. ANDRE



JAMES HANNAH

Lisa Kobialka and her team at Kramer Levin Naftalis & Frankel LLP have been protecting patents for Finjan Inc. for more than a decade but the most recent victory may have been the most hard fought.

Kobialka and her co-leads, Paul J. Andre and James Hannah, presented 18 fact and expert witnesses to the jury in 18 hours, explaining the technical details and importance of six patents, persuading a jury that five of them had been infringed.

The Kramer Levin team convinced jurors that Blue Coat Systems Inc., a cybersecurity and networking company based in Sunnyvale and owned by Bain Capital LP, had infringed on patents belonging to its rival.

After winning their case in

front of the jury, the team won a \$39.5 million verdict in a bench trial before Judge Beth Labson Freeman. Blue Coat Systems, represented by Wilson Sonsini Goodrich & Rosati PC, has filed for a retrial. Wilson's team was led by Vera M. Elson, Edward G. Poplawski and Olivia M. Kim. *Finjan Inc. v. Blue Coat Systems Inc.*, 13-CV3999 (N.D. Cal., filed Aug. 28, 2013).

Finjan, based in Menlo Park, has licensed its malware prevention technology to cybersecurity and technology companies such as Trustwave Holdings Inc., Microsoft Corp. and Cisco Systems Inc.

Kobialka said the rapid expansion of the cybersecurity field is rife for conflict.

"There's definitely been an

explosion in the industry," she said. "Security has become such a main focus for businesses and the government and for everyone."

She said the industry evolved so quickly that Finjan often found other companies using the technology it had developed before Finjan could even release its own products.

"They were getting killed in the marketplace because they were competing against other companies using their own technology."

There is little time to celebrate the most recent victory. Kobialka and her team are preparing for trial in another case against Blue Coat, involving another set of Finjan's patents.

— Joshua Sebold