

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

FORM 8-K

CURRENT REPORT
Pursuant to Section 13 or 15(d) of
The Securities Exchange Act of 1934

Date of Report (Date of Earliest Event Reported): January 30, 2019

FINJAN HOLDINGS, INC.
(Exact name of registrant as specified in its charter)

Delaware
(State or other jurisdiction
of incorporation)

000-33304
(Commission
File Number)

20-4075963
(IRS Employer
Identification No.)

2000 University Avenue, Suite 600, East Palo Alto, CA
(Address of principal executive offices)

94303
(Zip Code)

Registrant's telephone number, including area code: 650-282-3228

(Former name or former address, if changed since last report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
- Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
- Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
- Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

Indicate by check mark whether the registrant is an emerging growth company as defined in Rule 405 of the Securities Act of 1933 (§230.405 of this chapter) or Rule 12b-2 of the Securities Exchange Act of 1934 (§240.12b-2 of this chapter).

Emerging growth company

If an emerging growth company, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 13(a) of the Exchange Act.

Item 8.01. Other Events.

On January 30, 2019, Finjan Holdings, Inc. (the “Company”) and its wholly-owned subsidiary, Finjan, Inc. (“Finjan”), announced that on January 24, 2019, the United States Patent & Trademark Office’s (USPTO) Patent Trial and Appeal Board (PTAB) entered a Final Written Decision against ESET, LLC and ESET spol s.r.o (collectively “ESET”). In Inter Partes Review (IPR), Case IPR2017-01738, ESET petitioned for IPR against Finjan’s U.S. Patent No. 7,975,305 (“the ‘305 Patent”) to invalidate all 25 claims of the patent. Following oral arguments, the PTAB entered Final Written Decision under 35 U.S.C § 318 and ordered that “Petitioner [ESET] has not shown, by a preponderance of evidence, that any claim of the ‘305 patent is unpatentable.”

A copy of the press release is attached hereto as Exhibit 99.1 and is incorporated herein by reference.

The information in this current report on Form 8-K and the exhibit attached hereto shall not be deemed “filed” for purposes of Section 18 of the Securities Exchange Act of 1934, as amended (the “Exchange Act”) or otherwise subject to the liabilities of that section, nor shall it be deemed incorporated by reference in any filing under the Securities Act of 1933, as amended, or the Exchange Act, regardless of any general incorporation language in such filing.

Item 9.01. Financial Statements and Exhibits

(d) Exhibits.

Exhibit No.	Description
99.1	<u>Press Release, dated January 30, 2019, entitled “PTAB Rules ESET Failed to Prove that Any Claim of Finjan’s ‘305 Patent is Unpatentable.”</u>

SIGNATURE

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

FINJAN HOLDINGS, INC.

Date: January 30, 2019

By: /s/ Philip Hartstein
Philip Hartstein
President & Chief Executive Officer



PTAB Rules ESET Failed to Prove that Any Claim of Finjan’s ‘305 Patent is Unpatentable

East Palo Alto, CA – January 30, 2019 – Finjan Holdings, Inc. (NASDAQ: FNJN), and its subsidiary Finjan, Inc. ("Finjan"), announced that on January 24, 2019, the United States Patent & Trademark Office’s (USPTO) Patent Trial and Appeal Board (PTAB) entered a Final Written Decision against ESET, LLC and ESET spol s.r.o (collectively “ESET”). In *Inter Partes Review (IPR)*, Case IPR2017-01738, ESET petitioned for IPR against Finjan’s U.S. Patent No. 7,975,305 (“the ‘305 Patent”) to invalidate all 25 claims of the patent. Following oral arguments, the PTAB entered Final Written Decision under 35 U.S.C § 318 and ordered that “Petitioner [ESET] has not shown, by a preponderance of evidence, that any claim of the ‘305 patent is unpatentable.”

“Finjan’s patents have overcome repeated challenges and the patented inventions have received much praise and industry-wide commercial success. For this reason, Finjan is committed to securing reasonable royalties for its stakeholders, from companies using Finjan’s patented technologies without license, including ESET,” said Julie Mar-Spinola, CIPO of Finjan Holdings. “We appreciate the PTAB’s decision finding Finjan’s ‘305 Patent patentable and, therefore, enforceable.”

Finjan has pending infringement lawsuits or appeals against Palo Alto Networks; Cisco Systems, Inc.; SonicWall, Inc.; Bitdefender and its affiliates; Zscaler, Inc.; Juniper Networks; Check Point and its affiliates; Rapid7, Inc.; Fortinet, Inc.; and Qualys, Inc. relating to, collectively, more than 20 patents in the Finjan portfolio. The court dockets for the foregoing cases are publicly available on the Public Access to Court Electronic Records (PACER) website, www.pacer.gov, which is operated by the Administrative Office of the U.S. Courts.

About Finjan Holdings, Inc.

Established 20 years ago, Finjan Holdings, Inc. is a globally recognized pioneer in cybersecurity. Finjan, Inc.'s inventions are embedded within a strong portfolio of patents focusing on software and hardware technologies capable of proactively detecting previously unknown and emerging threats on a real-time, behavior-based basis. Finjan continues to grow through investments in innovation, strategic acquisitions, and partnerships promoting economic advancement and job creation. For more information, please visit www.finjan.com.

Follow Finjan Holdings, Inc.:

Twitter: [@FinjanHoldings](https://twitter.com/FinjanHoldings)

LinkedIn: [linkedin.com/company/finjan](https://www.linkedin.com/company/finjan)

Facebook: [facebook.com/FinjanHoldings](https://www.facebook.com/FinjanHoldings)

Cautionary Note Regarding Forward-Looking Statements

Except for historical information, the matters set forth herein that are forward-looking statements involve certain risks and uncertainties that could cause actual results to differ. Potential risks and uncertainties include, but are not limited to, Finjan's expectations and beliefs regarding Finjan's licensing program, the outcome of pending or future enforcement actions, the granting of Inter Partes Review (IPR) of our patents or an unfavorable determination pursuant to an IPR or other challenges at the USPTO of our patents, the enforceability of our patents, the cost of litigation, the unpredictability of our cash flows, our ability to expand our technology and patent portfolio, the continued use of our technologies in the market, our stock price, changes in the trading market for our securities, regulatory developments, general economic and market conditions, the market acceptance and successful business, technical and economic implementation of Finjan Holdings' strategic initiatives to achieve future growth and deliver value to shareholders ; and the other risk factors set forth from time to time in our filings with the SEC, including our Annual Report on Form 10-K for the year ended December 31, 2017, and the Company's periodic filings with the SEC, copies of which are available free of charge at the SEC's website at www.sec.gov or upon request from Finjan Holdings, Inc. All forward-looking statements herein reflect our opinions only as of the date of this release. These statements are not guarantees of future performance and actual results could differ materially from our current expectations. Finjan Holdings undertakes no obligation, and expressly disclaims any obligation, to update forward-looking statements herein in light of new information or future events.

Investor Contact:

Vanessa Winter | Director of Investor Relations, Finjan Holdings

Valter Pinto | KCSA Strategic Communications

(650) 282-3245 | investors@finjan.com