

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): September 9, 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.

Securities registered pursuant to Section 12(g) of the Act:

Title of each class	Trading symbol(s)	Name of each exchange on which registered
Common Stock, par value \$0.0001 per share	FNJN	NASDAQ Capital Market

**Item 8.01. Other Events.**

On September 9, 2019, Finjan Holdings, Inc. (the “Company”) and its wholly-owned subsidiary, Finjan, Inc. (“Finjan”), offered its views on the recent Court of Appeals for the Federal Circuit (“Federal Circuit”) decision on Finjan, Inc.’s U.S. Patent No. 7,975,305 (“the ‘305 Patent”).

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	<a href="#"><u>Press Release, dated September 9, 2019, entitled “Finjan’s Patent Portfolio Well-Positioned For Upcoming Cases - 21 of the 25 Claims of the ‘305 Patent Remain Valid and Enforceable”</u></a>

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**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: September 9, 2019

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



## Finjan's Patent Portfolio Well-Positioned For Upcoming Cases

### *21 of the 25 Claims of the '305 Patent Remain Valid and Enforceable*

EAST PALO ALTO, CA – September 9, 2019 – Finjan Holdings, Inc. (NASDAQ:FNJN), a pioneer in cybersecurity and its subsidiary, Finjan, Inc., have been building momentum for its upcoming cases with a number of positive outcomes from the district courts and the USPTO's PTAB over recent years, which speak to the merits of the cases. While the company has an outstanding track record of defending its patents through a number of challenges proving both the value and durability of its portfolio, not every challenge can be won. Today the company offers its view on the recent Court of Appeals for the Federal Circuit ("Federal Circuit") decision on Finjan, Inc.'s U.S. Patent No. 7,975,305 ("the '305 Patent").

On September 6, 2019, the Federal Circuit summarily affirmed without opinion the U.S. Patent and Trademark Office, Patent Trial and Appeal Board's ("PTAB") decision (Reexamination No. 90/013,660) that Claims 1, 2, 5, and 13 (the "Claims-at-Issue") of the '305 Patent are unpatentable in light of certain prior art. The '305 Patent remains valid and enforceable as to 21 undisputed claims. Significantly, the following '305 patent claims are asserted and pending against the following parties:

Qualys: 6-12, 14, and 17-25  
Rapid7: 6, 9, 17, and 25  
SonicWall: 11 and 12  
ESET: 3, 4, 6, 7, 11, 21, 23, and 25  
Fortinet: 3, 4, 6-12, 14-25

"We are disappointed that the Federal Circuit rendered its decision and without guidance under Rule 36," said Julie Mar-Spinola, Finjan's Chief IP Officer, "The lack of information in the decision, such as identifying the Claims-at-Issue, caused unnecessary confusion and concern to our valued shareholders and media who interpreted the decision as invalidating our '305 Patent in its entirety instead of just the four of the 25 claims."

This is not the first time the '305 Patent was challenged, albeit with a slightly different result. In January of this year, defendant ESET, sought *inter partes* review of all 25 claims of the '305 Patent, citing different prior art. The PTAB found in Finjan's favor and determined that all Claims were patentable.

"Finjan joins the multitude of patent owners who seek improved predictability (if not clarity) with respect to their patent rights and query: At what point in the life and expense of their granted patents does the *presumption* of validity become *absolute* validity?" continued Ms. Mar-Spinola. "The import of this question goes directly to how the current patent system that allows multiple attacks on enforceable patents and erodes the value of a patent from an economic

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standpoint, which goes directly to the origins and policy behind of the creation of the patent right under Article I, Section 8 of the Constitution, which sought to protect the promotion of the sciences and useful arts to bolster the U.S. economy.”

Because Finjan is a significant stakeholder in the U.S. Patent system, it will remain committed to enforcing its patent rights on the merits and, mindful of the functions of the USPTO as described on the USPTO website, that states in part: “The role of the USPTO is to grant patents for the protection of inventions and to register trademarks. It serves the interests of inventors and businesses with respect to their inventions and corporate products, and service identifications,” Finjan supports Director Iancu in his efforts to progressively bring predictability and a level playing field for all Patent stakeholders.

#### **ABOUT FINJAN**

Established more than 20 years ago, Finjan is a globally recognized pioneer in cybersecurity. Finjan’s inventions are embedded within a strong portfolio of patents focusing on software and hardware technologies used to proactively detect 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.

#### ***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 uncertain monetization of acquired patents, the outcome of strategic transactions, 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' intended operational plan; 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, 2018, 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](http://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:**

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Vanessa Winter | Director of Investor Relations, Finjan Holdings

Valter Pinto | KCSA Strategic Communications

(650) 282-3245 | [investors@finjan.com](mailto:investors@finjan.com)