

FINJAN HOLDINGS, INC.
Form 8-K
February 25, 2019

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): February 21, 2019

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

Delaware 000-33304 20-4075963
(State or other jurisdiction (Commission (IRS Employer
of incorporation) File Number) Identification No.)

2000 University Avenue, Suite 600, East 94303
Palo Alto, CA
(Address of principal executive offices) (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 February 21, 2019, Finjan Holdings, Inc. (the “Company”) and its wholly-owned subsidiary, Finjan, Inc. (“Finjan”), announced that the Honorable Judge Haywood S. Gilliam Jr. of the U.S. District Court for the Northern District of California (Case No. 17-cv-04790-HSG) adopted and ordered claim constructions on all four of Finjan’s patents asserted against Bitdefender, namely, U.S. Patent Nos. 6,804,780; 7,930,299; 8,141,154; and 8,677,494.

Specifically, the Court construed a total of ten claim terms: three in the ‘494 Patent, two in the ‘780 Patent, four in the ‘154 Patent, and one in the ‘299 Patent. Of the ten terms, the Court adopted seven of Finjan’s constructions. Rejecting one Bitdefender construction related to the ‘494 Patent, the Court construed the disputed term on its own by supplementing Finjan’s proposed “plain and ordinary meaning.” The Court also adopted two of Bitdefender’s constructions, although one related to the ‘494 Patent was originally proposed by Finjan in a separate unrelated matter, and the other term related to the ‘780 Patent was previously construed by Judge Freeman in Finjan’s litigation against Blue Coat Systems, Inc.

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 February 21, 2019, entitled “Finjan Receives Another Favorable Claim Construction Order, Now Against Bitdefender – Court Adopts Eight of Finjan’s Claim Terms and Two Terms from other Finjan District Court Matters.”</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: February 25, 2019 By: /s/ Philip Hartstein
Philip Hartstein
President & Chief Executive Officer