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11 *Attorneys for Plaintiff*
12 FINJAN, INC.

13 **IN THE UNITED STATES DISTRICT COURT**
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**

16 FINJAN, INC., a Delaware Corporation,

17 Plaintiff,

18 v.

19 JUNIPER NETWORKS, INC., a Delaware
20 Corporation,

21 Defendant.

Case No.: 3:17-cv-05659-WHA

**DECLARATION OF KRISTOPHER
KASTENS ON BEHALF OF PLAINTIFF
FINJAN, INC. IN SUPPORT OF
DEFENDANT JUNIPER NETWORKS,
INC.'S MOTION FOR ADMINISTRATIVE
RELIEF TO FILE DOCUMENTS UNDER
SEAL (DKT. NO. 112)**

1 I, Kristopher Kastens, declare:

2 1. I have personal knowledge of the facts stated herein.

3 2. I am licensed to practice law in the State of California and am an attorney at Kramer
4 Levin Naftalis & Frankel LLP, counsel of record for Finjan, Inc. (“Finjan”). I make this declaration in
5 support of Juniper Networks, Inc.’s (“Juniper”) Motion for Administrative Relief to File Documents
6 Under Seal (Dkt. No. 112, “Motion to Seal”).

7 3. I have reviewed the following documents and confirmed that they are designated as
8 “Highly Confidential – Attorneys’ Eyes Only” by Finjan pursuant to the protective order in this
9 litigation.

Identification of the Document to be Sealed	Entity that Designated the Information to be Confidential
Exhibit A to the Song Declaration at page 5, lines 5–8 and 10–14	Finjan
Exhibit C to the Song Declaration in its entirety	Finjan

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15 4. Exhibit A to the Song Declaration at page 5, lines 5–8 and 10–14 discloses Finjan’s
16 confidential business and licensing practices with Cyphort, Inc., which are subject to a Mutual Non-
17 Disclosure and Standstill Agreement. Finjan treats its licensing discussions subject to non-disclosure
18 as highly confidential within its business and makes substantial efforts not to disclose such discussions
19 to the public. If such provisions were made public, it will negatively impact the bargaining positions
20 of Finjan in future licensing negotiations with competitors and no public interest will be served by
21 requiring this information to be disclosed publicly. Attached hereto are redacted and unredacted
22 versions of Exhibit A to the Song Declaration.

23 5. Exhibit C to the Song Declaration discloses Finjan’s highly confidential business
24 product. Finjan regularly treats such charts as highly confidential within its business and makes
25 substantial efforts not to disclose such discussions to the public. If such provisions were made public,
26 it will negatively impact the bargaining positions of Finjan in future licensing negotiations with
27
28

1 competitors, and no public interest will be served by requiring this information to be disclosed
2 publicly.

3 I declare under penalty of perjury under the laws of the United States of America that each
4 of the above statements is true and correct. Executed on June 26, 2018, in Menlo Park, California.

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6 /s/ Kristopher Kastens
Kristopher Kastens

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