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13 JUNIPER NETWORKS, INC.

14
15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN FRANCISCO DIVISION**

18 FINJAN, INC.,) Case No. 3:17-cv-05659-WHA
19)
Plaintiff,) **DEFENDANT JUNIPER NETWORKS,**
20) **INC.’S MOTION FOR**
vs.) **ADMINISTRATIVE RELIEF TO FILE**
21) **DOCUMENTS UNDER SEAL**
JUNIPER NETWORKS, INC.,)
22)
Defendant.)
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NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT pursuant to Federal Rule of Civil Procedure 5.2(d) and Civil Local Rules 7-11 and 79-5, Defendant Juniper Networks, Inc. (“Juniper”) respectfully moves the Court for an Order instructing the Clerk of the Court to file under seal the following documents:

- Juniper’s unredacted Opposition to Finjan’s Motion for Summary Judgment of Infringement of Claim 10 of U.S. Patent No. 8,677,494 (the “Brief”);
- Exhibit 2 to the Brief (excerpts from the deposition transcript of Finjan employee John Garland);
- Unredacted Exhibit 3 to the Brief (excerpts from the deposition transcript of Juniper employee Yuly Tenorio);
- Unredacted Exhibit 4 to the Brief (excerpts from the deposition transcript of Finjan’s expert Eric B. Cole);
- Exhibit 7 to the Brief (excerpts from Juniper’s source code);
- Exhibit 8 to the Brief (excerpts from Finjan’s Objections and Responses to Juniper’s First Set of Requests for Admission);
- Exhibit 9 to the Brief (excerpts from Finjan’s Objections and Responses to Juniper’s First Set of Interrogatories);
- Exhibit 10 to the Brief (excerpts from Finjan’s First Supplemental Objections and Responses to Juniper’s First Set of Interrogatories);
- Unredacted Declaration of Rebecca Carson in support of the Brief;
- Unredacted Declaration of Scott J. Coonan in support of the Brief, including Exhibit A attached thereto;
- Unredacted Declaration of Chandra Nagarajan in support of the Brief;
- Unredacted Declaration of Aviel D. Rubin in support of the Brief.

This motion is based upon this Notice of Motion; the accompanying Memorandum of Points and Authorities; the Declaration of Sharon Song (the “Sealing Declaration”); such other evidence and

1 arguments as the Court may consider; and all other matters of which the Court may take judicial
2 notice.

3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 Pursuant to Federal Rule of Civil Procedure 5.2(d) and Civil Local Rules 7-11 and 79-5,
5 Juniper hereby submits a request for an Order instructing the Clerk of the Court to file under seal
6 the unredacted documents described above.

7 Exhibit 2 to the Brief are excerpts of the deposition transcript of Finjan employee John
8 Garland that have been designated confidential by Finjan.

9 The redacted portions of Exhibit 3 to the Brief are excerpts of the deposition transcript of
10 Juniper employee Yuly Tenorio that include discussion of Juniper's confidential technical
11 information related to Juniper's highly proprietary software.

12 The redacted portions of Exhibit 4 to the Brief are excerpts of the deposition transcript of
13 Finjan's expert Eric B. Cole that include discussion of Juniper's confidential technical information
14 related to Juniper's highly proprietary software.

15 Exhibit 7 to the Brief are excerpts from Juniper's source code that include Juniper's
16 confidential technical information related to Juniper's highly proprietary software.

17 Exhibit 8 to the Brief are excerpts from Finjan's Objections and Responses to Juniper's
18 First Set of Requests for Admission that have been designated confidential by Finjan.

19 Exhibit 9 to the Brief are excerpts from Finjan's Objections and Responses to Juniper's
20 First Set of Interrogatories that have been designated confidential by Finjan.

21 Exhibit 10 to the Brief are excerpts from Finjan's First Supplemental Objections and
22 Responses to Juniper's First Set of Interrogatories that have been designated confidential by
23 Finjan.

24 The redacted portion of the Declaration of Rebecca Carson in support of the Brief includes
25 discussion of Juniper's confidential financial information related to Juniper's highly proprietary
26 software.

27 The redacted portions of the Declaration of Scott J. Coonan in support of the Brief,
28 including Exhibit A attached thereto, include discussion of Juniper and Finjan's confidential

1 licensing and settlement negotiations.

2 The redacted portions of the Declaration of Chandra Nagarajan in support of the Brief
3 include discussion of Juniper's confidential technical and financial information related to Juniper's
4 highly proprietary software.

5 The redacted portions of the Declaration of Aviel D. Rubin in support of the Brief include
6 discussion of Juniper's confidential technical information related to Juniper's highly proprietary
7 software.

8 The redacted portions of the Brief directly reference the confidential materials discussed
9 above. The redacted portions of the Brief at 16:7-17:1 and 20:14-16 have been designated
10 confidential by Finjan. All other redacted portions of the Brief include discussion of Juniper's
11 confidential technical and financial information related to Juniper's highly proprietary software, or
12 Juniper's confidential licensing and settlement negotiations with Finjan.

13 As discussed in the Sealing Declaration, the redacted portions of Exhibits 3 and 4; Exhibit
14 7; the redacted portions of the Declarations of Rebecca Carson, Chandra Nagarajan, and Aviel D.
15 Rubin; and the redacted portions of the Brief (excluding the redactions at 16:7-17:1 and 19:16-
16 21:28) contain sealable confidential information that relate to the technical underpinnings and
17 development of Juniper's highly proprietary software—which includes much information that
18 Juniper maintains as trade secrets. Juniper expends significant effort in maintaining the secrecy of
19 its software architecture and development, including, for example, implementing strict screening
20 procedures for visitors to its engineering campus. Public disclosure of essential nonpublic facts
21 about Juniper's software development could materially impair Juniper's intellectual property
22 rights and could cause serious competitive consequences to Juniper's business positioning.

23 Also as discussed in the Sealing Declaration, the redacted portions of the Declaration of
24 Scott J. Coonan and the redacted portions of the Brief at 19:16-20:10 and 20:16-21:28 contain
25 sealable confidential information that relate to Juniper and Finjan's confidential licensing and
26 settlement negotiations that both parties regularly treat as highly confidential within their
27 businesses and make substantial efforts not to disclose to the public.

28 Also as discussed in the Sealing Declaration, Exhibits 2 and 8-10; and the redacted

1 portions of the Brief at 16:7-17:1 and 20:14-16 were designated confidential by Finjan.

2 This request is narrowly tailored to seal only that material for which compelling reasons to
3 seal have been established. The bases for this request are set forth in further detail in the
4 accompanying Sealing Declaration. On these grounds, Juniper respectfully requests that the Court
5 order sealed the redacted portions of the documents described above.

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Dated: June 28, 2018

Respectfully submitted,

IRELL & MANELLA LLP

By: /s/ Sharon Song
Sharon Song
Attorneys for Defendant
Juniper Networks, Inc.