

1 PAUL J. ANDRE (State Bar No. 196585)
pandre@kramerlevin.com
2 LISA KOBIALKA (State Bar No. 191404)
lkobialka@kramerlevin.com
3 JAMES HANNAH (State Bar No. 237978)
jhannah@kramerlevin.com
4 KRISTOPHER KASTENS (State Bar No. 254797)
kkastens@kramerlevin.com
5 KRAMER LEVIN NAFTALIS & FRANKEL LLP
6 990 Marsh Road
7 Menlo Park, CA 94025
8 Telephone: (650) 752-1700
Facsimile: (650) 752-1800

9 *Attorneys for Plaintiff*
10 FINJAN, INC.

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

15 FINJAN, INC., a Delaware Corporation,

16 Plaintiff,

17 v.

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

20 Defendant.
21

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

**PLAINTIFF FINJAN, INC.'S
ADMINISTRATIVE MOTION TO FILE
DOCUMENTS UNDER SEAL**

1 **I. INTRODUCTION**

2 Pursuant to Federal Rule of Civil Procedure 26(c), Civil Local Rules 7-11 and 79-5, Plaintiff,
3 Finjan, Inc. (“Finjan”), brings this Administrative Motion to File Under Seal. There are compelling
4 reasons to file the following documents identified below under seal, because they contain confidential
5 information of Juniper Networks, Inc. (“Juniper”). *See* Declaration of Austin Manes in support of
6 Finjan’s Administrative Motion (“Manes Decl.”).

7 **II. ARGUMENT**

8 Finjan’s Administrative Motion to File Documents Under Seal should be granted because there
9 are compelling reasons as identified below to seal the portions of the documents below:

Documents sought to be sealed	Portions sought to be sealed	Designating party	Reasons for sealing
Plaintiff Finjan Inc.’s Reply in Support of Its Motion for Summary Judgment of Infringement of Claim 10 of U.S. Patent No. 8,677,494 (“Finjan’s Reply”)	Highlighted portions at Table of Contents, ll. 17-19; page 2, ll. 14-16; page 6, ll. 21, 23-24; page 7, ll. 1-6, 8-9, 11, 20; page 9, ll. 1-9, 17-28; page 10, ll. 1, 7-23; page 10, ll. 1-6, 8-28; page 11, ll. 1-7, 13-19; page 14, ll. 14-16.	Juniper	The highlighted portions contain Juniper’s confidential information. <i>See</i> Manes Decl. at ¶ 3; <i>see also</i> below.
Declaration of Kristopher Kastens in Support of Finjan’s Reply to Its Motion for Summary Judgment (“Kastens Decl.”)	Page 1, l. 21; page 2, l. 2.	Juniper	Identified exhibits contain Juniper’s confidential information such as source code. <i>See</i> Manes Decl. at ¶ 4; <i>see also</i> below.
Exhibits 4-6, 8, 11 and 13 to the Kastens Decl.	Entirety	Juniper	Identified exhibits contain Juniper’s confidential information such as source code. <i>See</i> Manes Decl. at ¶ 5; <i>see also</i> below.

25 As set forth in the accompanying Declaration of Austin Manes in support of Finjan’s
26 Administrative Motion to File under Seal, the above identified documents contain information that
27 Juniper has designated as “Confidential,” “Highly Confidential – Attorneys’ Eyes Only,” or “Highly
28

1 Confidential – Source Code.” These portions should be sealed because the prejudice to Juniper from
2 the disclosure of this information to its competitors would likely outweigh any benefit of disclosing the
3 information to the public. *See Apple Inc. v. Samsung Elecs. Co.*, 727 F.3d 1214, 1225 (Fed. Cir. 2013)
4 (“We conclude that Apple and Samsung have such an interest because they could suffer competitive
5 harm if this information is made public, and the district court erred by concluding otherwise. In
6 particular, it seems clear that if Apple's and Samsung's suppliers have access to their profit, cost, and
7 margin data, it could give the suppliers an advantage in contract negotiations, which they could use to
8 extract price increases for components.”).

9 Furthermore, the portions sought to be sealed here are narrowly tailored to include only “sealable
10 material,” as set forth in the accompanying Declaration of Austin Manes. To comply with Civil Local
11 Rule 79-5, Finjan has filed publicly the non-confidential portions of above identified documents.
12 Attached hereto are redacted and unredacted versions of the same documents.

13 **III. CONCLUSION**

14 For the foregoing reasons, Finjan respectfully requests that the Court grant its Administrative
15 Motion to File Documents Under Seal.

16 Respectfully submitted,

17 Dated: July 12, 2018

18 By: /s/ Kristopher Kastens
19 Paul J. Andre (State Bar No. 196585)
20 Lisa Kobialka (State Bar No. 191404)
21 James Hannah (State Bar No. 237978)
22 Kristopher Kastens (State Bar No. 254797)
23 KRAMER LEVIN NAFTALIS
24 & FRANKEL LLP
25 990 Marsh Road
26 Menlo Park, CA 94025
27 Telephone: (650) 752-1700
28 Facsimile: (650) 752-1800
pandre@kramerlevin.com
lkobialka@kramerlevin.com
jhannah@kramerlevin.com
kkastens@kramerlevin.com

Attorneys for Plaintiff
FINJAN, INC.