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FINJAN, INC.

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

15 FINJAN, INC., a Delaware Corporation,

16 Plaintiff,

17 v.

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

20 Defendant.

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. The documents identified  
4 below contain Finjan’s confidential information, which Finjan has designated as “Highly Confidential –  
5 Attorneys’ Eyes Only.” Specifically, there exists good cause and compelling reasons to file the  
6 following documents under seal:

Identification of Documents to be Sealed	Entity that Designated the Information to be Highly Confidential – Attorneys’ Eyes Only
Plaintiff Finjan Inc.’s Letter Brief Opposing Defendant Juniper Networks, Inc.’s Motion to Compel, at p. 1, ¶ 1	Finjan
Declaration of John Garland in Support of Plaintiff Finjan Inc.’s Letter Brief Opposing Defendant Juniper Networks, Inc.’s Motion to Compel, at ¶ 2, ll. 8-10	Finjan
Ex. 1 (excerpts from deposition transcript of Mr. John Garland)	Finjan
Ex. 3 (excerpt from Finjan’s privilege log)	Finjan

15 **II. ARGUMENT**

16 This Administrative Motion to File Documents Under Seal should be granted because there is  
17 good cause and compelling reasons to seal the identified documents. Finjan seeks to seal only those  
18 documents and portions of documents that it has identified as containing its confidential information  
19 pursuant to the Protective Order.

20 Finjan seeks to seal Finjan’s Letter Brief Opposing Defendant Juniper’s Motion to Compel  
21 redacted portions at page 1, ¶ 1, because, as set forth in the accompanying declaration of Kristopher  
22 Kastens in Support of this Administrative Motion (“Kastens Sealing Declaration”), these portions  
23 contain information that Finjan has designated as “Highly Confidential – Attorneys’ Eyes Only.”  
24 Specifically, the redacted portion discloses Finjan’s confidential business and licensing practices—  
25 specifically, Finjan’s licensing practices and negotiations. Finjan treats its licenses as highly confidential  
26 within its business and makes substantial efforts not to disclose the terms of its licenses to the public. If  
27 such provisions were made public, it could negatively impact Finjan’s bargaining positions in future  
28 licensing negotiations with competitors and no public interest will be served by disclosing this

1 information publicly.

2 Finjan also seeks to seal the Declaration of John Garland in Support of Plaintiff Finjan Inc.'s  
3 Letter Brief Opposing Defendant Juniper Networks, Inc.'s Motion to Compel redacted portion at ¶ 2, ll.  
4 8-10, because, as set forth in the accompanying Kastens Sealing Declaration, this declaration contains  
5 information that Finjan has designated as "Highly Confidential – Attorneys' Eyes Only." Specifically,  
6 these excerpts disclose Finjan's confidential business and licensing practices—specifically, Finjan's  
7 licensing practices and negotiations. Finjan treats its licenses as highly confidential within its business  
8 and makes substantial efforts not to disclose the terms of its licenses to the public. If such provisions  
9 were made public, it could negatively impact Finjan's bargaining positions in future licensing  
10 negotiations with competitors and no public interest will be served by disclosing this information  
11 publicly.

12 Finjan also seeks to seal Exhibits 1 and 3 to its Letter Brief because, as set forth in the  
13 accompanying Kastens Sealing Declaration, these documents contain information that Finjan has  
14 designated as "Highly Confidential – Attorneys' Eyes Only." Specifically, these excerpts disclose  
15 Finjan's confidential business and licensing practices—specifically, Finjan's licensing practices and  
16 negotiations, and information regarding Finjan's privileged communications regarding such licensing  
17 practices and negotiations, respectively. Finjan treats its licenses as highly confidential within its  
18 business and makes substantial efforts not to disclose the terms of its licenses to the public. If such  
19 provisions were made public, it could negatively impact Finjan's bargaining positions in future licensing  
20 negotiations with competitors and no public interest will be served by disclosing this information  
21 publicly.

22 Pursuant to Civil Local Rule 79-5, Finjan has filed publicly the relevant excerpts of information  
23 that are not confidential. Attached hereto are redacted and unredacted versions of the documents set  
24 forth above.

### 25 **III. CONCLUSION**

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

Respectfully submitted,

Dated: July 13, 2018

By: /s/ Kristopher Kastens

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