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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

**DECLARATION OF KRISTOPHER
KASTENS IN SUPPORT OF PLAINTIFF
FINJAN, INC.'S ADMINISTRATIVE
MOTION TO FILE DOCUMENTS UNDER
SEAL**

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 Finjan’s Administrative Motion to File Documents Under Seal in connection with its Letter
6 Brief Opposing Defendant Juniper Networks, Inc.’s (“Juniper”) Motion to Compel.

7 3. I have reviewed the following documents and confirmed that they are designated as
8 “Highly Confidential – Attorneys’ Eyes Only” by Finjan.

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

16 4. Finjan’s Letter Brief Opposing Defendant Juniper’s Motion to Compel redacted portion
17 at page 1, ¶ 1, discloses Finjan’s highly confidential business information that Finjan has designated as
18 “Highly Confidential – Attorneys’ Eyes Only.” The redacted portion discloses Finjan’s confidential
19 business and licensing practices—specifically, Finjan’s licensing practices and negotiations. Finjan
20 treats its licenses as highly confidential within its business and makes substantial efforts not to disclose
21 the terms of its licenses to the public. If such provisions were made public, it could negatively impact
22 Finjan’s bargaining positions in future licensing negotiations with competitors and no public interest will
23 be served by disclosing this information publicly.

24 5. The Declaration of John Garland in Support of Plaintiff Finjan Inc.’s Letter Brief
25 Opposing Defendant Juniper Networks, Inc.’s Motion to Compel redacted portion at ¶ 2, ll. 8-10,
26 discloses highly confidential business information that Finjan has designated as “Highly Confidential –
27 Attorneys’ Eyes Only.” The redacted portions disclose Finjan’s confidential business and licensing
28

1 practices—specifically, Finjan’s licensing practices and negotiations. Finjan treats its licenses as highly
2 confidential within its business and makes substantial efforts not to disclose the terms of its licenses to
3 the public. If such provisions were made public, it could negatively impact Finjan’s bargaining positions
4 in future licensing negotiations with competitors and no public interest will be served by disclosing this
5 information publicly.

6 6. Exhibit 1 to Finjan’s Letter Brief contains information that Finjan has designated as
7 “Highly Confidential – Attorneys’ Eyes Only.” The deposition testimony discloses Finjan’s confidential
8 business and licensing practices—specifically, Finjan’s licensing practices and negotiations. Finjan
9 treats its licenses as highly confidential within its business and makes substantial efforts not to disclose
10 the terms of its licenses to the public. If such provisions were made public, it could negatively impact
11 Finjan’s bargaining positions in future licensing negotiations with competitors and no public interest will
12 be served by disclosing this information publicly.

13 7. Exhibit 3 to Finjan’s Letter Brief contains information that Finjan has designated as
14 “Highly Confidential – Attorneys’ Eyes Only.” This document discloses Finjan’s confidential business
15 and licensing practices—specifically, information regarding Finjan’s privileged communications
16 regarding licensing practices and negotiations. Finjan treats its licenses as highly confidential within its
17 business and makes substantial efforts not to disclose the terms of its licenses to the public. If such
18 provisions were made public, it could negatively impact Finjan’s bargaining positions in future licensing
19 negotiations with competitors and no public interest will be served by disclosing this information
20 publicly.

21 I declare under penalty of perjury under the laws of the United States of America that each of the
22 above statements is true and correct. Executed on July 13, 2018, in Menlo Park, California.

23 By: /s/ Kristopher Kastens
24 Kristopher Kastens