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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.)
23)
24)
25)
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28)

1 **NOTICE OF MOTION AND MOTION**

2 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

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

- 7 • Juniper’s unredacted discovery letter brief requesting that the Court issue an Order
8 amending the Stipulated Protective Order, Dkt. No. 149 (the “Brief”); and
9 • Exhibit 1 to the Brief (excerpts from Finjan’s First Supplemental Objections and
10 Responses to Juniper’s First Set of Interrogatories).

11 This motion is based upon this Notice of Motion; the accompanying Memorandum of Points and
12 Authorities; the Declaration of Sharon Song (the “Sealing Declaration”); such other evidence and
13 arguments as the Court may consider; and all other matters of which the Court may take judicial
14 notice.

15 **MEMORANDUM OF POINTS AND AUTHORITIES**

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

19 Exhibit 1 to the Brief are excerpts of Finjan’s First Supplemental Objections and
20 Responses to Juniper’s First Set of Interrogatories that have been designated confidential by
21 Finjan. Juniper has challenged Finjan’s designation as being improper under the terms of the
22 Protective Order, as the responses do not contain “extremely sensitive ‘Confidential Information
23 or Items,’ disclosure of which to another Party or Non-Party would create a substantial risk of
24 serious harm that could not be avoided by less restrictive means.” *See* Dkt. No. 149 at 2 (Section
25 2.8). Further, the responses include “non-technical, purely financial or license information” that,
26 according to the Protective Order, is not properly designated as “Highly Confidential – Attorneys’
27 Eyes Only.” *Id.* As of the date of this letter, however, Finjan has refused to meet and confer with
28 Juniper on this issue. Thus, given that Juniper’s challenge to Finjan’s confidentiality designation

1 of Exhibit 1 is in progress yet not complete, Juniper seeks to respect the current confidential
2 designation by Finjan out of an abundance of caution but does not support it.

3 The redacted portions of the Brief reference or quote Exhibit 1.

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

8
9 Dated: October 4, 2018

Respectfully submitted,

10 IRELL & MANELLA LLP

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12 By: /s/ Sharon Song
13 Sharon Song
14 *Attorneys for Defendant*
15 Juniper Networks, Inc.

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