

1 IRELL & MANELLA LLP  
Jonathan S. Kagan (SBN 166039)  
2 jkagan@irell.com  
Joshua P. Glucoft (SBN 301249)  
3 jglucoft@irell.com  
Casey Curran (SBN 305210)  
4 ccurran@irell.com  
Sharon Song (SBN 313535)  
5 ssong@irell.com  
1800 Avenue of the Stars, Suite 900  
6 Los Angeles, California 90067-4276  
Telephone: (310) 277-1010  
7 Facsimile: (310) 203-7199

8 Rebecca L. Carson (SBN 254105)  
rcarson@irell.com  
9 Kevin Wang (SBN 318024)  
kwang@irell.com  
10 840 Newport Center Drive, Suite 400  
Newport Beach, California 92660-6324  
11 Telephone: (949) 760-0991  
Facsimile: (949) 760-5200

12 *Attorneys for Defendant*  
13 JUNIPER NETWORKS, INC.

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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 to Exclude Opinions of Damages Expert Dr. Keith R. Ugone (the “Brief”);
- Exhibit 1 to the Brief (excerpts from the November 14, 2018 deposition transcript of Finjan’s expert Dr. Eric B. Cole);
- Exhibit 3 to the Brief (excerpts from the deposition transcript of Juniper employee Michael A. Bushong);
- Exhibit 5 to the Brief (excerpts from the deposition transcript of Juniper’s expert Keith R. Ugone)
- Exhibit 6 to the Brief (excerpts from the deposition transcript of Finjan’s expert Kevin M. Arst);
- Exhibit 7 to the Brief (excerpts from the Expert Report of Dr. Eric B. Cole);
- Exhibit 8 to the Brief (excerpts from the June 21, 2018 deposition transcript of Finjan’s expert Dr. Eric B. Cole);
- Exhibit 9 to the Brief (excerpts of Juniper’s source code);
- Exhibit 10 to the Brief (excerpts from the Expert Damages-Related Rebuttal Report of Aviel D. Rubin);
- Exhibit 12 to the Brief (email correspondence between Juniper and Finjan’s counsel); and
- Unredacted Declaration of Chandra Nagarajan 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 arguments as the Court may consider; and all other matters of which the Court may take judicial notice.

**MEMORANDUM OF POINTS AND AUTHORITIES**

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

5 Exhibit 1 to the Brief is excerpts of the November 14, 2018 deposition transcript of  
6 Finjan's expert Dr. Eric B. Cole that include discussion of Finjan and Juniper's confidential  
7 financial, licensing, and/or technical information.

8 Exhibit 3 to the Brief is excerpts of the deposition transcript of Juniper employee Michael  
9 A. Bushong that include discussion of Juniper's confidential financial, licensing, and/or technical  
10 information.

11 Exhibit 5 to the Brief is excerpts of the deposition transcript of Juniper's expert Keith R.  
12 Ugone that include discussion of Finjan and Juniper's confidential financial, licensing, and/or  
13 technical information.

14 Exhibit 6 to the Brief is excerpts of the deposition transcript of Finjan's expert Kevin M.  
15 Arst that include discussion of Finjan and Juniper's confidential financial, licensing, and/or  
16 technical information.

17 Exhibit 7 to the Brief is excerpts of the Expert Report of Finjan's expert Dr. Eric B. Cole  
18 that include discussion of Finjan and Juniper's confidential financial, licensing, and/or technical  
19 information.

20 Exhibit 8 to the Brief is excerpts of the June 21, 2018 deposition transcript of Finjan's  
21 expert Dr. Eric B. Cole that include discussion of Finjan and Juniper's confidential financial,  
22 licensing, and/or technical information.

23 Exhibit 9 to the Brief is excerpts of Juniper's source code, which is Juniper's confidential  
24 technical information.

25 Exhibit 10 to the Brief is excerpts of the Expert Damages-Related Rebuttal Report of  
26 Juniper's expert Aviel D. Rubin that include discussion of Finjan and Juniper's confidential  
27 financial, licensing, and/or technical information.

28 Exhibit 12 to the Brief is email correspondence between Juniper and Finjan's counsel that

1 reflect settlement communications.

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 Brief directly quote or reference the confidential materials  
6 discussed above.

7       As discussed in the Sealing Declaration, Exhibits 1, 3, and 5-10; the redacted portions of  
8 the Declaration of Chandra Nagarajan; and the redacted portions of the Brief contain sealable  
9 confidential information that relate to the financial material concerning and technical  
10 underpinnings and development of Juniper’s highly proprietary software—which includes much  
11 information that Juniper maintains as trade secrets. Juniper expends significant effort in  
12 maintaining the secrecy of its software architecture and development, including, for example,  
13 implementing strict screening procedures for visitors to its engineering campus. Public disclosure  
14 of essential nonpublic facts about Juniper’s software development could materially impair  
15 Juniper’s intellectual property rights and could cause serious competitive consequences to  
16 Juniper’s business positioning.

17       As further discussed in the Sealing Declaration, Exhibits 1, 3, and 5-10; the redacted  
18 portions of the Declaration of Chandra Nagarajan; and the redacted portions of the Brief also  
19 contain sealable confidential information that relate to Juniper and Finjan’s confidential licensing  
20 information that both parties regularly treat as highly confidential within their businesses and  
21 make substantial efforts not to disclose to the public.

22       Also as discussed in the Sealing Declaration, Exhibit 12 contains settlement  
23 communications between Juniper and Finjan’s counsel.

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

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1 Dated: November 19, 2018  
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Respectfully submitted,  
IRELL & MANELLA LLP

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