

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.

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,)	DECLARATION OF SHARON SONG IN SUPPORT OF JUNIPER NETWORKS, INC.'S MOTION FOR ADMINISTRATIVE RELIEF TO FILE DOCUMENTS UNDER SEAL
20	vs.)	
21	JUNIPER NETWORKS, INC.,)	
22	Defendant.)	
23)	

23
 24
 25
 26
 27
 28

DECLARATION OF SHARON SONG

I, Sharon Song, declare as follows:

1. I am an attorney at the law firm of Irell & Manella LLP, counsel of record for Juniper Networks, Inc. (“Juniper”) in the above-captioned matter. I am a member in good standing of the State Bar of California and have been admitted to practice before this Court. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. I submit this declaration in support of Juniper’s November 19, 2018 Motion for Administrative Relief to File Documents Under Seal, which asks the Court for an Order 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.

1 3. The sealed portions of the documents described above that Juniper seeks to file
2 under seal contain confidential information of Juniper and Finjan. In this declaration, I explain
3 why these materials are sealable pursuant to Civil Local Rule 79-5.

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

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

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

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

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

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

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

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

27 12. Exhibit 12 to the Brief is email correspondence between Juniper and Finjan's
28 counsel that reflect settlement communications.

1 13. The redacted portions of the Declaration of Chandra Nagarajan in support of the
2 Brief include discussion of Juniper’s confidential technical and financial information related to
3 Juniper’s highly proprietary software.

4 14. The redacted portions of the Brief directly quote or reference the confidential
5 materials discussed above.

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

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

20 17. Exhibit 12 contains settlement communications between Juniper and Finjan’s
21 counsel.

22 18. For these reasons, the documents described above should be filed under seal.
23 Executed on November 19, 2018, at Los Angeles, California.

24 I declare under penalty of perjury under the laws of the United States of America that the
25 foregoing is true and correct to the best of my knowledge.

26
27
28

/s/ Sharon Song

Sharon Song