

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,) **DEFENDANT JUNIPER NETWORKS,**
20) **INC.’S MOTION FOR**
vs.) **ADMINISTRATIVE RELIEF TO FILE**
21) **DOCUMENTS UNDER SEAL**
JUNIPER NETWORKS, INC.,)
22)
Defendant.)
23)
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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 Reply in Support Of Juniper’s Motion to Exclude Opinions of Damages Expert Mr. Kevin M. Arst (the “Brief”);
- Exhibit 1 to the Brief (excerpts from the November 14, 2018 deposition transcript of Finjan’s expert Dr. Eric B. Cole);
- Exhibit 2 to the Brief (excerpts from the deposition transcript of Finjan’s expert Kevin M. Arst);
- Exhibit 3 to the Brief (excerpts from Juniper’s Response to Finjan’s Interrogatory No. 11)

This motion is based upon this Notice of Motion; the accompanying Memorandum of Points and Authorities; the Declaration of Casey Curran (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

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

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

Exhibit 2 to the Brief is excerpts of the deposition transcript of Finjan’s expert Kevin M. Arst that include discussion of Finjan and Juniper’s confidential financial, licensing, and/or technical information.

Exhibit 3 to the Brief is excerpts of Juniper’s response to Finjan’s Interrogatory Number

1 11 which contains Juniper’s confidential technical information.

2 The redacted portions of the Brief directly quote or reference the confidential materials
3 discussed above.

4 As discussed in the Sealing Declaration, Exhibits 1, 2, and 3, and the redacted portions of
5 the Brief contain sealable confidential information that relate to the financial material concerning
6 and technical underpinnings and development of Juniper’s highly proprietary software—which
7 includes much information that Juniper maintains as trade secrets. Juniper expends significant
8 effort in maintaining the secrecy of its software architecture and development, including, for
9 example, implementing strict screening procedures for visitors to its engineering campus. Public
10 disclosure of essential nonpublic facts about Juniper’s software development could materially
11 impair Juniper’s intellectual property rights and could cause serious competitive consequences to
12 Juniper’s business positioning.

13 As further discussed in the Sealing Declaration, Exhibits 1 and 2 and the redacted portions
14 of the Brief also contain sealable confidential information that relate to Finjan’s confidential
15 licensing information that Finjan regularly treats as highly confidential and make substantial
16 efforts not to disclose to the public.

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

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22 Dated: November 23, 2018

Respectfully submitted,

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IRELL & MANELLA LLP

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By: /s/ Casey Curran

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Casey Curran
Attorneys for Defendant
Juniper Networks, Inc.

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