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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 Motion *In Limine* No. 1 to Exclude Evidence and Argument Regarding Cyphort and the ATP Appliance Product (“Juniper’s MIL 1”);
- Finjan’s unredacted Opposition to Juniper’s MIL 1;
- Juniper’s unredacted Motion *In Limine* No. 3 to Exclude the Recording of the November 24, 2015 Call Between the Parties and Any Reference to Who Made the Recording (“Juniper’s MIL 3”);
- Juniper’s unredacted Motion *In Limine* No. 4 to Exclude Evidence and Argument on Non-Infringing Alternatives (“Juniper’s MIL 4”);
- The following exhibits to the Declaration of Kevin Wang in Support of Juniper’s Motions *In Limine* Nos. 1-5 (“Wang Decl.”):
  - Unredacted Exhibit 1 to the Wang Decl. (excerpts from the Expert Report of Dr. Eric Cole);
  - Unredacted Exhibit 2 to the Wang Decl. (excerpts from the Expert Report of Kevin M. Arst);
  - Unredacted Exhibit 3 to the Wang Decl. (excerpts from the Expert Rebuttal Report of Dr. Alessandro Orso);
  - Unredacted Exhibit 5 to the Wang Decl. (excerpts from the deposition transcript of Finjan’s employee John Garland);
  - Unredacted Exhibit 11 to the Wang Decl. (the Declaration of Scott J. Coonan in Support of Juniper’s MIL 3);
  - Unredacted Exhibit 15 to the Wang Decl. (excerpts from the November 14, 2018 deposition transcript of Finjan’s expert Dr. Eric B. Cole);

- 1 • The following exhibits to the Declaration of Austin Manes in Support of Finjan’s  
2 Oppositions to Juniper’s Motions *In Limine* Nos. 1-3 (“Manes Decl. I”):
  - 3 ○ Exhibit 1 to the Manes Decl. I (excerpts from Juniper’s source code);
  - 4 ○ Exhibit 3 to the Manes Decl. I (excerpts from the deposition transcript of Juniper’s  
5 employee Yuly Tenorio);
  - 6 ○ Exhibit 6 to the Manes Decl. I (excerpts from a letter and attachments that Finjan  
7 sent to Cyphort);
  - 8 ○ Exhibit 7 to the Manes Decl. I (letter from Finjan to Cyphort’s counsel);
  - 9 ○ Exhibit 8 to the Manes Decl. I (presentation slides created by Finjan for Cyphort);
  - 10 ○ Unredacted Exhibit 9 to the Manes Decl. I (excerpts from Juniper’s Second  
11 Supplemental Response to Finjan’s First Set of Interrogatories);
  - 12 ○ Exhibit 10 to the Manes Decl. I (transcript of a call between Finjan and Juniper);
  - 13 ○ Unredacted Exhibit 11 to the Manes Decl. I (excerpts from the deposition transcript  
14 of Juniper’s employee Scott J. Coonan); and
- 15 • Exhibit 2 to the Declaration of Austin Manes in Support of Finjan’s Oppositions to  
16 Juniper’s Motions *In Limine* Nos. 4-5 (“Manes Decl. II”) (excerpts from the November 14,  
17 2018 deposition transcript of Finjan’s expert Dr. Eric B. Cole).

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

### 22 **MEMORANDUM OF POINTS AND AUTHORITIES**

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

26 As discussed in the Sealing Declaration, the redacted portions of Juniper’s MIL 1; redacted  
27 portions of Finjan’s Opposition to Juniper’s MIL 1; redacted portions of Juniper’s MIL 3; redacted  
28 portions of Juniper’s MIL 4; redacted portions of Exhibits 1-3, 5, 11, and 15 to the Wang Decl.;

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

10 As further discussed in the Sealing Declaration, the redacted portions of Juniper's MIL 1;  
11 redacted portions of Finjan's Opposition to Juniper's MIL 1; redacted portions of Juniper's MIL 3;  
12 redacted portions of Juniper's MIL 4; redacted portions of Exhibits 1-3, 5, 11, and 15 to the Wang  
13 Decl.; redacted portions of Exhibit 9 and 11 to the Manes Decl. I; Exhibit 10 to the Manes Decl. I;  
14 and Exhibit 2 to the Manes Decl. II also contain sealable confidential information that relate to  
15 Juniper and Finjan's confidential licensing information that both parties regularly treat as highly  
16 confidential within their businesses and make substantial efforts not to disclose to the public.

17 As further discussed in the Sealing Declaration, Exhibits 6-8 to the Manes Decl. I have  
18 been designated confidential by Finjan.

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

23  
24 *[Signature page to follow]*

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28 <sup>1</sup> Juniper moves to seal Exhibit 2 to the Manes Decl. II in full because the document, which  
Finjan served in support of its oppositions to Juniper's MILs, is in a PDF format that is not able to  
be redacted in portions.

1 Dated: November 27, 2018  
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Respectfully submitted,  
IRELL & MANELLA LLP  
By:       /s/ Sharon Song        
Sharon Song  
*Attorneys for Defendant*  
Juniper Networks, Inc.