

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

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 27, 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 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);

- 1 ○ Unredacted Exhibit 11 to the Wang Decl. (the Declaration of Scott J. Coonan in
- 2 Support of Juniper’s MIL 3);
- 3 ○ Unredacted Exhibit 15 to the Wang Decl. (excerpts from the November 14, 2018
- 4 deposition transcript of Finjan’s expert Dr. Eric B. Cole);
- 5 • The following exhibits to the Declaration of Austin Manes in Support of Finjan’s
- 6 Oppositions to Juniper’s Motions *In Limine* Nos. 1-3 (“Manes Decl. I”):
- 7 ○ Exhibit 1 to the Manes Decl. I (excerpts from Juniper’s source code);
- 8 ○ Exhibit 3 to the Manes Decl. I (excerpts from the deposition transcript of Juniper’s
- 9 employee Yuly Tenorio);
- 10 ○ Exhibit 6 to the Manes Decl. I (excerpts from a letter and attachments that Finjan
- 11 sent to Cyphort);
- 12 ○ Exhibit 7 to the Manes Decl. I (letter from Finjan to Cyphort’s counsel);
- 13 ○ Exhibit 8 to the Manes Decl. I (presentation slides created by Finjan for Cyphort);
- 14 ○ Unredacted Exhibit 9 to the Manes Decl. I (excerpts from Juniper’s Second
- 15 Supplemental Response to Finjan’s First Set of Interrogatories);
- 16 ○ Exhibit 10 to the Manes Decl. I (transcript of a call between Finjan and Juniper);
- 17 ○ Unredacted Exhibit 11 to the Manes Decl. I (excerpts from the deposition transcript
- 18 of Juniper’s employee Scott J. Coonan); and
- 19 • Exhibit 2 to the Declaration of Austin Manes in Support of Finjan’s Oppositions to
- 20 Juniper’s Motions *In Limine* Nos. 4-5 (“Manes Decl. II”) (excerpts from the November 14,
- 21 2018 deposition transcript of Finjan’s expert Dr. Eric B. Cole).

22 3. The sealed portions of the documents described above that Juniper seeks to file

23 under seal contain confidential information of Juniper and Finjan. In this declaration, I explain

24 why these materials are sealable pursuant to Civil Local Rule 79-5.

25 4. The redacted portions of Juniper’s MIL 1; redacted portions of Finjan’s Opposition

26 to Juniper’s MIL 1; redacted portions of Juniper’s MIL 3; redacted portions of Juniper’s MIL 4;

27 redacted portions of Exhibits 1-3, 5, 11, and 15 to the Wang Decl.; redacted portions of Exhibit 9

28

1 and 11 to the Manes Decl. I; Exhibits 1, 3 and 10 to the Manes Decl. I; and Exhibit 2¹ to the
2 Manes Decl. II contain sealable confidential information that relate to the financial information
3 concerning and/or technical underpinnings and development of Juniper's highly proprietary
4 software—which includes much information that Juniper maintains as trade secrets. Juniper
5 expends significant effort in maintaining the secrecy of its software architecture and development,
6 including, for example, implementing strict screening procedures for visitors to its engineering
7 campus. Public disclosure of essential nonpublic facts about Juniper's software development
8 could materially impair Juniper's intellectual property rights and could cause serious competitive
9 consequences to Juniper's business positioning.

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

17 6. Exhibits 6-8 to the Manes Decl. I have been designated confidential by Finjan.

18 7. For these reasons, the documents described above should be filed under seal.

19 Executed on November 27, 2018, at Los Angeles, California.

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

22
23 /s/ Sharon Song

24 Sharon Song

25
26
27
28 ¹ 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.