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11 FINJAN, INC.

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

15 FINJAN, INC., a Delaware Corporation,

16 Plaintiff,

17 v.

18 JUNIPER NETWORKS, INC., a Delaware
19 Corporation,

20 Defendant.

Case No.: 3:17-cv-05659-WHA

**DECLARATION OF AUSTIN MANES IN
SUPPORT OF PLAINTIFF FINJAN, INC.'S
ADMINISTRATIVE MOTION TO FILE
DOCUMENTS UNDER SEAL**

1 I, Austin Manes, declare and state as follows:

2 1. I am an attorney with the law firm Kramer Levin Naftalis & Frankel LLP, counsel for
3 Plaintiff Finjan, Inc. (“Finjan”). I have personal knowledge of the facts stated herein and can testify
4 competently to those facts. I make this declaration in support of Finjan’s Administrative Motion to File
5 Documents Under Seal.

6 2. I have reviewed the following documents and confirmed that they contain (1) information
7 designated as “Confidential,” “Highly Confidential – Attorneys’ Eyes Only,” or “Highly
8 Confidential – Source Code” by Juniper, (2) the parties’ licensing/settlement negotiations; and (3)
9 confidential terms in license/settlement agreements between Finjan and Finjan’s licensees:

11 Documents sought to be sealed	Portions sought to be sealed	Designating party	Reasons for sealing
12 Plaintiff Finjan Inc.’s 13 Opposition to Juniper’s 14 Motion for Summary 15 Judgment 16 (“Opposition”)	Highlighted portions at p. 1, lines 10-11; p. 4, lines 7-8; p. 11, lines 6- 26; p. 13, lines 3-6, 20, 22-26; p. 15, lines 10- 17, 25-26; p. 16, lines 25-27; p. 17, lines 1, 5- 6; p. 19, lines 7-28; p. 32, lines 12-24; p. 33, line 1; p. 36, lines 10- 12	Juniper and/or Finjan	The highlighted portions contain (1) Juniper’s confidential information; (2) the parties’ licensing/settlement negotiations that are within the ambit of Rule 408 of the Federal Rules of Evidence; (3) confidential terms in license/settlement agreements between Finjan and Finjan’s licensees. <i>See</i> Manes Decl. at ¶ 3; <i>see also</i> below.
20 Declaration of Dr. 21 Michael Mitzenmacher 22 in Support of Finjan’s 23 Opposition (“Mitz 24 Decl.”)	Highlighted portions at p. 14, lines 7-17; p. 15, lines 7-9, 17-18, 28; p. 16, lines 1-19; p. 17, line 18 to p. 18, line 6; p. 18, line 13 to p. 19, line 26; and p. 20, lines 9-22	Juniper	The highlighted portions contain Juniper’s confidential information. <i>See</i> Manes Decl. at ¶ 4; <i>see also</i> below.
25 Exs. 1, 14-18, 26, 28 to 26 Kastens Decl.	Entirety	Juniper	Identified exhibits contain Juniper’s confidential information. <i>See</i> Manes Decl. at ¶ 5; <i>see also</i> below.

1 2 3 4 5 6 7	Exs. 21, 23-24 to Kastens Decl.	Entirety	Finjan	Identified exhibits contain (1) the parties' licensing/settlement negotiations that are within the ambit of Rule 408 of the Federal Rules of Evidence; (2) confidential terms in license/settlement agreements between Finjan and Finjan's licensees. <i>See</i> Manes Decl. at ¶ 6; <i>see also</i> below.
8 9 10	Exs. 2, 4-11 to Kastens Decl.	Entirety	Juniper and/or Finjan	Identified exhibits contain Juniper's and Finjan's confidential information. <i>See</i> Manes Decl. at ¶ 7; <i>see also</i> below.

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3. The highlighted portions of the Opposition contain (1) information designated as “Confidential,” “Highly Confidential – Attorneys’ Eyes Only,” or “Highly Confidential – Source Code” by Juniper; (2) the parties’ licensing/settlement negotiations that are within the ambit of Rule 408 of the Federal Rules of Evidence; (3) confidential terms in license/settlement agreements between Finjan and Finjan’s licensees.

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4. The highlighted portions of Mitz Decl. contain information designated as “Highly Confidential – Attorneys’ Eyes Only,” or “Highly Confidential – Source Code” by Juniper.

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5. Exhibits 1, 14-18, 26, 28 to Kastens Decl. contain information designated as “Confidential,” “Highly Confidential – Attorneys’ Eyes Only,” or “Highly Confidential – Source Code” by Juniper.

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6. Exhibits 21, 23-24 to Kastens Decl. contain (1) the parties’ licensing/settlement negotiations that are within the ambit of Rule 408 of the Federal Rules of Evidence; (2) confidential terms in license/settlement agreements between Finjan and Finjan’s licensees.

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7. Exhibits 2, 4-11 to Kastens Decl. contain information designated as “Highly Confidential – Attorneys’ Eyes Only” by Juniper and/or Finjan. They contain the parties’ licensing/settlement negotiations that are within the ambit of Rule 408 of the Federal Rules of Evidence or subject to Non-Disclosure Agreement, and also deposition transcript covered by separate Protective Orders.

1 I declare under penalty of perjury under the laws of the United States that the foregoing is true and
2 correct. Executed on March 14, 2019 in Menlo Park, California.

3 /s/ Austin Manes

4 Austin Manes

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6 **ATTESTATION PURSUANT TO L.R. 5-1(I)**

7 In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this
8 document has been obtained from any other signatory to this document.

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10 /s/ Kristopher Kastens

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