1 2 3 4 5	IRELL & MANELLA LLP Jonathan S. Kagan (SBN 166039) jkagan@irell.com Joshua P. Glucoft (SBN 301249) jglucoft@irell.com 1800 Avenue of the Stars, Suite 900 Los Angeles, California 90067-4276 Telephone: (310) 277-1010 Facsimile: (310) 203-7199		
6 7 8 9 10 11 12	Rebecca L. Carson (SBN 254105) rcarson@irell.com Ingrid M. H. Petersen (SBN 313927) ipetersen@irell.com Kevin Wang (SBN 318024) kwang@irell.com 840 Newport Center Drive, Suite 400 Newport Beach, California 92660-6324 Telephone: (949) 760-0991 Facsimile: (949) 760-5200 Attorneys for Defendant JUNIPER NETWORKS, INC.		
13	UNITED STATES DISTRICT COURT		
14	NORTHERN DISTRICT OF CALIFORNIA		
15	SAN FRANCISCO DIVISION		
16	SANTRA	ACISCO DIVISION	
17	FINJAN, INC.,) Case No. 3:17-cv-05659-WHA	
18	Plaintiff,	DECLARATION OF INGRID PETERSEN	
19	VS.	ON BEHALF OF DEFENDANT JUNIPERNETWORKS, INC. IN SUPPORT OF	
20	JUNIPER NETWORKS, INC.,) FINJAN, INC.'S ADMINISTRATIVE) MOTION TO FILE DOCUMENTS	
21	Defendant.) UNDER SEAL (DKT. NO. 414)) Judge: Hon. William Alsup	
22			
23			
24			
25			
26			
27			



DECLARATION OF INGRID PETERSEN

I, Ingrid Petersen, 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 Finjan, Inc.'s ("Finjan") Administrative Motion to File Documents Under Seal (Dkt. No. 414).
- 3. I have reviewed the portions of the documents that Finjan has sought to seal, and I believe that, regarding Juniper's confidential information, the following should be sealed:

Document	Juniper's Designations of Portions to Be Sealed	Juniper's Basis for Sealing	
Plaintiff Finjan, Inc.'s Reply in Support of Its Second Motion for Early Summary Judgment, Regarding Infringement of Claim 1 of U.S. Patent No. 8,141,154	Source code quotes on 7:8, 7:9, 7:15, 8:9, 8:10, 8:11, 10:14, 10:16	Confidential Source Code	
Exhibit 1 to Finjan's Reply	Juniper does not designate any portion of this exhibit to be under seal	N/A	

- 4. I am informed and believe that the right of the public to inspect and copy public records "is not absolute" and that a court may seal confidential information disclosed during the course of a legal proceeding. *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978).
- 5. "Compelling reasons" exist to seal a record when it might "become a vehicle for improper purposes," such as the "release of trade secrets." *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (quoting *Nixon*, 435 U.S. at 1179).
- 6. It is my understanding that portions of the reply disclose Juniper's confidential source code—the computerized instructions describing exactly how Juniper's products work.

- 7. I believe that Juniper has accumulated significant research and development costs, and this sensitive trade secret is the foundation of Juniper's highly proprietary software. By permitting competitors to receive this information without also spending development costs, public disclosure of Juniper's source code would materially impair Juniper's intellectual property rights and business positioning.
- 8. I am informed and believe that the disclosure of Juniper's source code would cause serious competitive consequences and that Juniper takes numerous measures to maintain the secrecy of this information. It is also my understanding that the protective order in this action, for instance, details the significant lengths Juniper has taken to protect its source code. As the protective order describes, "[t]he source code shall be made available for inspection on a PC which may be a laptop PC and which may be provided without USB ports." Dkt. No. 149 at 13. Additionally, "[t]he secured computer may be placed in a secured room without Internet access or network access to other computers, and the Receiving Party shall not copy, remove, or otherwise transfer any portion of the source code onto any recordable media or recordable device." *Id.* Juniper has also implemented strict screening procedures for visitors at its engineering campus.
- 9. Also, I am informed and believe that publicly exposing the source code presents a security risk. Because the source code is at the center of Juniper's network security products, permitting the disclosure of the source code could significantly harm the users of Juniper's products.
- 10. I, therefore, believe that "compelling reasons" exist for sealing portions of the reply, and by seeking to seal only the portions that contain the source code, Juniper's request is narrowly tailored.

Executed on April 9, 2019, at Newport Beach, California.

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

/s/ Ingrid Petersen

Ingrid Petersen
Attorney for Defendant
Juniper Networks, Inc.

