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11 FINJAN, INC.

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

16 FINJAN, INC., a Delaware Corporation,

17 Plaintiff,

18 v.

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

21 Defendant.
22

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

**DECLARATION OF AUSTIN MANES IN
SUPPORT OF PLAINTIFF FINJAN, INC.'S
CORRECTED ADMINISTRATIVE
MOTION TO KEEP COURT FILINGS
UNDER SEAL, PURSUANT TO THE
COURT'S ORDER AT DKT. NO. 388**

1 I, Austin Manes, declare:

2 1. I have personal knowledge of the facts stated herein and can testify competently to those
3 facts.

4 2. I am an attorney at Kramer Levin Naftalis & Frankel LLP, counsel of record for Finjan,
5 Inc. ("Finjan"). I make this declaration in support of Plaintiff Finjan, Inc.'s Corrected Administrative
6 Motion to Keep Court Filings Under Seal, pursuant to the Court's Order at Dkt. No. 388.

7 3. I have reviewed the following documents and confirmed that they contain the information
8 described on the far right column of the table below, which includes the specific terms, dollar amounts,
9 and actual pages copied from Finjan's confidential licenses.

Identification of Documents	Dkt. No.	Specific Page and Line Numbers to Seal	Reason to Keep Sealed
Exhibit 7 to the Carson Declaration filed in support Defendant Juniper Networks Inc.'s Motion for Summary Judgment regarding Claim 1 of the '780 Patent.	<i>Unredacted Version filed at Dkt. No. 95-15</i>	Page 2, line 19 Page 3, lines 7 and 18	Identifies a confidential licensee who is also an unrelated third-party; Finjan is obligated to keep the name of the first licensee listed on each of these lines confidential
Exhibit 8 to the Carson Declaration filed in support Defendant Juniper Networks Inc.'s Motion for Summary Judgment regarding Claim 1 of the '780 Patent.	<i>Unredacted Version filed at Dkt. No. 105-3</i>	Page 8, line 11	Identifies a confidential licensee who is also an unrelated third-party; Finjan is obligated to keep the name of this licensee confidential
Exhibit 1 to Defendant Juniper Networks Inc.'s Motion to Exclude the Testimony of Mr. Kevin M. Arst	<i>Unredacted Version filed at Dkt. No. 228-7</i>	Pages 7-12 of the Arst Report and the entire Exhibit 2.1 to Arst Report	Identifies specific terms and dollar amounts of Finjan's confidential agreements with unrelated third-parties
Exhibit 6 to Defendant Juniper Networks Inc.'s Motion to Exclude the Testimony of Mr. Kevin M. Arst	<i>Unredacted Version filed at Dkt. 242-4</i>	Page 71, lines 7-14 of the October 23, 2018 Deposition of Philip Hartstein	Identifies specific dollar amounts of Finjan's confidential agreements with unrelated third-parties

1 2 3 4	Exhibit 4 to Finjan's Opposition to Defendant Juniper Networks Inc.'s Motion to Exclude the Testimony of Mr. Kevin M. Arst	<i>Unredacted Version filed at Dkt. No. 238-10</i>	Page 79, line 2 through Page 80 line 23 of the October 23, 2018 Deposition of Philip Hartstein	Identifies specific terms of Finjan's confidential agreement with an unrelated third-party
5 6 7	Finjan's Motion to Exclude Opinions of Defendant's Damages Expert Dr. Keith R. Ugone	<i>Unredacted Version filed at Dkt. No. 229-4</i>	The dollar amounts listed in footnote 3 on Page 7, lines 25-27.	Identifies specific dollar amounts of Finjan's confidential agreements with unrelated third-parties
8 9 10	Exhibit 2 to Finjan's Motion to Exclude Opinions of Defendant's Damages Expert Dr. Keith R. Ugone	<i>Unredacted Version filed at Dkt. No. 229-8</i>	Pages 10-11 of the Arst Report	Identifies specific terms and dollar amounts of Finjan's confidential agreements with unrelated third-parties
11 12 13	Exhibit 5 to Finjan's Motion to Exclude Opinions of Defendant's Damages Expert Dr. Keith R. Ugone	<i>Unredacted Version filed at Dkt. No. 229-12</i>	Page 1 of Exhibit 5, Bates Numbered FINJAN-JN 039749	Includes copies of actual pages from Finjan's confidential agreement with an unrelated third-party
14 15 16 17	Defendant Juniper Networks Inc.'s Opposition to Finjan's Motion to Exclude Opinions of Defendant's Damages Expert Dr. Keith R. Ugone	<i>Unredacted Version filed at Dkt. No. 236-4</i>	Page 14, line 5	Identifies a confidential licensee who is also an unrelated third-party, whose name Finjan is obligated to keep confidential
18 19 20 21 22	Exhibit 3 to the Kastens Declaration filed in support of Finjan's Reply in support of its Motion to Exclude Opinions of Defendant's Damages Expert Dr. Keith R. Ugone	<i>Unredacted Version filed at Dkt. No. 244-8</i>	The Entire Exhibit 3	Includes copies of actual pages from Finjan's confidential agreement with an unrelated third-party
23 24 25 26	Exhibit 8 to the Manes Declaration filed in support of Finjan's Opposition to Defendant Juniper Networks Inc.'s Motions in Limine Nos. 1-3	<i>Unredacted Version filed at Dkt. No. 261-11</i>	Pages 108 and 128 of the PDF attached as Exhibit 8 (i.e., Bates Numbered pages FINJAN-JN 193242 and FINJAN-JN 193262)	Identifies specific dollar amounts of Finjan's confidential agreements with unrelated third-parties

1 Exhibit 2 to the Wang 2 Declaration filed in support of 3 Defendant Juniper Networks 4 Inc.'s Motions in Limine Nos. 5 1-5	6 <i>Unredacted</i> 7 <i>Version filed at</i> 8 <i>Dkt. No. 261-9</i>	9 Pages 7-12 of the Arst 10 Report	11 Identifies specific 12 terms and dollar 13 amounts of Finjan's 14 confidential 15 agreements with 16 unrelated third-parties
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17 4. This Motion to Keep Court Filings Under Seal should be granted because good cause and
18 compelling reasons exist to seal the documents identified above. This information includes the
19 confidential business and financial information of Finjan and third parties who are unrelated to this
20 action. Finjan has taken measures to apply a high level of protection to the information above because
21 making its private business information public could irreparably damage Finjan. Competitors in the
22 marketplace could use such confidential information to unfairly compete or undercut Finjan and its
23 licensees, and Finjan's future licensees may be unwilling to engage in discussions to enter new licenses
24 because such discussions may not be protected from public disclosure if these documents are not sealed.

25 5. The information above is a narrow subset of the information identified in the twenty-six
26 motions to seal that were the subject of this Court's Order at Dkt. No. 388. Finjan seeks to seal only
27 those page and line numbers necessary to protect the confidential terms, dollar amounts, and pages
28 copied from Finjan's confidential licenses.

29 6. I declare under penalty of perjury under the laws of the United States of America that
30 each of the above statements is true and corrected. Executed on April 11, 2019, in Menlo Park,
31 California.

32 By: /s/ Austin Manes
33 Austin Manes

34 **ATTESTATION**

35 Pursuant to Civil Local Rule 5-1(i), the filer attests that concurrence in the filing of this
36 document has been obtained from the signatories above.

37 /s/ Lisa Kolbialka
38 Lisa Kobjalka