

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FINJAN, INC.,

Plaintiff,

v.

JUNIPER NETWORK, INC.,

Defendant.

Case No. 17-cv-05659-WHA (TSH)

ORDER DENYING MOTION TO SEAL

Re: Dkt. No. 427

Finjan filed a motion to seal in connection with its letter brief moving to compel. ECF No. 427. Finjan sought to seal (1) quotations in its letter brief of deposition testimony by Juniper's Scott Coonan and Meredith McKenzie; (2) Exhibits 2 and 3 to the letter brief, which are the excerpts of those depositions; and (3) quotations of that testimony in a meet and confer letter, which was Exhibit 4. Finjan moved to seal these materials because they contain information that Juniper designated as confidential under the terms of the protective order in this action.

Local Rule 79-5(e) states that "[i]f the Submitting Party is seeking to file under seal a document designated as confidential by the opposing party or a non-party pursuant to a protective order, or a document containing information so designated by an opposing party or a non-party, the Submitting Party's declaration in support of the Administrative Motion to File Under Seal must identify the document or portions thereof which contain the designated confidential material and identify the party that has designated the material as confidential." Then, "[w]ithin 4 days of the filing of the Administrative Motion to File Under Seal, the Designating Party must file a declaration as required by subsection 79-5(d)(1)(A) establishing that all of the designated material is sealable."

Juniper did not file the required declaration. Instead, its letter brief opposing the motion to

1 compel attached an even larger excerpt of Coonan's testimony, and Juniper filed this in the public
2 record, indicating its belief that this portion of Coonan's testimony is not confidential at all. At
3 the telephonic hearing, Juniper confirmed it does not seek to seal the items at issue here.

4 Finjan's motion to seal is therefore **DENIED**. Pursuant to Local Rule 79-5(f)(2), Finjan
5 may refile unredacted versions of these documents in the public record within seven days.

6
7 **IT IS SO ORDERED.**

8
9 Dated: April 25, 2019

10 
11 THOMAS S. HIXSON
12 United States Magistrate Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
Northern District of California