

Philip C. Swain (SBN 150322)
pswain@foleyhoag.com
FOLEY HOAG LLP
155 Seaport Boulevard
Boston MA 02210
Telephone: 617-732-1000
Facsimile: 617-832-7000

Attorneys for Non-Party Joe Security, LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

FINJAN, INC.

Plaintiff,

vs.

JUNIPER NETWORKS, INC.

Defendant.

Case No. C 17-05659 WHA

NON-PARTY JOE SECURITY, LLC'S
STATEMENT IN RESPONSE TO
COURT ORDER (DKT 497)

Non-party Joe Security, LLC ("Joe Security") hereby responds to the Court's Order (Dkt. 497) that it make a submission explaining the confidential nature of the Joe Security documents the parties have attempted to file under seal in this action.¹ Joe Security respectfully requests that this Court exclude its confidential documents from filing in this action. In the alternative, Joe Security requests that the Court require that the documents be filed under seal, or that Joe Security be allowed to redact the most sensitive information from those documents.

DISCUSSION

The documents at issue are Joe Security's Installation Guide, Interface Guide, and User Guide. Joe Security understands that these were produced by Juniper during discovery, pursuant

¹ Joe Security is not a party to this action and has no presence in California. Given the circumstances whereby Joe Security was required to make this submission or face having its Guides made public, Joe Security had no choice but to do so. Joe Security appears on this limited basis and expressly contests personal jurisdiction in this Court.

1 to the Protective Order entered by this Court. (Dkt. 148 and 149).² The documents should this
2 be subject to the protections provided in the Protective Order for confidential documents.

3 These documents contain confidential trade secret information relating to computer
4 malware prevention programs that, if made public, could compromise Joe Security's malware
5 prevention programs currently being used by Joe Security's customers, including governmental
6 security agencies and Fortune 500 companies, which in turn would compromise their computer
7 systems and render them more susceptible to computer malware.

8 Joe Security is a Swiss entity located in Reinach, Switzerland. See Declaration of Stefan
9 Bühlmann ("Bühlmann Decl."), at ¶3 (Exhibit A). Joe Security is in the computer security
10 business. *Id.* at ¶¶4, 6. Joe Security has developed a malware analysis and detection system
11 named Joe Sandbox that enables computer systems to detect and protect against computer
12 viruses and malware threats. *Id.* A review of its product by SC Magazine, the leading magazine
13 for IT security professionals (also available at <https://www.scmagazine.com/home/reviews/first-looks/first-look-joe-security-joe-sandbox-cloud/>), explains Joe Security's product and concludes
14 that it "is a must-have tool for IT security shops in organizations of just about any size."
15

16 (Exhibit B.)

17 Joe Security carefully screens its customers and only licenses its product to reputable
18 governmental security agencies and select corporations. Bühlmann Decl. at ¶7. The total
19 number of Joe Security customers is limited and its customer list is confidential. *Id.* All of Joe
20 Security's business and governmental partners agree to strict confidentiality restrictions as a
21 condition of using its solution. *Id.* at ¶8. Joe Security's customers install its solution into their
22

23
24
25
26 ² While it is not clear to Joe Security at this time whether the documents as produced were all designated as
27 "Confidential" or "Highly Confidential" when produced by Juniper, Joe Security believes they should have been so
28 designated when they were produced, as explained herein.

1 computer infrastructure to help protect against malware threats. *Id.* at ¶9. Customers who
2 purchase Joe Security’s malware program are provided Joe Security’s Installation Guide,
3 Interface Guide, and User Guide (collectively, Joe Security’s “Guides”). *Id.* at ¶10. Joe
4 Security’s Guides contain highly confidential trade secrets including the password to its system,
5 the otherwise secret IP and MAC addresses on which the system runs, file names, network ports
6 and network protocols. *Id.* at ¶11. The Guides also contain a roadmap to Joe Security’s product.
7 *Id.* at ¶13.

8
9 The efficacy of Joe Security’s security product could be immediately, directly and
10 completely compromised if the information contained in the Guides is made public. Bühlmann
11 Decl. at ¶12. Hackers would be able to use the information in the Guides to modify their
12 malware to circumvent Joe Security’s malware detection and prevention system. *Id.* at ¶¶12, 13

13 CONCLUSION

14 Joe Security submits that the foregoing presents “compelling reasons” sufficient to justify
15 keeping its Guides from public filing. In the event the Court declines to allow the Guides to be
16 filed under seal, Joe Security asks in the alternative that it be given the opportunity to redact the
17 most sensitive of information in the Guides (i.e., Joe Security’s system access password, IP and
18 MAC addresses on which the system runs, file names, network ports and network protocols).

19
20 *See* Bühlmann Decl. at ¶14.

21 Dated: June 3, 2019

Respectfully submitted,

22 JOE SECURITY, LLC

23 by its attorneys,

24 *s/Philip C. Swain*

25 Phillip C. Swain
26 FOLEY HOAG LLP
27 155 Seaport Boulevard
28 Boston, MA 02210
Tel: (617) 832-1000
Fax: (617) 832-7000
pswain@foleyhoag.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants, if any, on this 3rd day of June, 2019.

/s/ Philip C. Swain