

1 PAUL J. ANDRE (State Bar No. 196585)  
pandre@kramerlevin.com  
2 LISA KOBIALKA (State Bar No. 191404)  
lkobialka@kramerlevin.com  
3 JAMES HANNAH (State Bar No. 237978)  
jhannah@kramerlevin.com  
4 KRISTOPHER KASTENS (State Bar No. 254797)  
kkastens@kramerlevin.com  
5 KRAMER LEVIN NAFTALIS & FRANKEL LLP  
6 990 Marsh Road  
7 Menlo Park, CA 94025  
8 Telephone: (650) 752-1700  
9 Facsimile: (650) 752-1800  
10 *Attorneys for Plaintiff*  
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-TSH

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

1 I, Paul Andre, declare:

2 1. I have personal knowledge of the facts stated herein.

3 2. I am an attorney at Kramer Levin Naftalis & Frankel LLP, counsel of record for Finjan,  
4 Inc. (“Finjan”). I make this declaration in support of Plaintiff Finjan, Inc.’s Administrative Motion to  
5 Seal Parties’ Joint Statement Regarding Defendant Juniper Networks, Inc.’s Motion to Quash Deposition  
6 of Shlomo Touboul, pursuant to Civil Local Rules 79-5(d)-(e).

7 3. I have reviewed the following documents and confirmed that they contain information  
8 designated as “Highly Confidential – Attorneys’ Eyes Only” by Finjan, pursuant to the stipulated  
9 protective order in this litigation.

Identification of Documents	Specific Page and Line Numbers to Seal	Entity that Designated the Information to be Confidential	Reason to Keep Sealed
Portions of the Parties’ Joint Statement Regarding Defendant Juniper Networks, Inc.’s Motion to Quash Deposition of Shlomo Touboul (Dkt. No. 504)	p. 3, ¶ 1	Finjan	The limited proposed sealed portions of the joint statement reflect confidential terms from Mr. Touboul’s consulting agreements with Finjan.
Exhibit 4 to the Parties’ Joint Statement Regarding Defendant Juniper Networks, Inc.’s Motion to Quash Deposition of Shlomo Touboul (Dkt. No. 504-4)	Entirety	Finjan	This exhibit is an amendment to the confidential consulting agreement between Mr. Touboul and Finjan. The agreement contains confidential business information regarding details of Mr. Touboul’s consultancy and income, and it contains Mr. Touboul’s personal information, such as his contact information. The agreement is also subject to a confidentiality clause.
Exhibit 5 to the Parties’ Joint Statement Regarding Defendant Juniper Networks,	Entirety	Finjan	This exhibit is a confidential consulting agreement between Mr.

<p>1 Inc.'s Motion to Quash 2 Deposition of Shlomo Touboul 3 (Dkt. No. 504-5)</p>			<p>Touboul and Finjan. The agreement contains confidential business information regarding details of Mr. Touboul's consultancy and income, and it contains Mr. Touboul's personal information, such as his contact information. The agreement is also subject to a confidentiality clause.</p>
---	--	--	--

4. This Administrative Motion to File Documents Under Seal should be granted because good cause exist to seal the documents identified above. The documents reflect Finjan's confidential business information regarding its relationship with Mr. Touboul and its relationship with third-party consultants, the disclosure of which would harm Finjan in its negotiations with its consultants and would result in an invasion of Mr. Touboul's privacy, as it would expose personal information regarding his income, address, and details of his position as a consultant. Finjan seeks to seal only those documents and portions of documents that it has identified as containing confidential information pursuant to the Protective Order, and it seeks to make a narrowly-tailored request.

5. Finjan seeks to seal the Parties' Joint Statement Regarding Defendant Juniper Networks, Inc.'s Motion to Quash Deposition of Shlomo Touboul at page 3, paragraph 1, and Exhibits 4 and 5 thereto. These portions contain information that Finjan has designated as "Highly Confidential – Attorneys' Eyes Only." Specifically, Exhibit 4 is an amendment to Mr. Touboul's confidential consulting agreement, which contains information about Mr. Touboul's income and reflects details of his consulting relationship with Finjan, the disclosure of which is harmful to both Finjan and Mr. Touboul. Exhibit 5 is Mr. Touboul's confidential consulting agreement, which also contains information about Mr. Touboul's income and consulting relationship with Finjan. Finally, the Parties' Joint Statement Regarding Defendant Juniper Networks, Inc.'s Motion to Quash Deposition of Shlomo Touboul cites specific terms, including a payment term, from Mr. Touboul's agreements.

6. Finjan inadvertently filed the above-identified documents publicly on June 3, 2019. Upon realizing its error, Finjan diligently worked to remedy the filing and submit this Motion to Seal.

1 I declare under penalty of perjury under the laws of the United States of America that each of the  
2 above statements is true and corrected. Executed on June 4, 2019, in Menlo Park, California.

3 /s/ Paul Andre  
4 Paul Andre

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