2 3 4 5 6	IRELL & MANELLA LLP Jonathan S. Kagan (SBN 166039) jkagan@irell.com Harry A. Mittleman (SBN 172343) hmittleman@irell.com Alan Heinrich (SBN 212782) aheinrich@irell.com Joshua 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		
9 10 11 12 13 14	Rebecca Carson (SBN 254105) rcarson@irell.com Dennis Courtney (SBN 307646) dcourtney@irell.com Ingrid 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 <i>Attorneys for Defendant</i> JUNIPER NETWORKS, INC.		
16	UNITED STATES DISTRICT COURT		
	NORTHERN DISTRICT OF CALIFORNIA		
17			
17 18	SAN FRANCI	SCO DIVISION	
18	SAN FRANCI FINJAN, INC., a Delaware Corporation,	SCO DIVISION) Case No. 3:17-cv-05659-WHA	
18		 Case No. 3:17-cv-05659-WHA DECLARATION OF INGRID PETERSEN 	
18 19	FINJAN, INC., a Delaware Corporation,	 Case No. 3:17-cv-05659-WHA DECLARATION OF INGRID PETERSEN ON BEHALF OF DEFENDANT JUNIPER NETWORKS, INC. IN SUPPORT OF 	
18 19 20	FINJAN, INC., a Delaware Corporation, Plaintiff, vs. JUNIPER NETWORKS, INC., a Delaware	 Case No. 3:17-cv-05659-WHA DECLARATION OF INGRID PETERSEN ON BEHALF OF DEFENDANT JUNIPER NETWORKS, INC. IN SUPPORT OF FINJAN, INC.'S ADMINISTRATIVE MOTION TO FILE DOCUMENTS 	
18 19 20 21	FINJAN, INC., a Delaware Corporation, Plaintiff, vs. JUNIPER NETWORKS, INC., a Delaware Corporation,	 Case No. 3:17-cv-05659-WHA DECLARATION OF INGRID PETERSEN ON BEHALF OF DEFENDANT JUNIPER NETWORKS, INC. IN SUPPORT OF FINJAN, INC.'S ADMINISTRATIVE 	
18 19 20 21 22	FINJAN, INC., a Delaware Corporation, Plaintiff, vs. JUNIPER NETWORKS, INC., a Delaware	 Case No. 3:17-cv-05659-WHA DECLARATION OF INGRID PETERSEN ON BEHALF OF DEFENDANT JUNIPER NETWORKS, INC. IN SUPPORT OF FINJAN, INC.'S ADMINISTRATIVE MOTION TO FILE DOCUMENTS 	
18 19 20 21 22 23	FINJAN, INC., a Delaware Corporation, Plaintiff, vs. JUNIPER NETWORKS, INC., a Delaware Corporation,	 Case No. 3:17-cv-05659-WHA DECLARATION OF INGRID PETERSEN ON BEHALF OF DEFENDANT JUNIPER NETWORKS, INC. IN SUPPORT OF FINJAN, INC.'S ADMINISTRATIVE MOTION TO FILE DOCUMENTS 	
18 19 20 21 22 23 24	FINJAN, INC., a Delaware Corporation, Plaintiff, vs. JUNIPER NETWORKS, INC., a Delaware Corporation,	 Case No. 3:17-cv-05659-WHA DECLARATION OF INGRID PETERSEN ON BEHALF OF DEFENDANT JUNIPER NETWORKS, INC. IN SUPPORT OF FINJAN, INC.'S ADMINISTRATIVE MOTION TO FILE DOCUMENTS 	
18 19 20 21 22 23 24 25	FINJAN, INC., a Delaware Corporation, Plaintiff, vs. JUNIPER NETWORKS, INC., a Delaware Corporation,	 Case No. 3:17-cv-05659-WHA DECLARATION OF INGRID PETERSEN ON BEHALF OF DEFENDANT JUNIPER NETWORKS, INC. IN SUPPORT OF FINJAN, INC.'S ADMINISTRATIVE MOTION TO FILE DOCUMENTS 	
18 19 20 21 22 23 24 25 26	FINJAN, INC., a Delaware Corporation, Plaintiff, vs. JUNIPER NETWORKS, INC., a Delaware Corporation,	 Case No. 3:17-cv-05659-WHA DECLARATION OF INGRID PETERSEN ON BEHALF OF DEFENDANT JUNIPER NETWORKS, INC. IN SUPPORT OF FINJAN, INC.'S ADMINISTRATIVE MOTION TO FILE DOCUMENTS 	

1	DECL	ARATION OF INGRID PETERSEN	J		
2	I, Ingrid Petersen, declare as follows:				
- 3	1. I am an attorney at the law firm of Irell & Manella LLP, counsel of record for Juniper				
4	Networks, Inc. ("Juniper") in the above-captioned action. I am a member in good standing of the				
5	State Bar of California and have been admitted to practice before this Court. I have personal				
6	knowledge of the facts set forth in this Declaration and, if called as a witness, could and would				
7	testify competently to such facts under oath.				
8	2. I submit this declaration in support of Finjan, Inc.'s ("Finjan") Administrative				
9	Motion to File Documents Under Seal (Dkt. No. 559).				
10	3. I have reviewed the portions of the documents that Finjan has sought to seal, and I				
11		confidential information, the following	C A		
12	Document	Portion to Be Sealed	Juniper's Basis for		
13			Sealing		
13 14	Joint Letter (Docket No. 559- 4)	Chart on Page 4	Juniper's Confidential Pricing Information		
14	Exhibit C (Docket No. 559-6)	Section between "Begin" and "End" Highly Confidential—Attorney's Eyes Only from Pages 13 to 22	Juniper's Confidential Pricing Information		
16 17	Exhibit D (Docket No. 559-8)	Section between "Begin" and "End" Highly Confidential—Attorney's Eyes Only from Pages 7 to 18	Juniper's Confidential Pricing Information		
18 19	Exhibit 1 (Docket No. 559-10)	Section between "Begin" and "End" Highly Confidential—Attorney's Eyes Only from Pages 13 to 24	Juniper's Confidential Pricing Information		
20					
20	4. I am informed and believe that the right of the public to inspect and copy public				
21	records "is not absolute" and that a court may seal confidential information disclosed during the				
22	course of a legal proceeding. Nixon v. Warner Commc'ns, Inc., 435 U.S. 589, 598 (1978).				
23	5. Because Juniper's opposition concerns a motion to compel responses to discovery				
24	requests, I understand that "the usual presumption of the public's right of access is rebutted," that				
23 26	the "public has less of a need for access to court records attached only to non-dispositive motions,"				
20	and that the "public policies that support the right of access to dispositive motions, and related				
27	materials, do not apply with equal force to non-dispositive materials." See Kamakana v. City & Cty.				

DOCKET ALARM Find authenticated court documents without watermarks at <u>docketalarm.com</u>. of Honolulu, 447 F.3d 1172, 1179 (9th Cir. 2006). Therefore, in that context, materials may be
 sealed so long as the party seeking sealing makes a "particularized showing" under the "good cause"
 standard of Federal Rule of Civil Procedure 26(c). *Id.* at 1180.

6. The higher compelling-reason standard is met when a disclosure would "release trade
secrets," so the lesser good-cause standard is met as well. *See id.* at 1179. A "trade secret may
consist of any formula, pattern, device or compilation of information which is used in one's
business, and which gives him an opportunity to obtain an advantage over competitors who do not
know or use it." *In re Elec. Arts, Inc.*, 298 F. App'x 568, 569 (9th Cir. 2008) (quoting RESTATEMENT
OF TORTS § 757 cmt. b).

10 7. It is my understanding that courts have concluded that a party's confidential prices 11 or financial information is worthy of sealing. See Apple Inc. v. Samsung Elecs. Co., 727 F.3d 1214, 1225 (Fed. Cir. 2013) (sealing "profit, cost, and margin data, [which] could give the suppliers an 12 advantage in contract negotiations, which they could use to extract price increases for components"); 13 14 Barnes v. Hershey Co., No. 3:12-CV-01334-CRB, 2015 WL 1814293, at *2 (N.D. Cal. Apr. 21, 2015) (concluding that exhibits were sealable because they contain confidential and private 15 information about trade secrets, such as financial information and sale strategies); Stout v. Hartford 16 Life & Acc. Ins. Co., No. CV 11-6186 CW, 2012 WL 6025770, at *2 (N.D. Cal. Dec. 4, 2012). 17

8. Additionally, I am informed and believe that the above document discloses Juniper's
 confidential pricing information. By revealing Juniper's prices, it would significantly undermine
 Juniper's ability to engage in negotiations, as competitors and customers could use this information
 during negotiations to Juniper's detriment. Based on this information, it is my understanding that
 the Court should seal this information.

23

Executed on June 29, 2019, at Newport Beach, California.

I declare under penalty of perjury under the laws of the United States of America that theforegoing is true and correct.

26

27

28

/s/ Ingrid Petersen

Ingrid Petersen

Find authenticated court documents without watermarks at docketalarm.com.