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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

**PLAINTIFF FINJAN, INC.'S
ADMINISTRATIVE MOTION TO FILE
DOCUMENTS UNDER SEAL**

1 **I. INTRODUCTION**

2 Pursuant to Federal Rule of Civil Procedure 26(c), Civil Local Rules 7-11 and 79-5, and this
 3 Court’s Standing Order on Administrative Motions to File Under Seal, Plaintiff, Finjan, Inc. (“Finjan”),
 4 brings this Administrative Motion to File Documents Under Seal for the documents identified below,
 5 which contain confidential information of Defendant Juniper Networks, Inc. (“Juniper”). Specifically,
 6 there exists good cause to file the following documents under seal:

Identification of Documents to be Sealed	Entity that Designated the Information to be Confidential
Finjan’s Motion for Leave to Supplement Infringement Contentions at page 5 line 13 through page 6 line 2	Juniper
Ex. A to Declaration of Kristopher Kastens in Support of Plaintiff Finjan Inc.’s Motion for Leave to Supplement Infringement Contentions	Juniper

13 **II. ARGUMENT**

14 This Administrative Motion to File Documents Under Seal should be granted because good
 15 cause exists to seal the documents identified above. Since these documents were attached to and quoted
 16 within a non-dispositive discovery motion, they are not subject to the strong presumption of access for
 17 the public that is otherwise generally accorded to documents filed with dispositive motions. *Apple Inc. v.*
 18 *Samsung Elecs. Co.*, 727 F.3d 1214, 1222 (Fed. Cir. 2013) (noting that Ninth Circuit requires only good
 19 cause for sealing documents attached to non-dispositive motions and finding it was legal error to apply
 20 more stringent “compelling reasons” standard). Thus, the designating party must demonstrate good
 21 cause under Federal Rule of Civil Procedure 26(c) as to the following documents. *Id.* Finjan seeks to
 22 seal only those documents and portions of documents that Juniper identified as containing confidential
 23 information pursuant to the Protective Order.

24 Finjan seeks to seal the portions identified in the table above, because these portions contain
 25 information that Juniper has designated as “Highly Confidential – Attorneys’ Eyes Only” or “Highly
 26 Confidential – Attorneys’ Eyes Only – Source Code.” Specifically, this information contains
 27 descriptions and discussion of Juniper’s product designs, which Juniper claims is protectable as a trade
 28

1 secret or otherwise entitled to protection, such that the public disclosure of this information could harm
2 its business.

3 Pursuant to Civil Local Rule 79-5, Finjan has filed publicly the relevant excerpts of information
4 that are not confidential. Attached hereto are redacted and unredacted versions of the documents set
5 forth above.

6 **III. CONCLUSION**

7 For the foregoing reasons, Finjan respectfully requests that the Court grant this Administrative
8 Motion to File Documents Under Seal.

9 Respectfully submitted,

10 Dated: July 11, 2019

11 By: /s/ Kristopher Kastens

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