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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 FINJAN, INC.,

13 Plaintiff,

14 v.

15 JUNIPER NETWORKS, INC.,

16 Defendant.
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Case No. 3:17-cv-05659-WHA

DECLARATION OF ROBERT COURTNEY
IN SUPPORT OF FINJAN, INC.'S MOTION
IN SUPPORT OF SEALING DAUBERT
ORDER

Date: February 18, 2021
Time: 8:00 a.m., Telephonic Hearing
U.S. District Judge William H. Alsup
Courtroom 12

1 I, Robert Courtney, hereby declare and state as follows:

2 1. I am a principal in the law firm of Fish & Richardson P.C., counsel of record for
3 Plaintiffs Finjan, Inc. in the above-captioned matter. I have personal knowledge of all the facts
4 contained herein and, if called as a witness, I could and would testify competently thereto.

5 2. Attached as Redacted Exhibit A hereto is a redacted copy of the Court's Order of
6 December 3, 2018 relating to *Daubert* motions (D.I. 283), with redactions on pages 9 and 10. These
7 redactions cover confidential information relating to Finjan's third-party licenses and negotiation
8 thereof, which Finjan designated as confidential under the Court's protective order. This is material
9 that Finjan keeps confidential in the ordinary course of business, based on a view that its publication
10 would cause competitive harm to Finjan of at least two types. First, it would diminish future
11 potential licensees' willingness to enter into private negotiation with Finjan due to uncertainty about
12 the long-term confidentiality of such negotiations. Second, it would give future potential licensees
13 insight into Finjan's confidential licensing strategies and objectives that potential licensees would
14 not otherwise have, and without giving Finjan complementary insight into the licensees' strategies
15 or objectives.

16 3. Attached as SEALED Exhibit A hereto is a true and correct copy of the Court's Order
17 of December 3, 2018 relating to *Daubert* motions (D.I. 283), with annotations indicating the material
18 sought to be redacted and bearing the notation "UNREDACTED VERSION OF DOCUMENT
19 SOUGHT TO BE SEALED," as required by Civil Local Rule 79-5(d)(1)(D).

20 4. Attached as Exhibit B is a true and correct copy of the Declaration of Julie Mar-
21 Spinola (Dkt. 331-1), originally presented in support of Finjan's motion to stay the unsealing of the
22 *Daubert* order.

23 5. On January 7, 2021, I discussed Finjan's proposal to have twelve lines of the *Daubert*
24 order sealed with counsel for Juniper over email. Counsel for Juniper represented that Juniper does
25 not oppose the relief requested by Finjan, but is unable to enter into a stipulation as to the sealability
26 of the material in question.

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1 I declare under the penalty of perjury of the laws of the United States of America that the
2 foregoing is true and correct. Executed on January 7, 2021, in Plymouth, Minnesota.

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4 By: /s/ Robert Courtney
Robert Courtney

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