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15   *Attorneys for Defendants*
   CHECK POINT SOFTWARE TECHNOLOGIES, INC. and
16   CHECK POINT SOFTWARE TECHNOLOGIES, LTD.

17   UNITED STATES DISTRICT COURT

18   NORTHERN DISTRICT OF CALIFORNIA

19   SAN FRANCISCO DIVISION

20 FINJAN, INC. a Delaware Corporation,	Case No. 3:18-cv-02621-WHO
21 Plaintiff,	**DECLARATION OF EVAN D. BREWER**
22 v.	**ON BEHALF OF DEFENDANT CHECK POINT SOFTWARE TECHNOLOGIES,**
23 CHECK POINT SOFTWARE	**INC. AND CHECK POINT SOFTWARE TECHNOLOGIES, LTD. IN SUPPORT**
24 TECHNOLOGIES INC., a Delaware Corporation, CHECK POINT SOFTWARE	**OF FINJAN, INC.'S ADMINISTRATIVE MOTION TO FILE DOCUMENTS**
25 TECHNOLOGIES LTD., an Israeli Limited Company,	**UNDER SEAL (DKT. NO. 241)**
26 Defendants.	Complaint filed: May 3, 2018 Trial Date: January 25, 2021

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I, Evan D. Brewer, declare as follows:

1.	I am an attorney at the law firm of Orrick, Herrington & Sutcliffe LLP, counsel of record for Defendants Check Point Software Technologies, Inc. and Check Point Software Technologies, Ltd. ("Check Point") in the above-captioned action. I am a member in good standing of the State Bar of California and have been admitted to practice before this Court. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2.	I submit this declaration in support of Finjan, Inc.'s ("Finjan") Renewed Administrative Motion to File Documents Under Seal (Dkt. No. 241), which moves the Court for an order to file under seal two manually-filed paper copies of source code printouts submitted as exhibits to the Declaration of Kristopher Kasten in Support of Opposition to Motion to Enforce Court Order and Strike Second Amended Infringement Contentions (the "Kastens Declaration"):

- Dkt. No. 241-4 is an unredacted, manually-filed paper copy of Exhibit 1 to the Kastens Declaration, which contains Check Point's source code and should be sealed.

- Dkt. No. 241-6 is an unredacted, manually-filed paper copy of Exhibit 2 to the Kastens Declaration, which also contains Check Point's source code and should be sealed.

In this declaration, I explain why the material cited above is sealable pursuant to Civil Local Rule 79-5 and provide additional facts in support of Finjan's Administrative Motion to File Documents Under Seal to the extent that the administrative motion pertains to Check Point.

3.	Exhibits 1 and 2 to the Kastens Declaration contain extensive reproduction of Check Point's highly-confidential, commercially-sensitive, and proprietary trade secret source code that is not publicly-known and would cause Check Point significant competitive harm should it be made public.

4.	Check Point expends significant effort in maintaining the secrecy of its software architecture, development, and source code, including, for example, implementing strict screening procedures for those able to view the source code and related materials. Public disclosure of

essential nonpublic facts about Check Point's software development could materially impair Check Point's intellectual property rights and could cause serious competitive consequences to Check Point's business positioning. Additionally, given the nature of the products at issue (network and computer security products), disclosure of the information in these documents could compromise the security of computers and networks protected by such products. The information Check Point requests be sealed qualifies as source code under the Protective Order previously entered by the Court in this case. ECF No. 31.

5.   Pursuant to the Protective Order previously entered by the Court in this case, no electronic copies of Exhibits 1 and 2 to the Kastens Declaration should be made, and they should be maintained in paper form only. ECF No. 31. Check Point also requests that the Court destroy any remaining copies of these documents upon the termination of this case, or that the Court permit Check Point to retrieve the remaining source code documents from the Court to securely dispose of such documents.

6.   In light of the foregoing, there are compelling reasons to seal the documents described above.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 6th day of December, 2019 in Menlo Park, California.

/s/ Evan D. Brewer
EVAN D. BREWER