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25 FINJAN LLC

26 UNITED STATES DISTRICT COURT
27 NORTHERN DISTRICT OF CALIFORNIA
(OAKLAND DIVISION)

28 FINJAN LLC, a Delaware Limited Liability
29 Company,

30 Plaintiff,

31 v.

32 QUALYS INC., a Delaware Corporation,

33 Defendant.

34 Case No. 4:18-cv-07229-YGR (TSH)

35 Hon. Yvonne Gonzalez Rogers

36 **FINJAN LLC'S ADMINISTRATIVE
37 MOTION TO FILE DOCUMENTS
38 UNDER SEAL**

1 **I. INTRODUCTION**

2 Plaintiff Finjan LLC (“Finjan”), having reviewed and complied with Civil Local Rule 79-5,
3 hereby moves the Court for permission to file under seal the following documents:

Document	Portion to seal	Reason for sealing
4 Defendant Qualys Inc.’s Oct. 1, 2020 5 Supplemental Objections and Responses to 6 Finjan’s First Set of Interrogatories (Nos. 1-6)	Entirety	Defendant Qualys Inc. designated the document “CONFIDENTIAL” under the Protective Order.
7 Defendant Qualys Inc.’s Oct. 1, 2020 8 Supplemental Objections and Responses to 9 Finjan, Inc.’s Third Set of Interrogatories (Nos. 12-19)	Entirety	Defendant Qualys Inc. designated the document “CONFIDENTIAL” under the Protective Order.

10 Filed concurrently herewith and pursuant to Civ. L.R. 79-5(c) are confidential versions of
11 the above referenced documents.

12 **II. ARGUMENT**

13 **A. Legal Standard**

14 Under Fed. Rule Civ. P. 26(c)(1)(G), the Court may, in its discretion and for good cause,
15 issue an order “requiring that a trade secret or other confidential research, development, or
16 commercial information not be revealed or be revealed only in a specified way.” Similarly, in this
17 Circuit, the Court may seal documents and information in the case of a dispositive motion if there
18 are “compelling reasons” to do so, and where “good cause” exists in the case of non-dispositive
19 motions. *Ctr. For Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1095-1100 (9th Cir. 2016).
20 A motion is considered “non-dispositive” when the motion is no more than “tangentially related” to
21 the underlying cause of action. *Id.* at 1099. The “good cause” standard requires a “particularized
22 showing” that “specific prejudice or harm will result” if the information is disclosed. *Phillips ex*
23 *rel. Estates of Byrd v. Gen Motors Corp.*, 307 F.3d 1206, 1210-11 (9th Cir. 2002) (internal quotation
24 marks omitted). “Broad allegations of harm, unsubstantiated by specific examples of articulated
25 reasoning” will not suffice. *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 476 (9th Cir. 1992). A
26 request to seal material “must be narrowly tailored to seek sealing only of sealable material.” L.R.

27 79-5(b)

1 **B. Finjan’s Administrative Motion to Seal is Supported by Good Cause and is**
2 **Narrowly Tailored**

3 Good cause exists to file the documents in question under seal, as described in the
4 Declaration of Jason W. Wolff (“Wolff Decl.”) accompanying this motion to seal. Finjan’s request
5 is narrowly tailored to seal only information that has been designated as confidential pursuant to the
6 protective order entered in this case. For the foregoing reasons, Finjan respectfully requests that the
7 Court grant its request that the documents described above remain under seal.

8
9 Dated: November 6, 2020

/s/ Jason W. Wolff

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on November 6, 2020, to all counsel of record who are deemed to have consented to electronic service via the Court’s CM/ECF system. Any other counsel of record will be served by electronic mail and regular mail.

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