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15 *Attorneys for Defendant*
16 QUALYS INC.

17 **IN THE UNITED STATES DISTRICT COURT**
18 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

19 **OAKLAND DIVISION**

21 FINJAN, INC., a Delaware Corporation,)
22 Plaintiff,) **CASE NO.: 4:18-cv-07229-YGR**
23 v.) **QUALYS'S SECOND**
24 QUALYS INC., a Delaware Corporation,) **ADMINISTRATIVE MOTION TO**
25 Defendant) **FILE DOCUMENTS UNDER SEAL**
26 _____)

27
28

1 **I. INTRODUCTION**

2 Pursuant to Federal Rule of Civil Procedure 26(c), Civil Local Rules 7-11 and 79-5, and
3 the Stipulated Protective Order, Defendant Qualys Inc. (“Qualys”) respectfully brings this Second
4 Administrative Motion to File Documents Under Seal. Specifically, there are compelling reasons
5 to file the following portions of the document under seal as identified below:

6

Identification of Documents to be Sealed	Portion to be Sealed	Entity That Designated the Information As Confidential
Motion to Strike	Selected Portions	Qualys
Exhibit 8 to Defendant Qualys Inc.’s Motion to Strike Portions of Plaintiff Finjan LLC’s Infringement and Damages Expert Reports (Finjan’s Damages Contentions, served October 30, 2019)	Entire Excerpted Document	Finjan designated the document “HIGHLY CONFIDENTIAL – ATTORNEYS EYES’ ONLY”

13

14 **II. ARGUMENT**

15 Under Fed. Rule Civ. P. 26(c)(1)(G), the Court may, in its discretion and for good cause,
16 issue an order “requiring that a trade secret or other confidential research, development, or
17 commercial information not be revealed or be revealed only in a specified way.” Similarly, in this
18 Circuit, the Court may seal documents and information in the case of a dispositive motion if there
19 are “compelling reasons” to do so, and where “good cause” exists in the case of non-dispositive
20 motions. *Ctr. For Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1095-1100 (9th Cir. 2016). A
21 motion is considered “non-dispositive” when the motion is no more than “tangentially related” to
22 the underlying cause of action. *Id.* at 1099. The “good cause” standard requires a “particularized
23 showing” that “specific prejudice or harm will result” if the information is disclosed. *Phillips ex*
24 *rel. Estates of Byrd v. Gen Motors Corp.*, 307 F.3d 1206, 1210-11 (9th Cir. 2002) (internal
25 quotation marks omitted). “Broad allegations of harm, unsubstantiated by specific examples of
26 articulated reasoning” will not suffice. *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 476 (9th
27 Cir. 1992). A request to seal material “must be narrowly tailored to seek sealing only of sealable
28

1 Qualys seeks to seal the attached exhibit, which contain Qualys confidential information as
2 detailed in the Declaration of Christopher D. Mays accompanying this second motion to seal.
3 Qualys has narrowly tailored its request with this Administrative Motion seeking to file under seal
4 only the documents containing confidential information pursuant to the Stipulated Protective
5 Order governing treatment of confidential information exchanged during discovery.

6 **III. CONCLUSION**

7 Qualys has shown good cause and compelling reasons for this request to file the above-
8 referenced portions of the documents under seal. This request is narrowly tailored to seal only
9 information that is regarded as confidential. For these reasons, Qualys respectfully requests that
10 the Court grant its Administrative Motion to File Documents Under Seal.

11 Respectfully submitted,

12 By:

13 DATED: January 22, 2021

/s/ Christopher D. Mays

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