

1 Juanita R. Brooks (CA SBN 75934)
 brooks@fr.com
 2 Roger A. Denning (CA SBN 228998)
 denning@fr.com
 3 Jason W. Wolff (CA SBN 215819)
 wolff@fr.com
 4 Megan A. Chacon (CA SBN 304912)
 chacon@fr.com
 5 K. Nicole Williams (CA SBN 291900)
 nwilliams@fr.com
 6 FISH & RICHARDSON P.C.
 12860 El Camino Real, Suite 400
 7 San Diego, CA 92130
 Phone: (858) 678-5070 /Fax: (858) 678-5099

8 Robert P. Courtney (CA SBN 248392)
 9 courtney@fr.com
 FISH & RICHARDSON P.C.
 10 3200 RBC Plaza
 60 South 6th Street
 11 Minneapolis, MN 55402
 Phone: (612) 335-5070 /Fax: (612) 288-9696

12 Proshanto Mukherji (*pro hac vice*)
 13 mukherji@fr.com
 FISH & RICHARDSON P.C.
 14 One Marina Park Drive
 Boston, MA 02210
 15 Phone: (617) 542-5070/ Fax (617) 542-8906

16 *Attorneys for Plaintiff*
 FINJAN, LLC

17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA
 19 (OAKLAND DIVISION)

20
 21 FINJAN, LLC, a Delaware Limited Liability
 Company,
 22
 23 Plaintiff,
 24 v.
 25 QUALYS INC., a Delaware Corporation,
 26
 27 Defendant.

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

**FINJAN LLC'S ADMINISTRATIVE
 MOTION TO FILE UNDER SEAL**

1 **I. INTRODUCTION**

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

4 Identification of Documents to be Sealed	5 Portion of Document to be Sealed	6 Designating Party	7 Reason for Sealing
8 Plaintiff Finjan LLC’s 9 Opposition to Qualys 10 Inc.’s Motion to 11 Strike Portions of 12 Plaintiff’s 13 Infringement and 14 Damages Expert 15 Reports	16 Highlighted 17 portions at: 18 page 2, lines 19-22; 19 page 5, lines 15-20; 20 page 7, lines 16-17, 21 21-22, 24, and 28; 22 page 8, lines 3-7, 23 19, 22-28; page 9, 24 lines 1-7, 9-12; 25 page 11, lines 20- 26 24, 25; page 12, 27 lines 22-23; page 28 13, lines 12-13, 25- 29 26; page 14, lines 9- 30 10	Qualys	Reflects information designated by Qualys as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the Protective Order
31 Exhibit B to the 32 Declaration of Robert 33 Courtney (“Courtney 34 Declaration”) 35 (Excerpts from the 36 Expert Report of 37 Nenad Medvidovic, 38 Ph.D. dated 39 December 1, 2020)	Entirety	Qualys	Reflects information designated by Qualys as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the Protective Order
40 Exhibit D to the 41 Courtney Declaration 42 (Excerpt from the 43 Deposition Transcript 44 of Dilip Bachwani 45 taken September 18, 46 2020)	Entirety	Qualys	Designated by Qualys as “HIGHLY CONFIDENTIAL” under the Protective Order
47 Exhibit F to the 48 Courtney Declaration 49 (Excerpts from the 50 Opening Expert 51 Report of Dr. Avi 52 Rubin dated 53 December 1, 2020)	Entirety	Qualys	Reflects information designated by Qualys as “HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS’ EYES ONLY” under the Protective Order
54 Exhibit G to the	Entirety	Qualys	Reflects information

<p>(Excerpts from the Opening Expert Report of Eric Cole, Ph.D. Regarding Infringement by Qualys Inc. of Patent Nos. 6,154,844; 8,677,494; and 7,418,731 dated December 1, 2020)</p>			<p>“HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY – SOURCE CODE” under the Protective Order</p>
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II. ARGUMENT

Per Civil Local Rule 79-5(d)(1)(A) and 79-5(e), the statements above are confirmed by the accompanying Declaration of K. Nicole Williams in Support of Finjan LLC’s Administrative Motion to File Under Seal, filed contemporaneously herewith. Per Civil Local Rule 79-5(d)(1)(B), a proposed order narrowly tailored to seal only the sealable material, and listing in table format each document or portion thereof that is sought to be sealed, is attached hereto. Per Civil Local Rule 79-5(d)(1)(C) and (D), redacted and unredacted versions of the documents sought to be sealed are attached hereto as exhibits to Ms. Williams’s Declaration.

III. ARGUMENT

A. Legal Standard

Under Fed. Rule Civ. P. 26(c)(1)(G), the Court may, in its discretion and for good cause, issue an order “requiring that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a specified way.” Similarly, in this Circuit, the Court may seal documents and information in the case of a dispositive motion if there are “compelling reasons” to do so, and where “good cause” exists in the case of non-dispositive motions. *Ctr. For Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1095-1100 (9th Cir. 2016). A motion is considered “non-dispositive” when the motion is no more than “tangentially related” to the underlying cause of action. *Id.* at 1099. The “good cause” standard requires a “particularized showing” that “specific prejudice or harm will result” if the information is disclosed. *Phillips ex rel. Estates of Byrd v. Gen Motors Corp.*, 307 F.3d 1206, 1210-11 (9th Cir. 2002) (internal quotation marks omitted). “Broad allegations of harm, unsubstantiated by specific examples of articulated reasoning” will not suffice. *Beckman Indus. Inc. v. Int’l Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992).

1 A request to seal material “must be narrowly tailored to seek sealing only of sealable material.”
2 L.R. 79-5(b).

3 **B. Finjan’s Administrative Motion to Seal Is Supported by Good Cause and**
4 **Compelling Reasons and Is Narrowly Tailored**

5 Good cause and compelling reasons exist to file the documents in question under seal, as
6 described in the Williams Declaration accompanying this motion to seal.

7 Finjan’s request is narrowly tailored to seal only information that has been designated as
8 confidential by Qualys pursuant to the Protective Order entered in this case. For the foregoing
9 reasons, Finjan respectfully requests that the Court grant its request that the documents described
10 above remain under seal.

11 Dated: February 8, 2021

/s/ K. Nicole Williams

Juanita R. Brooks (CA SBN 75934)
brooks@fr.com

Roger A. Denning (CA SBN 228998)
denning@fr.com

Jason W. Wolff (CA SBN 215819)
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K. Nicole Williams (CA SBN 291900)
nwilliams@fr.com

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mukherji@fr.com

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One Marina Park Drive

Boston, MA 02210

Phone: (617) 542-5070/ Fax (617) 542-8906

Attorneys for Plaintiff
FINJAN, LLC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on February 8, 2021, 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.

/s/ K. Nicole Williams

K. Nicole Williams

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