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14 **Attorneys for Plaintiff**  
15 **FINJAN, LLC**

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

18 FINJAN, LLC, a Delaware Limited Liability  
19 Company,

20 Plaintiff,

21 v.

22 QUALYS INC., a Delaware Corporation,

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

Hon. Yvonne Gonzalez Rogers

**FINJAN, LLC'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL ITS  
LETTER TO THE HONORABLE  
YVONNE GONZALEZ ROGERS FROM  
FINJAN LLC REGARDING QUALYS  
INC.'S LETTER REQUESTING A PRE-  
FILING CONFERENCE FOR ITS  
SUMMARY JUDGMENT MOTION**

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:

Identification of Documents to be Sealed	Portion of Document to be Sealed	Designating Party	Reason(s) for Sealing
Plaintiff Finjan LLC’s Letter to the Honorable Yvonne Gonzales Rogers from Finjan LLC Re Qualys Inc.’s Letter Requesting a Pre-Filing Conference for its Summary Judgment Motions	Highlighted portions at : pg. 1, lines 15-19, 21-22, 27-28; pg. 2, lines 1-3, 8-12, 15-23; pg. 3, lines 1-2	Qualys	This document reflects information that Qualys designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the Protective Order (ECF 34), and from which confidential information regarding Qualys’s accused products could be potentially discerned. <i>See</i> Declaration of Jason W. Wolff (“Wolff Decl.”) ¶ 3.

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14 Filed concurrently herewith and pursuant to Civ. L.R. 79-5(c) are the confidential version of  
15 Plaintiff Finjan, Inc.’s Letter To The Honorable Yvonne Gonzalez Rogers From Finjan LLC  
16 Regarding Qualys Inc.’s Letter Requesting A Pre-Filing Conference For Its Summary Judgment  
17 Motion, as well as a public redacted version of the Motion.

18 **II. ARGUMENT**

19 **A. Legal Standard**

20 Under Fed. Rule Civ. P. 26(c)(1)(G), the Court may, in its discretion and for good cause,  
21 issue an order “requiring that a trade secret or other confidential research, development, or  
22 commercial information not be revealed or be revealed only in a specified way.” Similarly, in this  
23 Circuit, the Court may seal documents and information in the case of a dispositive motion if there  
24 are “compelling reasons” to do so, and where “good cause” exists in the case of non-dispositive  
25 motions. *Ctr. For Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1095-1100 (9th Cir. 2016).  
26 A motion is considered “non-dispositive” when the motion is no more than “tangentially related” to  
27 the underlying cause of action. *Id.* at 1099. The “good cause” standard requires a “particularized

1 showing” that “specific prejudice or harm will result” if the information is disclosed. *Phillips ex*  
 2 *rel. Estates of Byrd v. Gen Motors Corp.*, 307 F.3d 1206, 1210-11 (9th Cir. 2002) (internal quotation  
 3 marks omitted). “Broad allegations of harm, unsubstantiated by specific examples or articulated  
 4 reasoning” will not suffice. *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992).  
 5 A request to seal material “must be narrowly tailored to seek sealing only of sealable material.”  
 6 L.R. 79-5(b).

7 **B. Finjan’s Administrative Motion to Seal Is Supported by Good Cause and is**  
 8 **Narrowly Tailored**

9 Good cause exists to file the documents in question under seal, as described in the  
 10 Declaration of Jason W. Wolff In Support of Finjan Inc.’s Motion to File under Seal its Letter To  
 11 The Honorable Yvonne Gonzalez Rogers From Finjan LLC Regarding Qualys Inc.’s Letter  
 12 Requesting A Pre-Filing Conference For Its Summary Judgment Motion (“Wolff Decl.”)  
 13 accompanying this motion to seal.

14 Finjan’s request is narrowly tailored to seal only information that has been designated as  
 15 confidential pursuant to the protective order entered in this case. For the foregoing reasons, Finjan  
 16 respectfully requests that the Court grant its request that the documents described above remain  
 17 under seal.

19 Dated: March 22, 2021

/s/ Jason W. Wolff

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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 March 22, 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/ Jason W. Wolff* \_\_\_\_\_

Jason W. Wolff

*Attorneys for Plaintiff*

FINJAN, LLC.

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