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15 **Attorneys for Plaintiff**
 16 **FINJAN LLC**

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

20 FINJAN LLC, a Delaware Limited Liability
 21 Company,

22 Plaintiff,

23 v.

24 QUALYS INC., a Delaware Corporation,

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

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

I. INTRODUCTION

Plaintiff Finjan LLC (“Finjan”), having reviewed and complied with Civil Local Rule 79-5, 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 for Sealing
Plaintiff Finjan LLC’s Opposition to Qualys Inc.’s Renewed Motion to Strike Portions of Plaintiff’s Infringement Expert Reports	Highlighted portions at: Page 4, lines 17–18; Page 6, lines 1–9 and 26–28; Page 7, lines 1–4; and Page 8, lines 6–8.	Qualys	Reflects information designated by Qualys as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the Protective Order
Exhibit A to the Declaration of Lawrence R. Jarvis (“Jarvis Declaration”) (Excerpts from the Rebuttal Expert Report of Dr. Avi Rubin Regarding U.S. Patent No. 8,225,408 dated January 12, 2020)	Entirety	Qualys	Designated by Qualys as “HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS’ EYES ONLY” under the Protective Order
Exhibit C to the Jarvis Declaration (Excerpts from the Expert Report of Nenad Medvidovic, Ph.D. dated December 1, 2020)	Entirety	Qualys	Reflects information designated by Qualys as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the Protective Order
Exhibit E to the Jarvis Declaration (Excerpts from Vulnerability Spreadsheet QUALYS-RUBIN0911)	Entirety	Qualys	Reflects information designated by Qualys as “HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS’ EYES ONLY” under the Protective Order

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)

1 a proposed order narrowly tailored to seal only the sealable material, and listing in table format
2 each document or portion thereof that is sought to be sealed, is attached hereto. Per Civil Local
3 Rule 79-5(d)(1)(C) and (D), redacted and unredacted versions of the documents sought to be sealed
4 are attached hereto as exhibits to Ms. Williams’s Declaration.

5 **III. ARGUMENT**

6 **A. Legal Standard**

7 Under Fed. Rule Civ. P. 26(c)(1)(G), the Court may, in its discretion and for good cause,
8 issue an order “requiring that a trade secret or other confidential research, development, or
9 commercial information not be revealed or be revealed only in a specified way.” Similarly, in this
10 Circuit, the Court may seal documents and information in the case of a dispositive motion if there
11 are “compelling reasons” to do so, and where “good cause” exists in the case of non-dispositive
12 motions. *Ctr. For Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1095-1100 (9th Cir. 2016).
13 A motion is considered “non-dispositive” when the motion is no more than “tangentially related” to
14 the underlying cause of action. *Id.* at 1099. The “good cause” standard requires a “particularized
15 showing” that “specific prejudice or harm will result” if the information is disclosed. *Phillips ex*
16 *rel. Estates of Byrd v. Gen Motors Corp.*, 307 F.3d 1206, 1210-11 (9th Cir. 2002) (internal quotation
17 marks omitted). “Broad allegations of harm, unsubstantiated by specific examples of articulated
18 reasoning” will not suffice. *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992).
19 A request to seal material “must be narrowly tailored to seek sealing only of sealable material.”
20 L.R. 79-5(b).

21 **B. Finjan’s Administrative Motion to Seal Is Supported by Good Cause and** 22 **Compelling Reasons and Is Narrowly Tailored**

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

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

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Dated: May 18, 2021

/s/ K. Nicole Williams
K. Nicole Williams

Attorneys for Plaintiff
FINJAN LLC.