

1 Juanita R. Brooks (CA SBN 75934) brooks@fr.com
Roger A. Denning (CA SBN 228998) denning@fr.com
2 Jason W. Wolff (CA SBN 215819) wolff@fr.com
John-Paul Fryckman (CA SBN 317591) fryckman@fr.com
3 K. Nicole Williams (CA291900) nwilliams@fr.com
FISH & RICHARDSON P.C.
4 12860 El Camino Real, Suite 400
San Diego, CA 92130
5 Telephone: (858) 678-5070 / Fax: (858) 678-5099

6 Proshanto Mukherji (*Pro Hac Vice*) mukherji@fr.com
FISH & RICHARDSON P.C.
7 One Marina Park Drive
Boston, MA 02210
8 Phone: (617) 542-5070/ Fax: (617) 542-5906

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

12 Attorneys for Plaintiff
13 FINJAN LLC

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 (SAN JOSE DIVISION)

18 FINJAN LLC, a Delaware Limited Liability
19 Company,
20 Plaintiff,
21 v.
22 SONICWALL INC., a Delaware Corporation,
23 Defendant.

Case No. 5:17-cv-04467-BLF (VKD)

**FINJAN LLC'S OMNIBUS
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:

ECF or Exh. No.	Document	Portion(s) to Seal	Reason(s) for Sealing
ECF 348	Finjan LLC’s Motion To Preclude Trial Testimony Relating to Written Description	Highlighted portions at page 2, lines 21-22; page 3, lines 16-19, 21-22; page 4, line 8	The highlighted portions of this document reflect information SonicWall has designated “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Stipulated Protective Order (ECF No. 68), and from which confidential information regarding SonicWall’s accused products could potentially be discerned.
Exh. A (ECF 348-2)	Excerpts from the Expert Report of Dr. Avi Rubin Regarding Invalidity of U.S. Patent No. 8,225,408, U.S. Patent No. 7,975,305, U.S. Patent No. 7,613,926 and U.S. Patent No. 6,965,968 dated September 4, 2020	Entirety	This document reflects information SonicWall has designated “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Stipulated Protective Order.
Exh. B (ECF 348-3)	Excerpts from the Expert Report of Dr. Kevin Almeroth on Invalidity of U.S. Patent Nos. 6,154,844 and 8,141,154 dated September 4, 2020	Entirety	This document was designated by SonicWall as “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Stipulated Protective Order.
Exh. C (ECF 348-4)	Excerpts from the Expert Report of Dr. Patrick McDaniel Regarding the Invalidity of the ’494 and ’780 Patents dated September 4, 2020	Entirety	This document was designated by SonicWall as “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Stipulated Protective Order.
Exh. D	Excerpt from the	Entirety	This deposition transcript

1 2 3	(ECF 348-5)	Deposition Transcript of Avi Rubin, Ph.D. taken October 29, 2020		was designated by SonicWall as “Highly Confidential” pursuant to the Stipulated Protective Order.
4 5 6	Exh. F (ECF 348-7)	Excerpt from the Deposition Transcript of Patrick McDaniel, Ph.D. taken October 23, 2020	Entirety	This deposition transcript was designated by SonicWall as “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Stipulated Protective Order.
7 8 9 10 11 12 13	ECF 350	Finjan LLC’s Motion to Preclude Trial Testimony from Stephen Becker, Ph.D.	Highlighted portions at page 3, lines 21-24; page 4, lines 9-11	The highlighted portions of this document reflect information SonicWall has designated “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Stipulated Protective Order, and from which confidential information regarding SonicWall’s accused products could potentially be discerned.
14 15 16 17 18 19 20	Exh. A (ECF 350-2)	Excerpts from the Expert Report of Stephen L. Becker, Ph.D. on Behalf of Defendant dated October 9, 2020	Entirety	This document was designated by SonicWall as “Confidential – Outside Counsel Only” pursuant to the Stipulated Protective Order. Confidential information regarding SonicWall’s accused products could potentially be discerned from this document.
21 22 23 24 25 26	Exh. B (ECF 350-3)	Excerpts from the Errata to Expert Report of Stephen L. Becker, Ph.D. on Behalf of Defendant dated October 28, 2020	Entirety	This document was designated by SonicWall as “Confidential – Outside Counsel Only” pursuant to the Stipulated Protective Order. Confidential information regarding SonicWall’s accused products could potentially be discerned from this document.
27 28	Exh. C (ECF 350-4)	Excerpts from the Deposition Transcript of Stephen Becker.	Entirety	This deposition transcript was designated by SonicWall as “Confidential

1		Ph.D. taken October 29, 2020		– Outside Counsel Eyes Only” pursuant to the Stipulated Protective Order, and from which confidential information regarding SonicWall’s accused products could potentially be discerned.
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6	Exh. D (ECF 350-5)	Excerpts from the Expert Report of DeForest McDuff, Ph.D. dated September 4, 2020	Entirety	This document reflects information SonicWall has designated “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Stipulated Protective Order, and from which confidential information regarding SonicWall’s accused products could potentially be discerned.
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12	Exh. E (ECF 350-6)	Plaintiff Finjan, Inc.’s Third Supplemental Objections and Responses to Defendant SonicWall, Inc.’s First Set of Interrogatories (No. 6) dated July 31, 2020	Entirety	This document reflects information regarding Finjan’s internal business practices and licensing negotiations, which Finjan has designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the Protective Order (ECF No. 68). Public disclosure of this information would cause harm to Finjan. <i>See</i> Declaration of K. Nicole Williams in Support of SonicWall’s Administrative Motion to File Under Seal (“Williams Decl.”) ¶ 7. This document also reflects information SonicWall has designated “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Stipulated Protective Order, and from which confidential information regarding SonicWall’s accused products could potentially be discerned.
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1 2 3 4 5 6 7 8	Exh. F (ECF 350-7) Excerpts from the Supplement to Expert Report of Stephen L. Becker on Behalf of Defendant dated December 22, 2020	Entirety	This document was designated by SonicWall as “Confidential – Outside Counsel Only” pursuant to the Stipulated Protective Order. Confidential information regarding SonicWall’s accused products could potentially be discerned from this document.
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9 Per Civil Local Rule 79-5(d)(1)(A) and 79-5(e), the statements above are confirmed by the
10 accompanying Declaration of K. Nicole Williams in Support of Finjan LLC’s Omnibus
11 Administrative Motion to File Under Seal, filed contemporaneously herewith. Per Civil Local Rule
12 79-5(d)(1)(B), a proposed order narrowly tailored to seal only the sealable material, and listing in
13 table format each document or portion thereof that is sought to be sealed, is attached hereto. Per
14 Civil Local Rule 79-5(d)(1)(C) and (D), redacted and unredacted versions of the documents sought
15 to be sealed are attached hereto as exhibits to Ms. Williams’s Declaration.

16 **II. ARGUMENT**

17 **A. Legal Standard**

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

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