

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
3 John-Paul Fryckman (CA 317591) fryckman@fr.com
K. Nicole Williams (CA291900) nwilliams@fr.com
4 FISH & RICHARDSON P.C.
12860 El Camino Real, Ste. 400
5 San Diego, CA 92130
Telephone: (858) 678-5070 / Fax: (858) 678-5099
6

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

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

13 Attorneys for Plaintiff
14 FINJAN LLC

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

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

20 Plaintiff,

21 v.

22 SONICWALL, INC., a Delaware Corporation,

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

**FINJAN LLC'S CORRECTED
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL ITS MOTION *IN LIMINE*
NO. 1**

Date: March 18, 2021
Time: 1:30 PM
Hon. Beth Labson Freeman
Ctrm: 3, 5th Floor

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 369	Finjan LLC’s Motion <i>in Limine</i> No. 1 To Preclude Testimony On Written Description from SonicWall’s Technical Experts	Highlighted portions at page 2, lines 1-2, 14-17, 19-20; page 3, lines 3-4	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.

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

19 **II. ARGUMENT**

20 **A. Legal Standard**

21 Under Fed. Rule Civ. P. 26(c)(1)(G), the Court may, in its discretion and for good cause,
22 issue an order “requiring that a trade secret or other confidential research, development, or
23 commercial information not be revealed or be revealed only in a specified way.” Similarly, in this
24 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

1 A motion is considered “non-dispositive” when the motion is no more than “tangentially related”
2 to the underlying cause of action. *Id.* at 1099. The “good cause” standard requires a
3 “particularized showing” that “specific prejudice or harm will result” if the information is
4 disclosed. *Phillips ex rel. Estates of Byrd v. Gen Motors Corp.*, 307 F.3d 1206, 1210-11 (9th Cir.
5 2002) (internal quotation marks omitted). “Broad allegations of harm, unsubstantiated by specific
6 examples of articulated reasoning” will not suffice. *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966
7 F.2d 470, 4766 (9th Cir. 1992). A request to seal material “must be narrowly tailored to seek
8 sealing only of sealable material.” L.R. 79-5(b).

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

11 Good cause and compelling reasons exist to file the documents in question under seal, as
12 described in the Declaration of K. Nicole Williams In Support of Finjan LLC’s CORRECTED
13 Motion to File under Seal its Motion *in Limine* No. 1 (“Williams Decl.”) accompanying this
14 motion to seal.

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

19 Respectfully Submitted,

20 Dated: March 4, 2021

21 By: /s/ K. Nicole Williams
Juanita R. Brooks (CA SBN 75934)
brooks@fr.com
22 Roger A. Denning (CA SBN 228998)
denning@fr.com
Jason W. Wolff (CA SBN 215819)
wolff@fr.com
23 John-Paul Fryckman (CA 317591)
fryckman@fr.com
24 K. Nicole Williams (CA 291900)
nwilliams@fr.com

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Boston, MA 02210
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FISH & RICHARDSON P.C.
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60 South Sixth Street
Minneapolis, MN 55402
Phone: (612) 335-5070 / Fax: (612) 288-9696

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 4, 2021, 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

nwilliams@fr.com

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