

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FINJAN, INC.,

No. C 17-05659 WHA

Plaintiff,

v.

**ORDER ON ADMINISTRATIVE
MOTION TO FILE UNDER SEAL**

JUNIPER NETWORK, INC.,

Defendant.

In connection with a discovery motion, defendant Juniper Networks, Inc., filed an administrative motion to file under seal Exhibit 1 appended to the motion — which contains excerpts from plaintiff Finjan, Inc.’s first supplemental objections and responses to Juniper’s first set of interrogatories — in its entirety and limited portions of Juniper’s discovery letter brief that reference or quote Exhibit 1 (Dkt. No. 198).

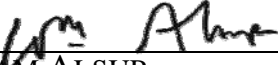
In this circuit, courts start with a “strong presumption in favor of access” when deciding whether to seal records. *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (citing *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). To seal judicial records in connection with a dispositive motion requires “compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure.” *See id.* at 1178–79 (quotations and citations omitted). A particularized showing of “good cause,” however, suffices to warrant sealing of judicial records in connection with a non-dispositive motion. *Id.* at 1179–80.

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Finjan’s supporting declaration states that the information in connection with Exhibit 1 describes Finjan’s confidential licensing practices and license agreements with third parties (Dkt. No. 204 ¶ 3). This order finds that Finjan’s claim of potential competitive harm upon public disclosure is insufficient to show good cause to seal. Juniper’s administrative motion is **DENIED**. Finjan will be given **TWO WEEKS** to seek appellate review of this order. Thereafter, absent order from the United States Court of Appeals for the Federal Circuit, Juniper shall file unredacted versions of the aforementioned documents by **OCTOBER 25 AT NOON**.

IT IS SO ORDERED.

Dated: October 9, 2018.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE