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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FINJAN, LLC.,

Plaintiff,

v.

ESET, LLC and ESET SPOL. SR.O.,

Defendants.

Case No.: 17-cv-183-CAB-BGS

**ORDER GRANTING JOINT
MOTION TO FILE UNDER SEAL
EXHIBITS TO JOINT STATEMENT
RE FURTHER RELIEF**

[ECF 901]

Before the Court is the parties’ Joint Motion to File Under Seal Exhibits to Joint Statement Re Further Relief. (ECF 901). It seeks to file five exhibits that were submitted in support of the parties’ Joint Statement (ECF 903) under seal—Exhibits 1, 2, and 3 to the Declaration of Nicola A. Pisano (“Pisano Decl.”) and Exhibits A and B to the Declaration of Nicole Williams (“Williams Decl.”). (ECF 901.) The Joint Statement these exhibits were filed in support of, and other exhibits were filed publicly. (ECF 903.)

Because the documents the parties seek to file under seal were filed in support of briefing on a discovery dispute, their request to file under seal is subject to a showing of good cause. *See Kamankana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1179-80 (9th Cir. 2003) (distinguishing between filing documents under seal in support of a non-

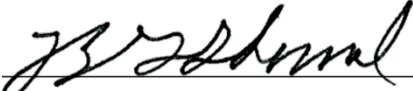
1 dispositive discovery motion, subject to good cause, and filing documents under seal in
2 support of a dispositive motion, subject to compelling reasons standard); *see also Foltz v.*
3 *State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135-37 (9th Cir. 2003).

4 In support of sealing these exhibits, counsel for Finjan has submitted a declaration.
5 (Decl. of K. Nicole Williams in Support of Parties' Joint Motion to File Documents
6 Under Seal ("Williams Decl. in Support of Sealing") [ECF 901-1].) The declaration
7 explains that Exhibits 1-3 contain highly sensitive business information such as non-
8 public financial figures as well as licensing, acquisition, and litigation strategy, and
9 Exhibits A and B contain highly sensitive financial figures and confidential agreement
10 terms. (*Id.* ¶¶ 4-5.) Counsel also explains that these exhibits are confidentially
11 maintained by Finjan in its regular course of business and that their public disclosure
12 could harm Finjan's business and competitive positions. (*Id.* ¶ 6.) Additionally, the Court
13 has reviewed the exhibits.

14 Based on the foregoing, the Court finds good cause to **GRANT** the Joint Motion.
15 The Clerk shall file these exhibits under seal.

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17 **IT IS SO ORDERED.**

18 Dated: April 3, 2023

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20 Hon. Bernard G. Skomal
21 United States Magistrate Judge
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