

1 GLENN D. POMERANTZ (SBN 112503)  
*Glenn.Pomerantz@mto.com*  
2 BART H. WILLIAMS (SBN 134009)  
*Bart.Williams@mto.com*  
3 KELLY M. KLAUS (SBN 161091)  
*Kelly.Klaus@mto.com*  
4 MUNGER, TOLLES & OLSON LLP  
355 South Grand Avenue, Thirty-Fifth Floor  
5 Los Angeles, CA 90071-1560  
Tel: (213) 683-9100; Fax: (213) 687-3702

6 ROBERT H. ROTSTEIN (SBN 72452)  
*rxr@msk.com*  
7 ERIC J. GERMAN (SBN 224557)  
*ejg@msk.com*  
8 BETSY A. ZEDEK (SBN 241653)  
*baz@msk.com*  
9 MITCHELL SILBERBERG & KNUPP LLP  
10 11377 West Olympic Boulevard  
Los Angeles, California 90064-1683  
11 Tel: (310) 312-2000; Fax: (310) 312-3100

12 GREGORY P. GOECKNER (SBN 103693)  
*gregory\_goeckner@mpaa.org*  
13 DANIEL E. ROBBINS (SBN 156934)  
*dan\_robbins@mpaa.org*  
14 15301 Ventura Boulevard, Building E  
Sherman Oaks, California 91403-3102  
15 Tel: (818) 995-6600; Fax: (818) 285-4403

16 Attorneys for Plaintiffs

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18 UNITED STATES DISTRICT COURT  
19 CENTRAL DISTRICT OF CALIFORNIA  
20 WESTERN DIVISION

21 UNIVERSAL CITY STUDIOS  
22 PRODUCTIONS LLLP, UNIVERSAL  
CITY STUDIOS LLLP, PARAMOUNT  
23 PICTURES CORPORATION,  
TWENTIETH CENTURY FOX FILM  
24 CORPORATION, SONY PICTURES  
TELEVISION INC., COLUMBIA  
25 PICTURES INDUSTRIES, INC., SONY  
PICTURES ENTERTAINMENT INC.,  
26 DISNEY ENTERPRISES, INC., WALT  
DISNEY PICTURES and WARNER  
27 BROS. ENTERTAINMENT INC.,

28 Plaintiffs,

FILED  
2008 SEP 30 AM 10:23  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

CV08-06412  
CASE NO.

SJO AJWX

**APPLICATION TO SEAL (1)  
NOTICE OF APPLICATION AND  
EX PARTE APPLICATION FOR  
TEMPORARY RESTRAINING  
ORDER AND ORDER TO SHOW  
CAUSE RE: PRELIMINARY  
INJUNCTION AND  
MEMORANDUM OF POINTS  
AND AUTHORITIES AND (2)  
DECLARATION OF GLENN D.  
POMERANTZ IN SUPPORT OF**

APPLICATION TO SEAL; DECLARATION  
OF GLENN D. POMERANTZ ISO

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vs.

REALNETWORKS, INC.; and  
REALNETWORKS HOME  
ENTERTAINMENT, INC.,

Defendants.

***EX PARTE* APPLICATION;  
DECLARATION OF GLENN D.  
POMERANTZ IN SUPPORT OF  
APPLICATION TO SEAL**

Lodged concurrently herewith:

1)[Proposed] Order Granting  
Application

2) Documents Requested To Be Filed  
Under Seal

1 Pursuant to Civil Local Rule 79-5-1, Plaintiffs respectfully apply for an order  
2 sealing the following documents:

- 3 • Notice of Application and *Ex Parte* Application for Temporary  
4 Restraining Order and Order to Show Cause Re: Preliminary  
5 Injunction; Memorandum of Points and Authorities
- 6 • Declaration of Glenn D. Pomerantz in Support of *Ex Parte*  
7 Application

8 A “compelling reason” exists to seal these documents. *See Kamakana v. City*  
9 *and County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (holding that “[a]  
10 party seeking to seal a judicial record . . . bears the burden of overcoming . . . the  
11 ‘compelling reasons’ standard”); *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d  
12 1122, 1135-36 (9th Cir. 2003). The confidential material at issue concerns a single  
13 page from the “Technical Specifications” of the “CSS License Agreement” between  
14 RealNetworks, Inc. and the DVD Copy Control Association, Inc. (“DVD-CCA”).  
15 The Technical Specifications contain confidential and sensitive trade secret  
16 information. This page from the “Technical Specifications” is attached as Exhibit  
17 G to the Declaration of Glenn D. Pomerantz in Support of the *Ex Parte* Application.  
18 The Memorandum of Points and Authorities in Support of the *Ex Parte* Application  
19 quotes a single line from the document.

20 Plaintiffs’ counsel received the “Technical Specifications” page from the  
21 DVD CCA. Declaration of Glenn D. Pomerantz In Support of Application to Seal,  
22 ¶ 2. We understand that the DVD-CCA considers this page to contain confidential  
23 information that has not been publicly disclosed. In obtaining the document,  
24 counsel agreed to maintain the strict confidentiality of the document pursuant to the  
25 terms of the CSS License Agreement, and that the document could only be used in  
26 this litigation if it were filed under seal and outside of the public record. *Id.*

27 This Application to Seal is narrowly tailored to protect the public’s interest in  
28 access to judicial records and the public policies favoring disclosure. *Kamakana*,

1 447 F.3d at 1178. Plaintiffs have filed with the court identical public redacted  
2 versions of the Memorandum of Points and Authorities in Support of the *Ex Parte*  
3 Application and the Pomerantz Declaration in Support of the *Ex Parte* Application.  
4 With respect to the Memorandum, Plaintiffs have redacted only a single sentence  
5 quote from the Technical Specifications page. And with respect to the Pomerantz  
6 Declaration, Plaintiffs have redacted Exhibit G, the Technical Specifications page.

7 For these reasons, the Court should grant the Application to Seal.

8  
9 DATED: September 30, 2008

MUNGER, TOLLES & OLSON LLP

MITCHELL SILBERBERG & KNUPP  
LLP

GREGORY P. GOECKNER  
DANIEL E. ROBBINS

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14 By: 

GLENN D. POMERANTZ

15 Attorneys for Plaintiffs  
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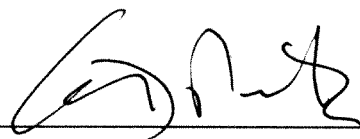
**DECLARATION OF GLENN D. POMERANTZ**

I, Glenn D. Pomerantz, declare as follows:

1. I am an attorney in the law firm of Munger, Tolles & Olson LLP, counsel of record to Plaintiffs in this action. The contents of this declaration are within my personal knowledge. If called as a witness in this action, I could and would testify competently to the contents of this declaration.

2. I received the "Technical Specifications" page of the CSS License Agreement, attached as Exhibit G to my Declaration in support of the *Ex Parte* Application, from the DVD Copy Control Association. A representative of the DVD Copy Control Association informed me that this page contains confidential information that is not publicly available. Therefore, to obtain the document, I signed an acknowledgement agreeing to maintain the document strictly confidential pursuant to the terms of the CSS License Agreement, and that the document could only be used in this litigation if it were filed under seal and outside of the public record.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed this 29<sup>th</sup> day of September 2008 at Los Angeles, California.

  
\_\_\_\_\_  
Glenn D. Pomerantz