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9 Attorneys for Plaintiffs and  
 Counterclaim Defendants  
 10 REALNETWORKS, INC. and  
 REALNETWORKS HOME  
 11 ENTERTAINMENT, INC.

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA

14 REALNETWORKS, INC., a Washington  
 Corporation; and REALNETWORKS HOME  
 15 ENTERTAINMENT, INC., a Delaware  
 corporation,

16 Plaintiffs,

17 v.

18 DVD COPY CONTROL ASSOCIATION, INC., a  
 19 Delaware nonprofit corporation, DISNEY  
 ENTERPRISES, INC., a Delaware corporation;  
 20 PARAMOUNT PICTURES CORP., a Delaware  
 corporation; SONY PICTURES ENTER., INC., a  
 21 Delaware corporation; TWENTIETH CENTURY  
 FOX FILM CORP., a Delaware corporation; NBC  
 22 UNIVERSAL, INC., a Delaware corporation;  
 WARNER BROS. ENTER. INC., a Delaware  
 23 corporation; and VIACOM, Inc., a Delaware  
 Corporation,

24 Defendants.  
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Case Nos. C08 04548 MHP;  
 C08 04719 MHP

**[PROPOSED] ORDER GRANTING  
 REALNETWORKS' MOTION TO  
 PRECLUDE CLAIMS BASED ON NON-  
 CSS TECHNOLOGIES OR  
 ALTERNATIVELY, TO CONTINUE THE  
 PRELIMINARY INJUNCTION  
 HEARING, AND FOR THE  
 APPOINTMENT OF A DISCOVERY  
 REFEREE**

**Before: Hon. Marilyn Hall Patel  
 Dept: Courtroom 15  
 Date: March 9, 2009  
 Time: 2:00 p.m.**

26  
 27 AND RELATED CASES  
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1 After full consideration, IT IS HEREBY ORDERED that the Motion to Preclude Claims  
2 Based on Non-CSS Technologies or, Alternatively, to Continue the Preliminary Injunction  
3 Hearing, and for the Appointment of a Discovery Referee, filed on January 26, 2009, is  
4 GRANTED.

5 IT IS ORDERED that no claim at the preliminary injunction hearing may be  
6 based on any non-CSS technology.

7  
8 IN THE ALTERNATIVE:

9 IT IS ORDERED that the preliminary injunction hearing is now scheduled to commence  
10 on April 14, 2009 at 2:00 o'clock p.m. in Courtroom 15, and that the pre-hearing schedule is as  
11 follows:

<b>ACTION</b>	<b>DATE</b>
Production of all additional documents requested by Real on January 5, 2009	Feb. 2, 2009
Identify additional witnesses to testify (live or by declaration) at hearing	Feb. 9, 2009
Depositions of fact witnesses	Completed by February 18, 2009
Exchange expert reports	Feb. 20 and Feb 27 (rebuttal), 2009 (5 pm)
Expert depositions	March 2 – March 10, 2009
Opening briefs	March 17, 2009 (5 pm)
Responsive briefs	March 31, 2009 (5 pm)
Exchange names of trial witnesses and depo designations	April 1, 2009
Exchange counter designations; exchange demonstratives	April 8, 2009
Hearing	Begins April 14, 2009

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24 IT IS FURTHER ORDERED that pursuant to Rule 16 of the Federal Rules of Civil  
25 Procedure \_\_\_\_\_ is appointed as a discovery referee. The parties in this  
26 action shall bring any and all discovery disputes which they cannot resolve before  
27 \_\_\_\_\_ for resolution.  
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It is so ORDERED.

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The Honorable Marilyn H. Patel  
United States District Court

Submitted by:

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By:  /s/  
Michael A. Berta  
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Attorneys for Plaintiffs and Counterclaim Defendants  
REALNETWORKS, INC. AND  
REALNETWORKS HOME  
ENTERTAINMENT, INC.

[PROPOSED] ORDER GRANTING MOTION TO PRECLUDE OR CONTINUE

CASE Nos.: C08 04548 MHP; C08 04719 MHP