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

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

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

17 Plaintiffs,

18 v.

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

25 Defendants.

Case Nos. C08 04548 MHP;
 C08 04719 MHP

**SUPPLEMENTAL DECLARATION OF
 TRACY TOSH LANE IN SUPPORT OF
 PLAINTIFFS' AND COUNTERCLAIM
 DEFENDANTS' MOTION TO
 PRECLUDE OR CONTINUE**

26
 27 AND RELATED CASES
 28

1 I, Tracy Tosh Lane, declare:

2 1. I am an attorney at law duly licensed to practice in the State of California and
3 before this Court. I am Of Counsel at the law firm of Wilson Sonsini Goodrich & Rosati, and
4 one of the counsel for RealNetworks, Inc. and RealNetworks Home Entertainment, Inc.
5 (collectively “RealNetworks”), plaintiffs and counterclaim defendants in the above-captioned
6 matter. I make this supplemental declaration in support of RealNetworks’ Reply in Support of
7 its Motion to Preclude Claims Based on Non-CSS Technologies or, Alternatively, to Continue
8 the Preliminary Injunction Hearing, and for the Appointment of a Discovery Referee (“Motion”).
9 I have personal knowledge of the facts set forth herein and, if called as a witness, could and
10 would testify competently thereto.

11 2. During the short time that the Motion has been pending, the Studio Defendants
12 have produced approximately 7,636 pages of new ARccOS and Rip Guard documents. The last
13 production on January 30, 2009 did not say one way or another whether the Studios’ production
14 is now complete. RealNetworks expects more to come.

15 3. On January 2, 2009, the Studio Defendants provided RealNetworks with
16 additional search terms relating to Facet, and requested that RealNetworks product, among other
17 things, *all* documents mentioning several movie titles, or containing the words “Facet” and
18 “copy,” “share,” “security” or “encrypt.” RealNetworks performed a reasonable inquiry and
19 responded by producing documents responsive to a slightly narrower set of terms less than two
20 weeks later, on January 15, 2009.

21 4. Exhibit A is a true and correct copy of relevant portions of Mr. Jeffrey Chasen’s
22 deposition testimony taken on December 16, 2008.

23 5. Exhibit B is a true and correct copy of relevant portions of the expedited word
24 version of Mr. Martin Schwarz’s deposition testimony taken on January 30, 2009.

25 6. Exhibit C is a true and correct copy of relevant portions of the transcript of the
26 October 3, 2008 TRO hearing.

27 7. Exhibit D is a true and correct copy of relevant portions of the transcript of the
28 December 22, 2008 TRO hearing.

