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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

**ADMINISTRATIVE MOTION FOR
 FILING UNDER SEAL (1)
 UNREDACTED VERSION OF
 REALNETWORKS REPLY IN
 SUPPORT OF 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; AND (2) EXHIBITS A-C,
 INCLUSIVE TO THE SUPPLEMENTAL
 DECLARATION OF TRACY TOSH
 LANE IN SUPPORT OF PLAINTIFFS'
 AND COUNTERCLAIM DEFENDANTS
 MOTION TO PRECLUDE OR
 CONTINUE**

26
 27 AND RELATED CASES
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ADMINISTRATIVE MOTION FOR FILING UNDER SEAL

Pursuant to Civil Local Rules 7-11 and 79-5(b) and (c), RealNetworks, Inc. and RealNetworks Home Entertainment, Inc. (collectively “RealNetworks”) request an order to file under seal the following documents:

(1) The unredacted version of RealNetworks’ Reply in Support of 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 (“Reply”); and

(2) Exhibits A-C inclusive, to the Supplemental Declaration of Tracy Tosh Lane in Support of Plaintiffs’ and Counterclaim Defendants’ Motion to Preclude or Continue.

More specifically, the exhibits are excerpts from the deposition transcripts of Jeffrey Chasen (Exhibit A) and Martin Schwarz (Exhibit B), as well as the under-seal transcript of the October 3, 2008 hearing before this Court (Exhibit C).

A “compelling reason” exists to seal these documents. *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (holding that aside from grand jury transcripts and warrant materials, “[a] party seeking to seal a judicial [] bears the burden of overcoming the ‘compelling reasons’ standard”). The information contained in the documents is RealNetworks’ propriety business, technical and trade secret information regarding RealDVD and the New Platform, and because of those facts, the parties have previously agreed that the deposition transcripts are designated as highly confidential, pursuant to the protective order in this action. Further, the October 3, 2008 hearing transcript is under seal.

Because the redactions in the Reply are quotes from, and paraphrases of, propriety business, technical and trade secret information, as agreed to by counsel in this case, and because the Court has ordered that the October 3, 2008 transcript be kept under seal, there is no need to seek an additional stipulation, pursuant to Civil Local Rule 7-11(a). Therefore, the Court should grant this administrative motion.

As required by Civil Local Rule 79-5(b), RealNetworks has lodged with the Clerk copies of Exhibits A-C. Further, as required by Civil Local Rule 79-5(c), Real Networks has lodged a

1 redacted version of the Reply that can be filed in the public record if the Court grants the sealing
2 order.”

3 **SUPPORTING DECLARATION OF TRACY TOSH LANE**

4 I, Tracy Tosh Lane, declare as follows:

5 1. I am an attorney with the law firm of Wilson Sonsini Goodrich & Rosati, counsel
6 for RealNetworks. I have personal knowledge of the following facts and if called as a witness, I
7 would testify to them.

8 2. The representations made in the above administrative motion are true and correct
9 to the best of my knowledge and belief.

10 I declare under penalty of perjury under the laws of the United States that the foregoing is
11 true and correct. Executed on February 5, 2009, in San Francisco, California.

12
13 WILSON SONSINI GOODRICH & ROSATI
14 Professional Corporation

15 By: /s/
16 Tracy Tosh Lane

17 Attorneys for Plaintiffs and Counterclaim
18 Defendants REAL NETWORKS, INC. and
19 REALNETWORKS HOME
20 ENTERTAINMENT, INC.
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