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

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
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14 REALNETWORKS, INC., a Washington )  
 Corporation; and REALNETWORKS HOME )  
 15 ENTERTAINMENT, INC., a Delaware corporation, )

Case Nos. C08 04548 MHP;  
 C08 04719 MHP

16 Plaintiffs, )

17 v. )

**STIPULATION AND  
 [PROPOSED] ORDER TO  
 CONTINUE HEARING ON  
 PLAINTIFFS' MOTION TO  
 DISMISS DVD CCA'S SECOND  
 COUNTERCLAIM**

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

24 Defendants. )

25 AND RELATED CASES )  
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 STIPULATION AND [PROPOSED] ORDER TO  
 POSTPONE HEARING  
 Case Nos. C08 04548 MHP & C08 04719 MHP

1 WHEREAS, Plaintiffs RealNetworks, Inc. and RealNetworks Home Entertainment, Inc.  
2 (collectively "Plaintiffs") commenced this action on September 30, 2008 seeking a Declaratory  
3 Judgment that certain DVD products do not violate the DMCA or constitute a breach of contract;

4 WHEREAS, Defendants DVD Copy Control Association ("DVD CCA") filed an  
5 amended answer and counterclaims for breach of contract and breach of the implied covenant of  
6 good faith and fair dealing on November 11, 2008;

7 WHEREAS, Plaintiffs filed a motion to dismiss the DVD CCA's Second Counterclaim  
8 on December 4, 2008 and noticed the hearing for February 23, 2009 at 2:00 p.m., however, this  
9 hearing date is not acknowledged or confirmed on the Court's website or in other publications;

10 WHEREAS, a conflict has arisen for Plaintiffs' lead counsel on February 23, 2009 and  
11 counsel for the DVD CCA has agreed to continue the hearing to a mutually agreeable date,  
12 namely March 2, March 9 or March 16;

13  
14 NOW THEREFORE, the parties, by and through their counsel of record, hereby agree  
15 and stipulate to the following alternative dates for the hearing on Plaintiffs' Motion to Dismiss  
16 the DVD CCA's Second Counterclaim in the above named action, which is currently scheduled  
17 for February 23, 2009 at 2:00 p.m., and request the Court enter this Stipulation as an Order of the  
18 Court:

19 1. The Hearing on Plaintiffs' Motion to Dismiss the DVD CCA's Second  
20 Counterclaim shall be moved to March 2, 2009, March 9, 2009, or March 16, 2009, at 2:00 p.m.,  
21 at the Court's discretion.

22  
23 Dated: February 20, 2009

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

24  
25 By: Tracy Tosh Lane by Amn  
26 Tracy Tosh Lane

27 Attorneys for Plaintiffs  
28 REALNETWORKS, INC. and REALNETWORKS  
HOME ENTERTAINMENT, INC.

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Dated: February 20, 2009

AKIN GUMP STRAUSS HAUER & FELD LLP

By: Reginald D. Steer  
Reginald Steer

Attorneys for Defendant  
DVD COPY CONTROL ASSOCIATION

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT JUDGE

By: \_\_\_\_\_  
Marilyn Hall Patel

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I, Tracy Tosh Lane, am the ECF User whose identification and password are being used to file this STIPULATION AND [PROPOSED] ORDER TO CONTINUE HEARING ON PLAINTIFFS' MOTION TO DISMISS DVD CCA'S SECOND COUNTERCLAIM. In compliance with General Order 45.X.B, I hereby attest that REGINALD STEER has concurred in this filing.

Dated: February 20, 2009

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By: /s/ Tracy Tosh Lane  
Tracy Tosh Lane

Attorneys for Plaintiffs  
REALNETWORKS, INC. AND  
REALNETWORKS HOME  
ENTERTAINMENT, INC.