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 14 ENTERTAINMENT, INC., UNIVERSAL CITY STUDIOS
 PRODUCTIONS LLLP, UNIVERSAL CITY STUDIOS
 15 LLLP, AND VIACOM, INC.

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA

18 REALNETWORKS, INC., et al.,
 19 Plaintiffs,
 20 vs.
 21 DVD COPY CONTROL
 ASSOCIATION, INC., et al.
 22 Defendants.
 23
 24
 25 AND CONSOLIDATED ACTIONS.
 26
 27
 28

CASE NO. C 08-4548-MHP
 Consolidated with Case No. C 08-04719-MHP
**APPLICATION TO SEAL HIGHLY
 CONFIDENTIAL VERSIONS OF (1) MOTION
 FOR SANCTIONS FOR SPOILIATION OF
 EVIDENCE, (2) DECLARATION OF
 REBECCA GOSE LYNCH IN SUPPORT
 THEREOF, (3) DECLARATION OF DR. JOHN
 P.J. KELLY IN SUPPORT THEREOF, AND (4)
 [PROPOSED] ORDER GRANTING MOTION
 FOR SANCTION FOR SPOILIATION OF
 EVIDENCE**
 Lodged concurrently herewith:
 1) [Proposed] Order Granting Application
 2) Documents Requested To Be Filed Under Seal

1 Pursuant to Civil Local Rule 7-11 and 79-5, Columbia Pictures Industries, Inc.,
2 Disney Enterprises, Inc., NBC Universal, Inc., Paramount Pictures Corporation, Sony Pictures
3 Entertainment, Inc., Sony Pictures Television, Inc., Twentieth Century Fox Film Corporation,
4 Universal City Studios LLLP, Universal City Studios Productions LLLP, Viacom, Inc., Walt
5 Disney Pictures, and Warner Bros. Entertainment, Inc. (collectively, “the Studios”) respectfully
6 apply for an order sealing the following documents:

7 (1) Highly Confidential Version of the Studios’ Motion For Sanctions For
8 Spoliation of Evidence;

9 (2) Highly Confidential Version of Exhibits to the Declaration of Rebecca
10 Gose Lynch In Support Of Studios’ Studios’ Motion For Sanctions For Spoliation of Evidence;

11 and

12 (3) Highly Confidential Version of the Declaration of Dr. John P.J. Kelly in
13 Support of Motion for Sanctions for Spoliation of Evidence;

14 (4) Highly Confidential Version of the [Proposed] Order Granting Motion for
15 Sanctions for Spoliation.

16 A “compelling reason” exists to seal these documents. *See Kamakana v. City and*
17 *County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (holding that “[a] party seeking to seal a
18 judicial record . . . bears the burden of overcoming the ‘compelling reasons’ standard”); *Foltz v.*
19 *State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135-36 (9th Cir. 2003). The confidential
20 material at issue divulges aspects of Real’s proprietary business, technical and trade secret
21 information regarding RealDVD and its new platform. This material has been designated by Real
22 as “confidential” or “highly confidential” pursuant to the protective order governing this
23 litigation, and is thus being manually filed under seal.

24 This Application to Seal is narrowly tailored to protect the public’s interest in
25 access to judicial records and the public policies favoring disclosure. *Kamakana*, 447 F.3d at
26 1178. Defendants have filed with the Court identical public redacted versions of the Motion for
27 Sanctions For Spoliation Of Evidence, as well as the Lynch Declaration in support thereof.

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

