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12 Attorneys for Defendant and Counterclaimant  
 DVD COPY CONTROL ASSOCIATION, INC.

14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA

16 REALNETWORKS, INC., a Washington  
 Corporation; and REALNETWORKS HOME  
 17 ENTERTAINMENT, INC., a Delaware  
 corporation,  
 18  
 Plaintiffs,  
 19  
 v.  
 20 DVD COPY CONTROL ASSOCIATION, INC.,  
 21 a Delaware nonprofit corporation, et al.  
 22  
 Defendants.  
 23  
 And Related Counterclaims.

Case No. C08 04548 MHP;  
 C08 04719 MHP

**DVD COPY CONTROL ASSOCIATION,  
 INC.'S APPLICATION TO SEAL HIGHLY  
 CONFIDENTIAL VERSIONS OF (1)  
 JOINDER IN MOTION FOR SANCTIONS  
 FOR SPOILIATION OF EVIDENCE, AND  
 (2) [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

24  
 25 AND RELATED CASES

1 Pursuant to Civil Local Rule 7-11 and 79-5, DVD Copy Control Association, Inc. (“DVD  
2 CCA”) respectfully applies for an order sealing the following documents:

3 (1) Highly Confidential Version of the DVD CCA’s Joinder to Motion For Sanctions For  
4 Spoliation of Evidence;

5 (2) Highly Confidential Version of the [Proposed] Order Granting Motion for Sanctions for  
6 Spoliation.

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

14 This Application to Seal is narrowly tailored to protect the public’s interest in access to judicial  
15 records and the public policies favoring disclosure. *Kamakana*, 447 F.3d at 1178. DVD CCA has filed  
16 with the Court identical public redacted versions of the Joinder to Motion for Sanctions For Spoliation  
17 Of Evidence.

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

19 Dated: March 2, 2009

Respectfully submitted,

AKIN GUMP STRAUSS HAUER & FELD LLP

WHITE & CASE LLP

24 By \_\_\_\_\_ /s/

25 Reginald D. Steer  
26 Attorneys for Defendant and Counterclaimant  
DVD COPY CONTROL ASSOCIATION, INC.