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 Counterclaim Defendants
 9 REALNETWORKS, INC. and
 REALNETWORKS HOME
 10 ENTERTAINMENT, INC.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

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

15 Plaintiffs,

16 v.

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

23 Defendants.
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25
 26 AND RELATED CASES
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Case Nos. C08 04548 MHP;
 C08 04719 MHP

**DECLARATION OF JEFF
 ALBERTSON IN SUPPORT OF
 PLAINTIFFS REALNETWORKS, INC.
 AND REALNETWORKS HOME
 ENTERTAINMENT, INC.'S
 OPPOSITION TO MOTION FOR
 SANCTIONS AND SPOLIATION**

Date: March 16, 2009
 Time: 2:00 p.m.
 Courtroom: 15

1 I, Jeff Albertson, declare:

2 1. I am a Senior Director of Product Management for plaintiff and counterclaim
3 defendant RealNetworks, Inc. ("Real"). I am a member of the team responsible for marketing
4 Real's yet-to-be released integrated hardware product that is known by the code name Facet. I
5 have personal knowledge of the facts set forth herein, and if called to testify, could and would
6 testify competently thereto.

7 2. I have been employed by Real since December 2007. During my tenure, I have
8 interacted with other members of the Facet team, including Brent Wood, Nicole Hamilton and
9 Phil Barrett. I report directly to Phil Barrett.

10 3. On or about October 6, 2008 I received an email from Real's legal department
11 regarding the preservation of documents for this litigation. My ordinary practice is not to delete
12 messages from my email inbox or sent mail that are related to my work, but to archive these
13 work-related emails within Microsoft Outlook. After receiving these litigation hold instructions,
14 I have retained documents that may be related to my work on the Facet project. I believe I have
15 preserved all documents that may be related to this litigation. Further, the contents of my hard
16 drive were copied in connection with this litigation in October 2008.

17 4. I have never been told by anyone to delete any email, whether with respect to this
18 litigation or with respect to anything else on the Facet project. Although members of the Facet
19 team discussed minimizing the use of words like "ripping" in our correspondence and
20 conversations because the term could be misconstrued as suggesting we were doing something
21 improper or illegal, I was never told to delete emails that contained the words "rip," "ripper," or
22 "ripping." Similarly, Phil Barrett has never instructed or otherwise requested that I delete any
23 emails, and to my knowledge never instructed anyone else to delete any emails or documents. I
24 have never heard any other Real employee instruct other Real employees to delete emails or
25 destroy documents related to this litigation or otherwise.

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1 I declare under penalty of perjury under the laws of the State of Washington and the
2 United States of America that the foregoing is true and correct of my own personal knowledge,
3 and that this declaration is executed this 10th day of March, 2009 at Seattle, Washington.

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5 Jeff Albertson

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