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 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.
 24

25
 26 AND RELATED CASES
 27
 28

Case Nos. C08 04548 MHP;
 C08 04719 MHP

**DECLARATION OF JAMES BIELMAN
 IN SUPPORT OF PLAINTIFFS
 REALNETWORKS, INC. AND
 REALNETWORKS HOME
 ENTERTAINMENT, INC.'S
 OPPOSITION TO MOTION FOR
 SANCTIONS AND SPOILIATION**

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

1 I, James Bielman, declare:

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

7 2. I have been employed by Real since March 2008. I report directly to James Brennan.

8 3. On or about October 6, 2008 I received an email from Real's legal department
9 regarding the preservation of documents for this litigation. Although I received the litigation
10 hold instructions, this did not require me to alter my regular practices. My ordinary practices are
11 not to delete work-related messages from either my email inbox or sent mail folder. Because I
12 do not delete emails or otherwise destroy documents that are related to my work on Facet, I
13 believe I have preserved the documents that I have sent or received that may be related to this
14 litigation. Further, the contents of my hard drive were copied in connection with this litigation in
15 January 2009.

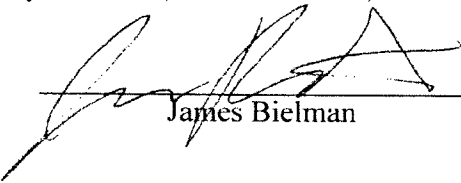
16 4. Although some members of the Facet development team discussed not using the
17 acronym ARccOS because we believed that term was an inaccurate description of the use of that
18 program, I was never told to delete emails containing that acronym. Further, Phil Barrett has
19 never instructed or otherwise requested that I delete any emails, and I am not aware that Mr.
20 Barrett ever instructed anyone else to delete emails. To the contrary, I recall that at a bug triage
21 meeting some time after the litigation was filed, Phil Barrett instructed people to keep all
22 printouts of bug reports for litigation. To my knowledge, no one else at Real has instructed
23 anyone working on the Facet or Vegas (Real's Windows-based software product) projects to
24 delete emails or destroy documents.

25 5. In the course of my employment, I interacted with Nicole Hamilton occasionally
26 while she was a member of the Facet development team. At no point did I hear Ms. Hamilton
27 express any concerns regarding the legality of Facet, or imply or suggest that our work on Facet
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was illegal or unethical. Rather, it was my impression that Ms. Hamilton wanted to comply with licensing requirements.

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


James Bielman