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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.
 24

25
 26 AND RELATED CASES
 27
 28

Case Nos. C08 04548 MHP;
 C08 04719 MHP

**DECLARATION OF JEFF CHASEN 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 Chasen, declare:

2 1. I am Vice President for Video Product Development for plaintiff and counterclaim
3 defendant RealNetworks, Inc. ("Real"). I am currently the manager of the engineering team
4 responsible for developing Real's Windows-based software product known as Vegas. I have
5 personal knowledge of the facts set forth herein, and if called to testify, could and would testify
6 competently thereto.

7 2. I have been employed by Real since 1998. I have been a Vice President responsible
8 for development since 2006. I am ultimately responsible for the design, development, testing,
9 and deployment of Vegas. I report directly to John Giamatteo.

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. Although I received the litigation
12 hold instructions, this did not require me to alter my regular practices. My ordinary practices are
13 not to delete work-related messages from my email inbox or sent mail. In fact, I believe I have
14 retained all of my Vegas-related email, either in an active email folder or on a back-up of my
15 email. In addition, I believe I have not deleted the small volume of other non-email electronic
16 documents that are related to my work on Vegas, and have saved those to my hard drive (to the
17 extent they are not already attachments to emails). Because I do not delete emails or otherwise
18 destroy documents that are related to my work on Vegas, I believe I have preserved the
19 documents that I have sent or received that may be related to this litigation. Further, the contents
20 of my hard drive were copied in connection with this litigation in October 2008.


21 4. I have never been told by anyone to delete any email or other documents (including
22 source code), whether with respect to this litigation or with respect to anything else on the Vegas
23 project. To my knowledge, no other Real employee has instructed anyone working on the Facet
24 (which is the code name for Real's yet-to-be released integrated hardware product) or Vegas
25 projects to delete emails or destroy documents.

26 5. In the course of my employment, I occasionally interacted with Nicole Hamilton
27 while she was a member of the Facet development team. At no point did I hear Ms. Hamilton
28 express any concerns regarding the legality of Facet, or imply or suggest that our work on Facet

1 was illegal or unethical. In fact, before Ms. Hamilton was transferred to the Helix group in June
2 2008, she had expressed to me an interest to remain on the Facet project.

3 6. In the course of my employment, I also interacted with Todd Basche, who was a
4 strategic advisor / consultant for Real through April 2008. To my knowledge, Mr. Basche's
5 work product on RealDVD consisted primarily of generating marketing requirements documents
6 and a prototype visual design layout. Mr. Basche generated few written documents as part of his
7 responsibilities, and he did not, to my knowledge, write or modify any source code for Vegas or
8 Facet. Mr. Basche sent the marketing requirements and prototype visual design layout
9 documents to me, and I still retain these documents.

10 I declare under penalty of perjury under the laws of the State of Washington and the
11 United States of America that the foregoing is true and correct of my own personal knowledge,
12 and that this declaration is executed this 11th day of March, 2009 at Seattle, Washington.

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15 Jeff Chasen
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