

1 LEO P. CUNNINGHAM, State Bar No. 121605
 Email: lcunningham@wsgr.com
 2 COLLEEN BAL, State Bar No. 167637
 Email: cbal@wsgr.com
 3 MICHAEL A. BERTA, State Bar No. 194650
 Email: mberta@wsgr.com
 4 TRACY TOSH LANE, State Bar No. 184666
 Email: ttosh@wsgr.com
 5 WILSON SONSINI GOODRICH & ROSATI
 Professional Corporation
 6 One Market Street
 Spear Tower, Suite 3300
 7 San Francisco, CA 94105

8 Attorneys for Plaintiffs and
 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.

Case Nos. C08 04548 MHP;
 C08 04719 MHP

**DECLARATION OF RISHI MATHEW
 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

[PUBLIC REDACTED VERSION]

25
 26 AND RELATED CASES

1 I, Rishi Mathew, declare:

2 1. I am a Director of Operations for Helix Community and IP Licensing Team for
3 plaintiff and counterclaim defendant RealNetworks, Inc. ("Real"). I have personal knowledge of
4 the facts set forth herein, and if called to testify, could and would testify competently thereto.

5 2. I have been employed by Real since 2003. As Director of Operations for Helix
6 Community, I have seven direct reports and five contractors. Between late June 2008 and
7 September 24, 2008, Nicole Hamilton was the Senior Program Manager Mobile Internet Devices
8 and NetBooks, and was one of my direct reports.

9 3. At no point did during her tenure in my department did Ms. Hamilton tell me that she
10 had been asked to destroy documents in her previous position. I have never heard any Real
11 employee instruct or request any other Real employee to destroy documents that were in any way
12 related to this litigation.

13 4. [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 5. [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]

27 [REDACTED] Mr. DeWhitt and I ensured that the office was locked. To my knowledge,
28 nobody entered the office for approximately three months. At that time, members from Real's

1 Facilities department inquired whether the office could be re-assigned to someone else, which
2 request was approved by Mr. DeWhitt.

3 6. I do not know what happened to the notebook that I put on the desk in the office, but I
4 never instructed anyone to destroy that notebook, nor destroy any other materials that might have
5 been relevant to this litigation. I did not believe that the notebook was related to the litigation
6 between Real and the defendants in this action. Instead, my assumption and belief was that
7 because Ms. Hamilton appeared to have been working with this notebook, and because she had
8 been re-assigned from the Facet team three months before her termination, there would not have
9 been anything in the notebook that was relevant to the litigation. In addition, at no point between
10 June 2008, when Ms. Hamilton transferred to my team, and September 24, 2008 [REDACTED]
11 [REDACTED] did Ms. Hamilton tell me that she had any notebooks related to
12 Facet that she had not already given to members of the Facet team.

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

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18 Rishi Mathew
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