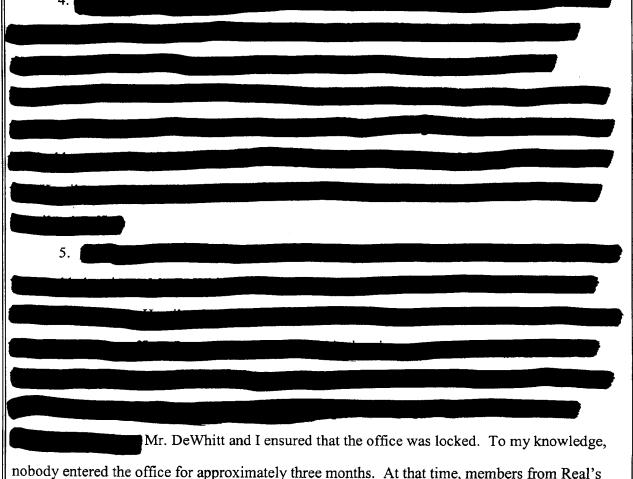
MATHEW DECL. IN SUPPORT OF OPP. TO MOTION

FOR SANCTIONS AND SPOLIATION, CASE NOS.: C08 04548 MHP; C08 04719 MHP

## I, Rishi Mathew, declare:

- 1. I am a Director of Operations for Helix Community and IP Licensing Team for plaintiff and counterclaim defendant RealNetworks, Inc. ("Real"). I have personal knowledge of the facts set forth herein, and if called to testify, could and would testify competently thereto.
- 2. I have been employed by Real since 2003. As Director of Operations for Helix Community, I have seven direct reports and five contractors. Between late June 2008 and September 24, 2008, Nicole Hamilton was the Senior Program Manager Mobile Internet Devices and NetBooks, and was one of my direct reports.
- 3. At no point did during her tenure in my department did Ms. Hamilton tell me that she had been asked to destroy documents in her previous position. I have never heard any Real employee instruct or request any other Real employee to destroy documents that were in any way related to this litigation.



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,
11	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 10 <sup>th</sup> day of March, 2009 at Seattle, Washington.
16	A sufficient
17	Rishi Mathew
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