

1 LEO 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
 14 Corporation; and REALNETWORKS HOME
 ENTERTAINMENT, INC., a Delaware
 15 corporation,

16 Plaintiffs,

17 v.

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

24 Defendants.

25
 26 AND RELATED CASES
 27
 28

Case Nos. C08 04548 MHP;
 C08 04719 MHP

**ADMINISTRATIVE MOTION FOR
 FILING UNDER SEAL (I) THE
 UNREDACTED VERSION OF
 REALNETWORKS'S OPPOSITION TO
 DEFENDANTS' MOTION FOR
 SANCTIONS FOR SPOILIATION OF
 EVIDENCE; (II) THE UNREDACTED
 VERSIONS OF THE DECLARATIONS
 OF TRACY TOSH LANE, WILLIAM
 WAY, JOHN MOORE, DALE DEWHITT,
 PHIL BARRETT, AND RISHI MATHEW;
 AND (III) THE EXHIBITS G AND H TO
 TRACY TOSH LANE'S DECLARATION
 IN SUPPORT OF THE OPPOSITION**

ADMINISTRATIVE MOTION FOR FILING UNDER SEAL

Pursuant to Civil Local Rules 7-11 and 79-5(b) and (c), RealNetworks, Inc. and RealNetworks Home Entertainment, Inc. (collectively “RealNetworks”) request an order to file under seal the following documents:

(1) The unredacted version of RealNetworks’ Opposition to the Defendants’ Motion for Sanctions for Spoliation of Evidence (“Opposition”);

(2) The unredacted version of the Declaration of Tracy Tosh Lane in Support of Plaintiffs RealNetworks, Inc. and RealNetworks Home Entertainment, Inc.’s Opposition to Motion for Sanctions and Spoliation (“Declaration of Tracy Tosh Lane”);

(3) The unredacted version of the Declaration of William Way in Support of Plaintiffs and Counter-Claim Defendants RealNetworks, Inc. and RealNetworks Home Entertainment, Inc.’s Opposition to Motion for Sanctions and Spoliation (“Declaration of William Way”);

(4) The unredacted version of the Declaration of John Moore in support of Plaintiffs RealNetworks, Inc. and RealNetworks Home Entertainment, Inc.’s Opposition to Motion for Sanctions and Spoliation (“Declaration of John Moore”);

(5) The unredacted version of the Declaration of Dale DeWhitt in Support of Plaintiffs RealNetworks, Inc. and RealNetworks Home Entertainment, Inc.’s Opposition to Motion for Sanctions and Spoliation (“Declaration of Dale Dewhitt”);

(6) The unredacted version of the Declaration of Phil Barrett in Support of RealNetworks and RealNetworks Home Entertainment’s Opposition to Motion for Sanctions and Spoliation (“Declaration of Phil Barrett:);

(7) The unredacted version of the Declaration of Rishi Mathew in Support of Plaintiffs RealNetworks Home Entertainment, Inc.’s Opposition to Motion for Sanctions and Spoliation (“Declaration of Rishi Mathew”); and

(8) Exhibits G and H to the Declaration of Tracy Tosh Lane-in Support of Plaintiffs RealNetworks, Inc. and RealNetworks Home Entertainment, Inc.’s Opposition to Motion for Sanctions and Spoliation (“Declaration of Tracy Tosh Lane”).

1 A “compelling reason” exists to seal these documents. *Kamakana v. City and County of*
2 *Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (holding that aside from grand jury transcripts
3 and warrant materials, “[a] party seeking to seal a judicial record. . . bears the burden of
4 overcoming the ‘compelling reasons’ standard”). Trade secrets and other confidential research,
5 development, or commercial information may properly be protected by the court. *See*
6 *Fed.R.Civ.P. 26(c)*. Further, employee personnel information may be properly sealed. *See*
7 *Tilton v. The McGraw-Hill Companies, Inc.*, 2007 WL 4420939 (W.D.Wash. 2007) (granting
8 motion to seal because public’s interest in personnel file was minimal).

9 Portions of the documents contain sensitive personal information and confidential
10 employee information which should not be publicly disclosed. Further, they are related to
11 RealNetworks’ propriety business, technical and trade secret information regarding RealDVD
12 and the New Platform, and thus this material is “confidential” or “highly confidential” under the
13 stipulated protective order governing this action.

14 More specifically, the Declaration of Tracy Tosh Lane its exhibits G and H contain
15 private employee-personnel information as well as proprietary business, technical and trade
16 secret information related to RealNetworks’s products. Further, the Declarations of William
17 Way, John Moore, Dale DeWhitt and Phil Barrett, and Rishi Mathew each contain confidential
18 personnel information.

19 Thus, this Administrative Motion to Seal is narrowly tailored to preserve the public’s
20 interest in accessing judicial records. *Kamakana*, 447 F.3d at 1178. Redacted versions of the
21 Opposition and supporting materials have been publicly filed with the Court. RealNetworks has
22 made conscientious efforts to redact only the confidential or highly confidential material
23 necessary to protect its sensitive business, technical or personal information. Therefore, the
24 Court should grant this administrative motion.

25 As required by Civil Local Rule 79-5(b), RealNetworks has lodged with the Clerk copies
26 of Exhibits G-H. Further, as required by Civil Local Rule 79-5(c), Real Networks has provided a
27 redacted versions of the Opposition, the Declarations of Tracy Tosh Lane, William Way, John
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