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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.
 24

25
 26 AND RELATED CASES
 27
 28

Case Nos. C08 04548 MHP;
 C08 04719 MHP

**DECLARATION OF JEFF BUZZARD
 IN SUPPORT OF REALNETWORKS
 AND REALNETWORKS HOME
 ENTERTAINMENT'S OPPOSITION TO
 MOTION FOR SANCTIONS AND
 SPOILIATION**

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

1 I, Jeff Buzzard, declare:

2 1. I am a Software Engineer for plaintiff and counterclaim defendant RealNetworks, Inc.
3 (“Real”). I am a member of the engineering team responsible for developing Real’s Windows-
4 based software product known as Vegas. I have personal knowledge of the facts set forth herein,
5 and if called to testify, could and would testify competently thereto.

6 2. I have been employed by Real since June 2005. I have been on the Vegas project
7 since its inception. In my job as a software engineer, I spend about 90% of my time writing
8 code. The other approximately 10% of the time, I do design work based on specifications given
9 to me. I report directly to Jeff Leitner.

10 3. On or about October 6, 2008 I received an email with instructions from Real’s legal
11 department regarding the preservation of documents for this litigation. Although I received the
12 litigation hold instructions, this did not require me to alter my regular practices. My ordinary
13 practices are not to delete work-related messages from my email inbox or sent mail folder. I also
14 maintain any non-email documents on my hard drive. Because I do not delete emails or
15 otherwise destroy documents that are related to my work on Vegas, I believe I have preserved all
16 of the documents that I have sent or received that may be related to this litigation.

17 4. I have never been told by anyone to delete any email, whether with respect to this
18 litigation or with respect to anything else on the Vegas project. Phil Barrett has never instructed
19 or otherwise requested that I delete any emails, and I am not aware that Mr. Barrett ever
20 instructed anyone else to delete emails. To my knowledge, no other Real employee has told or
21 instructed anyone working on the Facet (the code name for Real’s yet-to-be released integrated
22 hardware product) or Vegas projects to delete emails or destroy documents.

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

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

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5 _____
6 Jeff Buzzard

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