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15 LLLP, AND VIACOM, INC.

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

18 REALNETWORKS, INC., et al.,

19 Plaintiffs,

20 vs.

21 DVD COPY CONTROL
ASSOCIATION, INC., et al.

22 Defendants.
23

CASE NO. C 08-4548-MHP

Consolidated with Case No. C 08-04719-MHP

**APPLICATION TO SEAL HIGHLY
CONFIDENTIAL VERSIONS OF (1) STUDIOS'
REPLY IN SUPPORT OF MOTION FOR
SANCTIONS FOR SPOILIATION OF
EVIDENCE, AND (2) DECLARATION OF
ZACHARY KATZ IN SUPPORT OF SAME**

24 AND CONSOLIDATED ACTIONS.
25

Lodged concurrently herewith:

- 26 1) [Proposed] Order Granting Application
- 27 2) Documents Requested To Be Filed Under Seal

1 Pursuant to Civil Local Rule 7-11 and 79-5, Columbia Pictures Industries, Inc.,
2 Disney Enterprises, Inc., NBC Universal, Inc., Paramount Pictures Corporation, Sony Pictures
3 Entertainment, Inc., Sony Pictures Television, Inc., Twentieth Century Fox Film Corporation,
4 Universal City Studios LLLP, Universal City Studios Productions LLLP, Viacom, Inc., Walt
5 Disney Pictures, and Warner Bros. Entertainment, Inc. (collectively, “the Studios”) respectfully
6 apply for an order sealing the following documents:

7 (1) Highly Confidential Version of the Studios’ Reply In Support Of Motion
8 For Sanctions For Spoliation Of Evidence; and

9 (2) Highly Confidential Version of the Declaration of Zachary Katz In Support
10 Of Studios’ Reply In Support Of Motion For Sanctions For Spoliation Of Evidence.

11 A “compelling reason” exists to seal these documents. *See Kamakana v. City and*
12 *County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (holding that “[a] party seeking to seal a
13 judicial record . . . bears the burden of overcoming the ‘compelling reasons’ standard”); *Foltz v.*
14 *State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135-36 (9th Cir. 2003). The confidential
15 material at issue divulges aspects of Real’s proprietary business, technical and trade secret
16 information regarding RealDVD and its new platform. This material has been designated by Real
17 as “confidential” or “highly confidential” pursuant to the protective order governing this
18 litigation, and is thus being manually filed under seal.

19 This Application to Seal is narrowly tailored to protect the public’s interest in
20 access to judicial records and the public policies favoring disclosure. *Kamakana*, 447 F.3d at
21 1178. The Studios have filed with the Court identical public redacted versions of the Studios’
22 Reply In Support Of Motion For Sanctions For Spoliation of Evidence, as well as the Katz
23 Declaration in support thereof.

24 For these reasons, the Court should grant the Application to Seal.
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