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DVD COPY CONTROL ASSOCIATION, INC.

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 REALNETWORKS, INC., a Washington  
17 Corporation; and REALNETWORKS HOME  
ENTERTAINMENT, INC., a Delaware  
18 corporation,

19 Plaintiffs,

20 v.

21 DVD COPY CONTROL ASSOCIATION, INC.,  
a Delaware nonprofit corporation, et al.

22 Defendants.

23 And Related Counterclaims.

24  
25 AND RELATED CASES

Case No. C08 04548 MHP;  
C08 04719 MHP

**APPLICATION OF DVD COPY CONTROL  
ASSOCIATION, INC. TO SEAL (1) HIGHLY  
CONFIDENTIAL VERSION OF  
MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF MOTION  
FOR PRELIMINARY INJUNCTION; (2)  
DECLARATION OF JOHN P.J. KELLY; (3)  
SELECTED EXHIBITS TO  
DECLARATION OF JACOB PAK; AND (4)  
SELECTED EXHIBITS TO  
DECLARATION OF MARIA ELLINIKOS**

Lodged concurrently herewith:

1) [Proposed] Order Granting Application

2) Documents Requested To Be Filed Under Seal

1 Pursuant to Civil Local Rule 7-11 and 79-5, DVD Copy Control Association, Inc. (“DVD  
2 CCA”) respectfully applies for an order sealing the following documents:

- 3 (1) Highly Confidential Version of Memorandum of Points and Authorities in  
4 Support of Motion of DVD Copy Control Association, Inc. for Preliminary  
5 Injunction;
- 6 (2) Declaration of John P.J. Kelly and exhibits thereto;
- 7 (3) Exhibits I through O to the Declaration of Jacob Pak; and
- 8 (4) Exhibits A through W to the Declaration of Maria Ellinikos.

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

18 This Application to Seal is narrowly tailored to protect the public’s interest in access to judicial  
19 records and the public policies favoring disclosure. *Kamakana*, 447 F.3d at 1178. DVD CCA has filed  
20 with the Court identical public redacted versions of the Motion for Preliminary Injunction.

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

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Dated: March 19, 2009

Respectfully submitted,  
AKIN GUMP STRAUSS HAUER & FELD LLP  
WHITE & CASE LLP

By \_\_\_\_\_ /s/

Reginald D. Steer  
Attorneys for Defendant and Counterclaimant  
DVD COPY CONTROL ASSOCIATION, INC.