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Attorneys for Motion Picture Studio Plaintiffs/Declaratory
Relief Claim Defendants

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

REALNETWORKS, INC., et al.,

Plaintiffs,

vs.

DVD COPY CONTROL ASSOCIATION,
INC., et al.

Defendants.

CASE NO. C 08-4548-MHP

**APPLICATION TO SEAL HIGHLY
CONFIDENTIAL VERSIONS OF (1) NOTICE
OF MOTION AND MOTION OF STUDIO
PLAINTIFFS' FOR PRELIMINARY
INJUNCTION; MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT
THEREOF; (2) DECLARATION OF MARK
HOLLAR; (3) DECLARATION OF ROBERT
SCHUMANN; (4) DECLARATION OF
JEFFREY S. MILLER; AND (5)
DECLARATION OF JONATHAN H. BLAVIN**

Date: April 1, 2009
Time: 9:00 a.m.
Ctmm: 15 (Hon. Marilyn Hall Patel)

UNIVERSAL CITY STUDIOS
PRODUCTIONS LLLP, et al.,

Plaintiffs,

vs.

CASE NO. C 08-4719-MHP

Lodged concurrently herewith:

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

1 REALNETWORKS, INC., et al.

2 Defendants.

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

- (1) Notice of Motion and Motion of Studio Plaintiffs’ for Preliminary Injunction; Memorandum of Points and Authorities in Support Thereof
- (2) Declaration of Mark Hollar
- (3) Declaration of Robert Schumann
- (4) Declaration of Jeffrey S. Miller
- (5) Declaration of Jonathan H. Blavin

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

This Application to Seal is narrowly tailored to protect the public’s interest in access to judicial records and the public policies favoring disclosure. *Kamakana*, 447 F.3d at 1178. The Studios have filed with the Court public redacted versions of the aforementioned documents.

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

1 DATED: March 19, 2009

MUNGER, TOLLES & OLSON LLP

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4 By: /s/
JONATHAN H. BLAVIN

5 Attorneys for Studio Defendants/Counterclaim-
6 Plaintiffs/Plaintiffs
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