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 Relief Claim Defendants  
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14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA

16 REALNETWORKS, INC., et al.,

17 Plaintiffs,

18 vs.

19 DVD COPY BATES ASSOCIATION,  
 20 INC., et al.

21 Defendants.

CASE NO. C 08-4548-MHP

**DECLARATION OF JONATHAN H.  
 BLAVIN IN SUPPORT OF STUDIO  
 PLAINTIFFS' MOTION FOR  
 PRELIMINARY INJUNCTION**

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

22 UNIVERSAL CITY STUDIOS  
 23 PRODUCTIONS LLLP, et al.,

24 Plaintiffs,

25 vs.

26 REALNETWORKS, INC., et al.

27 Defendants.  
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CASE NO. C 08-4719-MHP

**PUBLIC REDACTED VERSION**

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**DECLARATION OF JONATHAN H. BLAVIN**

I, Jonathan H. Blavin, declare:

1. I am an attorney associated with the law firm of Munger, Tolles & Olson LLP, counsel of record for Columbia Pictures Industries, Inc., Disney Enterprises, Inc., Paramount Pictures Corp., Sony Pictures Entertainment, Inc., Sony Pictures Television Inc., Twentieth Century Fox Film Corp., NBC Universal, Inc., Walt Disney Pictures, Warner Bros. Entertainment, Inc., Universal City Studios Productions LLLP, Universal City Studios LLLP, and Viacom, Inc. (“the Studios”) in the above-captioned matter. I make this Declaration based upon my own personal knowledge, and if called upon to do so, I could and would testify competently to the matters stated herein.

2. Attached hereto are true and correct copies of excerpts of the following transcripts of depositions and proceedings in this litigation:

- Exhibit 1: Final Transcript of Deposition of Philip Barrett.
- Exhibit 2: Final Transcript of Deposition of Todd Basche.
- Exhibit 3: Final Transcript of Deposition of James Bielman.
- Exhibit 4: Final Transcript of Deposition of James Brennan.
- Exhibit 5: Final Transcript of Deposition of Jeffrey Buzzard.
- Exhibit 6: Final Transcript of Deposition of Jeffrey Chasen.
- Exhibit 7: Final Transcript of Deposition of Elizabeth Coppinger.
- Exhibit 8: Final Transcript of Deposition of Nicole Hamilton.
- Exhibit 9: Final Transcript of Deposition of Marsha K. King.
- Exhibit 10: Final Transcript of Deposition of Andrew Parsons.
- Exhibit 11: Final Transcript of Deposition of Martin Schwarz.
- Exhibit 12: Final Transcript of Deposition of Richard Wolpert.
- Exhibit 13: Final Transcript of Deposition of Edward Felten.
- Exhibit 14: Reporter’s Transcript of Proceedings dated October 3, 2008.

3. Attached hereto are true and correct copies of the following documents produced by Real to the Studios in this litigation:

- 1 Exhibit 15: Excerpt of Authenticator Module for CSS Decryption Module, CSS  
2 License, November 1, 2000, produced by Real in this litigation  
3 bearing the Bates number REAL001284.
- 4 Exhibit 16: Ripping Guide dated November 17, 2005 produced by Real in this  
5 litigation bearing the Bates numbers REAL018492-502.
- 6 Exhibit 17: Email dated January 29, 2007 produced by Real in this litigation  
7 bearing the Bates number REAL105086.
- 8 Exhibit 18: Digital Home Entertainment Presentation dated April 2007  
9 produced by Real in this litigation bearing the Bates numbers  
10 REAL051130-66.
- 11 Exhibit 19: Excerpts of Digital Home Entertainment Presentation dated April  
12 2007 produced by Real in this litigation bearing the Bates numbers  
13 REAL051595, REAL051628.
- 14 Exhibit 20: Email dated June 18, 2007 produced by Real in this litigation  
15 bearing the Bates number REAL053305.
- 16 Exhibit 21: CSS License Agreement dated August 2007 produced by Real in  
17 this litigation bearing the Bates numbers REAL001411-44.
- 18 Exhibit 22: Email dated August 22, 2007 produced by Real in this litigation  
19 bearing the Bates number REAL056606.
- 20 Exhibit 23: Vegas Project PRD Lite Memorandum dated October 2, 2007  
21 produced by Real in this litigation bearing the Bates numbers  
22 REAL078801-08.
- 23 Exhibit 24: Email dated October 15, 2007 produced by Real in this litigation  
24 bearing the Bates number REAL075625.
- 25 Exhibit 25: Email dated November 26, 2007 produced by Real in this litigation  
26 bearing the Bates numbers REAL078281-82.
- 27 Exhibit 26: Email dated November 26, 2007 produced by Real in this litigation  
28 bearing the Bates number REAL079937.

- 1 Exhibit 27: Email dated December 11, 2007 produced by Real in this litigation  
2 bearing the Bates numbers REAL077776-82.
- 3 Exhibit 28: Email dated January 2, 2008 produced by Real in this litigation  
4 bearing the Bates numbers REAL094704-46.
- 5 Exhibit 29: Email dated January 7, 2008 produced by Real in this litigation  
6 bearing the Bates numbers REAL065557-62.
- 7 Exhibit 30: Email dated January 14, 2008 produced by Real in this litigation  
8 bearing the Bates number REAL074508.
- 9 Exhibit 31: Email dated January 14, 2008 produced by Real in this litigation  
10 bearing the Bates numbers REAL094646-47.
- 11 Exhibit 32: Email dated January 15, 2008 produced by Real in this litigation  
12 bearing the Bates numbers REAL094237-38.
- 13 Exhibit 33: Email dated January 16, 2008 produced by Real in this litigation  
14 bearing the Bates numbers REAL074742-43.
- 15 Exhibit 34: Vegas - Product Launch Plan Review Presentation dated April 9,  
16 2008 produced by Real in this litigation bearing the Bates numbers  
17 REAL105912-29.
- 18 Exhibit 35: Email dated May 29, 2008 produced by Real in this litigation  
19 bearing the Bates numbers REAL106108-10.
- 20 Exhibit 36: Email dated May 29, 2008 produced by Real in this litigation  
21 bearing the Bates numbers REAL064873-75.
- 22 Exhibit 37: RealDVD Specification dated June 16, 2008 produced by Real in  
23 this litigation bearing the Bates numbers REAL000541-44,  
24 REAL000620.
- 25 Exhibit 38: Email dated June 11, 2008 produced by Real in this litigation  
26 bearing the Bates number REAL086680.
- 27 Exhibit 39: Vegas - Marketing & Product Launch Plan Review Presentation  
28 dated June 27, 2008 produced by Real in this litigation bearing the

- 1 Bates numbers REAL090496-510.
- 2 Exhibit 40: Consumer Home Piracy Research Findings dated July 2008
- 3 produced by Real in this litigation bearing the Bates numbers
- 4 REAL028798-803.
- 5 Exhibit 41: Email dated July 15, 2008 produced by Real in this litigation
- 6 bearing the Bates numbers REAL088249-51.
- 7 Exhibit 42: RealNetworks - Real DVD Launch Strategy Presentation dated
- 8 August 2008 produced by Real in this litigation bearing the Bates
- 9 numbers REAL021001-67.
- 10 Exhibit 43: Email dated August 5, 2008 produced by Real in this litigation
- 11 bearing the Bates number REAL058267.
- 12 Exhibit 44: Email dated August 22, 2008 produced by Real in this litigation
- 13 bearing the Bates numbers REAL090461-62.
- 14 Exhibit 45: Email dated August 25, 2008 produced by Real in this litigation
- 15 bearing the Bates numbers REAL082717-20.
- 16 Exhibit 46: Email dated August 29, 2008 produced by Real in this litigation
- 17 bearing the Bates number REAL065350.
- 18 Exhibit 47: Excerpts of RealDVD Presentation dated September 2008
- 19 document produced by Real in this litigation bearing the Bates
- 20 numbers REAL064050, REAL064087.
- 21 Exhibit 48: RealDVD Presentation dated September 8, 2008 produced by Real
- 22 in this litigation bearing the Bates numbers REAL136322-33.
- 23 Exhibit 49: Email dated September 10, 2008 produced by Real in this litigation
- 24 bearing the Bates number REAL096837.
- 25 Exhibit 50: Email dated September 11, 2008 produced by Real in this litigation
- 26 bearing the Bates numbers REAL050186-87.
- 27 Exhibit 51: Q3 2008 U.S. PR Recap Report & Q4 2008 U.S. PR Plan (draft)
- 28 dated October 2008 produced by Real in this litigation bearing the

- 1 Bates numbers REAL135672-95.
- 2 Exhibit 52: Excerpt of Buffalo Presentation produced by Real in this litigation
- 3 bearing the Bates numbers REAL004742,
- 4 Exhibit 53: Resume of Todd Basche produced by Real in this litigation bearing
- 5 the Bates numbers REAL113070-71.
- 6 Exhibit 54: Handwritten notes produced by Real in this litigation bearing the
- 7 Bates numbers REAL135584-89.
- 8 Exhibit 55: MSS Format Strategy Working Papers Presentation produced by
- 9 Real in this litigation bearing the Bates numbers REAL077134-59.
- 10 Exhibit 56: Excerpts of Facet 1.0 Plan Presentation produced by Real in this
- 11 litigation bearing the Bates numbers REAL052855, REAL052864.
- 12 Exhibit 57: Excerpts of Facet Strategic Positioning/Plan Presentation produced
- 13 by Real in this litigation bearing the Bates numbers REAL106086,
- 14 REAL106099.
- 15 Exhibit 58: Vegas - Product Review Presentation produced by Real in this
- 16 litigation bearing the Bates numbers REAL105869-84.
- 17 Exhibit 59: Elliot Ave Corp Overview produced by Real in this litigation
- 18 bearing the Bates numbers REAL106083-85.
- 19 Exhibit 60: RealDVD What, How, Why Presentation produced by Real in this
- 20 litigation bearing the Bates numbers REAL106519-43.

21 4. Attached hereto are true and correct copies of the following Expert Reports  
 22 submitted in this litigation:

- 23 Exhibit 61: Timothy F. Bresnahan dated February 20, 2009.
- 24 Exhibit 62: Larry Gerbrandt dated February 20, 2009.
- 25 Exhibit 63: Gordon Klein dated February 20, 2009.

26 5. Attached hereto as Exhibit 64 is a true and correct copy of the response to  
 27 Interrogatory No. 6 served by RealNetworks (“Real”) on January 6, 2009.

28 6. Attached hereto as Exhibit 65 is a true and correct copy of the RealDVD

1 Internet homepage, [www.RealDVD.com](http://www.RealDVD.com), as it appeared on Monday, September 29, 2008.

2 7. Attached hereto as Exhibit 66 is a true and correct copy of the RealDVD  
3 “Features” information webpage, [www.RealDVD.com/features](http://www.RealDVD.com/features), as it appeared on Monday,  
4 September 29, 2008.

5 8. Attached hereto as Exhibit 67 is a true and correct copy of the article,  
6 “RealNetworks releasing DVD copy software,” written by AP writer Rachel Metzand published  
7 in the *Seattle Times* on September 8, 2008.

8 9. Attached hereto as Exhibit 68 is a true and correct copy of RealNetworks’  
9 Reply Brief in Support of Motion for Preliminary Injunction files in *RealNetworks, Inc. v.*  
10 *Steambox, Inc.*, No. C-99-2070-P, (W.D. Wash Jan. 6, 2000).

11 10. Attached hereto as Exhibit 69 is a true and correct copy of the packaging of  
12 the DVD “Wall-E.”

13 11. Attached hereto as Exhibit 70 is a true and correct copy of the Addendum  
14 to Statement of Decision the California Superior Court, County of Santa Clara, in *DVD Copy*  
15 *Control Ass’n, Inc. v. Kaleidescape, Inc.*, No. 1-04 CV031829 (April 13, 2007).

16 I declare under penalty of perjury under the laws of the United States and  
17 California that the foregoing is true and correct and that this Declaration was executed this 19th  
18 day of March 2009, in San Francisco, California.

19  
20 /s/

21 \_\_\_\_\_  
JONATHAN H. BLAVIN