

1 JAMES A. DiBOISE, State Bar No. 83296  
 Email: jdiboise@wsgr.com  
 2 LEO P. CUNNINGHAM, State Bar No. 121605  
 Email: lcunningham@wsgr.com  
 3 COLLEEN BAL, State Bar No. 167637  
 Email: cbal@wsgr.com  
 4 MICHAEL A. BERTA, State Bar No. 194650  
 Email: mberta@wsgr.com  
 5 TRACY TOSH LANE, State Bar No. 184666  
 Email: ttosh@wsgr.com  
 6 WILSON SONSINI GOODRICH & ROSATI  
 Professional Corporation  
 7 One Market Street  
 Spear Tower, Suite 3300  
 8 San Francisco, CA 94105

9 Attorneys for Plaintiffs and  
 Counterclaim Defendants  
 10 REALNETWORKS, INC. and  
 REALNETWORKS HOME  
 11 ENTERTAINMENT, INC.

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA

14 REALNETWORKS, INC., a Washington  
 Corporation; and REALNETWORKS HOME  
 15 ENTERTAINMENT, INC., a Delaware  
 corporation,

16 Plaintiffs,

17 v.

18 DVD COPY CONTROL ASSOCIATION, INC., a  
 19 Delaware nonprofit corporation, DISNEY  
 ENTERPRISES, INC., a Delaware corporation;  
 20 PARAMOUNT PICTURES CORP., a Delaware  
 corporation; SONY PICTURES ENTER., INC., a  
 21 Delaware corporation; TWENTIETH CENTURY  
 FOX FILM CORP., a Delaware corporation; NBC  
 22 UNIVERSAL, INC., a Delaware corporation;  
 WARNER BROS. ENTER. INC., a Delaware  
 23 corporation; and VIACOM, Inc., a Delaware  
 Corporation,

24 Defendants.

Case Nos. C08 04548 MHP;  
 C08 04719 MHP

**DECLARATION OF JEFFREY  
 BUZZARD IN SUPPORT OF  
 REALNETWORKS, INC. AND  
 REALNETWORKS HOME  
 ENTERTAINMENT, INC.'S  
 OPPOSITION TO MOTION FOR  
 PRELIMINARY INJUNCTION**

Date: April 1, 2009  
 Time: 9 a.m.  
 Courtroom: 15

**[Public]**

26  
 27 AND RELATED CASES  
 28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I, Jeffrey Buzzard, declare:

1. I am a Software Engineer employed by RealNetworks, Inc (“Real”). I have personal knowledge of the facts stated herein, am over the age of eighteen, and can and will testify truthfully and competently to the statements in this declaration if called as a witness in this matter.

2. RealDVD—or “Vegas,” as it has been code named—is software released by Real near the end of September 2008 that is designed to allow consumers to make a secure copy of DVDs, on a hard drive attached to a Windows PC, for archival and back up purposes. Real has also developed, but not yet released, a standalone product designed to allow consumers to back up DVDs to a secure device (with a hard drive) that sits next to the TV. The standalone product has been code named “Facet.”

3. I have been involved in the development of the Vegas product from the beginning. My responsibilities have included, among other things, writing the software code that allows Vegas to save DVDs, and more generally ensuring that the product as a whole complies with a set of technical specifications (the “CSS Specifications”) promulgated by the DVD Copy Control Association. I spent weeks, full time, doing nothing other than ensuring that Vegas complied with the CSS Specifications.

4. Vegas was designed with a variety of functionality, including the ability to: (a) play DVDs from a DVD drive; (b) save a secure, CSS-encrypted copy of the DVD to a single hard drive for later playback; (c) gather “metadata” about the DVD from a licensed Internet database, including a plot synopsis, actor list, MPAA rating, etc.; (d) present links to various Internet websites that may be relevant to the chosen DVD, and (e) allow parents to set permissions and controls to limit access to DVD content by their kids. Vegas was also designed with functionality to prohibit saved DVD content from being distributed in useable form, on the Internet or anywhere else, as I explain more fully in paragraph 10 below.

5. I believe that, in doing all of these things, Vegas complies with the CSS Specifications. “CSS” refers to the Content Scramble System, which is a technological scheme

1 that relies on a set of secure keys and algorithms to limit access to CSS-encrypted DVDs to  
2 only those entities that obtain a CSS License from the DVD CCA. Real obtained a license to  
3 the CSS technology in August 2007.

4 **Vegas Complies with the CSS Specifications**

5 6. RealDVD was designed to be, and is, compliant with the CSS Specifications. I  
6 know this because I was personally responsible for ensuring compliance. I did so in the  
7 following fashion.

8 7. After Real obtained its license from the DVD CCA in August 2007, I was given  
9 access to—upon signing a strict confidentiality agreement—several documents that constitute  
10 the CSS Specifications. In particular, I was given the Descrambler and the Authenticator  
11 Modules for the CSS Decryption Module. I studied these documents at great length and then  
12 used them to design what I understood to be a DVD CCA-compliant system for accessing and  
13 saving DVD content.

14 8. In particular, Vegas complies with the CSS Specifications in at least the following  
15 ways:

16 a. [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]

20 b. [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]  
26 [REDACTED]

27 c. [REDACTED]  
28 [REDACTED]

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

[REDACTED]

[REDACTED]

d. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10. Vegas adds additional levels of security to saved DVD content to ensure that the data is both tethered to a single hard drive, and that it cannot be played back from Vegas software not directly licensed to the same account holder (there is a limit of 5 Vegas software licensed machines per licensee). Vegas does these things to ensure that saved DVD content can never be distributed in useable form, whether via P2P sites, or casually between friends. This is not required by the CSS Specifications, but is consistent with the use that Real intends for Vegas.

**Vegas Handles DVD Errors Indiscriminately**

11. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

[REDACTED]

[REDACTED]

12. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

13. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

14. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct of my own personal knowledge, and that this declaration is executed this 19th day of March, 2009 at Seattle, Washington.

  
Jeffrey Buzzard