

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 CHRISTOPHER F.
 NELSON IN SUPPORT OF
 PLAINTIFFS REALNETWORKS, INC.
 AND REALNETWORKS HOME
 ENTERTAINMENT, INC.'S
 OPPOSITION TO MOTION FOR
 PRELIMINARY INJUNCTION**

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

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 27 AND RELATED CASES
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I, Christopher F. Nelson, declare:

I am an attorney with the law firm of Wilson Sonsini Goodrich & Rosati, P.C., counsel for plaintiffs RealNetworks, Inc. and RealNetworks Home Entertainment, Inc. (collectively, “Real”) in this action. I make this declaration in support of Real’s Opposition to the Motion for a Preliminary Injunction. I have personal knowledge of the facts set forth herein, and if called to testify, could and would testify competently thereto.

1. Attached hereto as Exhibit 1 is a true and correct copy of a May 3, 2004 email string bearing Bates numbers MPAA-DIS-0000020-0000022.

2. Attached hereto as Exhibit 2 is a true and correct copy of a September 8, 2008 email bearing Bates number MPAA-WAR-0006010.

3. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the transcript of the deposition of Robert Glaser, taken in Seattle, Washington on February 26, 2009.

4. Attached hereto as Exhibit 4 is a true and correct copy of the Frequently Asked Questions (“FAQ”) Section found on the Kaleidescape, Inc.’s website located at <http://www.kaleidescape.com/faq> as of March 19, 2009.

5. Attached hereto as Exhibit 5 is a true and correct copy of the transcript of the March 29, 2007 proceedings in *DVD CCA v. Kaleidescape*, No. 1-04 CV 031829 (Cal. Sup. Ct.).

6. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the transcript of the deposition of Jacob Pak, taken in San Francisco, California on December 16, 2008.

7. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the transcript of the deposition of Andrew Parsons, taken in Palo Alto, California on December 11, 2008.

8. Attached hereto as Exhibit 8 is a true and correct copy of the CSS License Agreement signed by RealNetworks, Inc. on August 13, 2007, bearing Bates numbers REAL001411-01444.

1 9. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from the
2 transcript of the deposition of Jeffrey Buzzard, taken in Seattle, Washington on December 12,
3 2008.

4 10. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from the
5 transcript of the deposition of Edward Felten, taken in San Francisco, California on March 13,
6 2009.

7 11. Attached hereto as Exhibit 11 is a true and correct copy of excerpts from the
8 transcript of the deposition of Matthew Bishop, taken in San Francisco, California on March 5,
9 2009.

10 12. Attached hereto as Exhibit 12 is a true and correct copy of excerpts from the
11 transcript of the deposition of James Brennan, taken in Seattle, Washington on December 16,
12 2008.

13 13. Attached hereto as Exhibit 13 is a true and correct copy of excerpts from the
14 transcript of the deposition of James Bielman, taken in Seattle, Washington on February 18,
15 2009.

16 14. Attached hereto as Exhibit 14 is a true and correct copy of a September 1, 2004
17 Letter from the Bryan Cave law firm to AMX Corp., bearing Bates number DVD001504.

18 15. Attached hereto as Exhibit 15 is a true and correct copy of a February 13, 2006
19 Letter from the White & Case law firm to AMX Corp., bearing Bates number DVD009096 –
20 009097.

21 16. Attached hereto as Exhibit 16 is a true and correct copy of a February 15, 2006
22 Letter from AMX Corp. to counsel for the DVD CCA, bearing Bates number DVD009098 –
23 009099.

24 17. Attached hereto as Exhibit 17 is a true and correct copy of the product
25 specification for AMX's MAX-HT-12T Multimedia Server, as found on AMX's website at
26 <http://amx.com/products/MAX-HT-12T.asp>, as of March 19, 2009.

1 18. Attached hereto as Exhibit 18 is a true and correct copy of the Frequently Asked
2 Questions (“FAQ”) section for the Drive-in product , as found on Telestream’s website at
3 <http://www.telestream.net/drive-in/faq.htm>, as of March 19, 2009.

4 19. Attached hereto as Exhibit 19 is a true and correct copy of the Mac Products
5 Guide for Drive-in, as found on Apple, Inc.’s website at [http://guide.apple.com/action.lasso?-
6 database=macosguide&-layout=cgi_detail&response=/ussearch/detail.html&prodkey=104908&-
7 search](http://guide.apple.com/action.lasso?-database=macosguide&-layout=cgi_detail&response=/ussearch/detail.html&prodkey=104908&-search), as of March 19, 2009.

8 20. Attached hereto as Exhibit 20 is a true and correct copy of the DVD CCA list of
9 licensees as of August 28, 2007, bearing Bates number REAL004535 – 004553.

10 21. Attached hereto as Exhibit 21 is a true and correct copy of excerpts from the
11 transcript of the deposition of Elizabeth Coppinger, taken in Seattle, Washington on December
12 19, 2008.

13 22. Attached hereto as Exhibit 22 is a true and correct copy of the RealDVD End
14 User License Agreement.

15 23. Attached hereto as Exhibit 23 is a true and correct copy of a December 18, 2008
16 email from Rohit Singla.

17 24. Attached hereto as Exhibit 24 is a true and correct copy of excerpts from the
18 transcript of the deposition of Mark Hollar, taken in San Francisco, California on March 13,
19 2009.

20 25. Attached hereto as Exhibit 25 is a true and correct copy of excerpts from the
21 transcript of the deposition of Phil Barrett, taken in Seattle, Washington on December 15, 2008.

22 26. Attached hereto as Exhibit 26 is a true and correct copy of excerpts from the
23 transcript of the deposition of Jeff Chasen, taken in Seattle, Washington on December 16, 2008.

24 27. Attached hereto as Exhibit 27 are true and correct copies of the Studios Responses
25 to RealNetworks’ Interrogatory No. 23.

26 28. Attached hereto as Exhibit 28 is a true and correct copy of the February 20, 2009
27 Expert Report of Mark Hollar, without exhibits.

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1 29. Attached hereto as Exhibit 29 is a true and correct copy of a Macrovision
2 RipGuard presentation dated September 2007, bearing Bates numbers MVSN 0007600 – MVSN
3 0007619.

4 30. Attached hereto as Exhibit 30 is a true and correct copies of excerpts from the
5 transcript of the deposition of Aodan Coburn, taken in Los Angeles, California, on February 17,
6 2009.

7 31. Attached hereto as Exhibit 31 is a true and correct copy of a Macrovision
8 presentation dated July 2008, bearing Bates numbers MPAA-WAR-0010676 to MPAA-WAR-
9 0010687.

10 32. Attached hereto as Exhibit 32 is a true and correct copy of an NBC Universal, Inc.
11 e-mail dated October 23, 2007 concerning a dispute between NBC and Macrovision, bearing
12 Bates numbers MVSN0001924-25.

13 33. Attached hereto as Exhibit 33 is a true and correct copy of a June 13, 2008
14 settlement agreement between Netflix, Inc. and Sony Pictures Entertainment, Inc.

15 34. Attached hereto as Exhibit 34 is a true and correct copy of an ARccOS support
16 page available on Netflix's website at www.netflix.com as of March 19, 2009.

17 35. Attached hereto as Exhibit 35 is a true and correct copy of the Studios' Reply in
18 Support of their *Ex Parte* Application for a TRO, as filed in the Case No. 08-06412 (C.D. Cal.)
19 on October 1, 2008.

20 36. Attached hereto as Exhibit 36 is a true and correct copy of the Supplemental
21 Declaration of Jacqueline Lang in Opposition to Defendants' Application for a TRO, as filed in
22 Case No. 08-04548 (N.D. Cal.) on October 6, 2008.

23 37. Attached hereto as Exhibit 37 is a true and correct copy of a FAQ page from Sony
24 BMG's website, available at www.sonybmg.com/cp/xcp/english/faq.htm as of March 19, 2009.

25 38. Attached hereto as Exhibit 38 is a true and correct copy of excerpts from a draft
26 transcript of the deposition of John Kelly, taken in San Francisco, California on March 13, 2009.

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1 39. Attached hereto as Exhibit 39 is a true and correct copy of excerpts from the
2 transcript of the deposition of Robert Schumann, taken in San Francisco, California on March 3,
3 2009.

4 40. Attached hereto as Exhibit 40 is a true and correct copy of the DVD CCA's
5 Responses to RealNetworks' Interrogatory No. 6, dated December 11, 2008.

6 41. Attached hereto as Exhibit 41 is a true and correct copy of a transcript of the
7 March 22, 2007 proceedings in *DVD CCA v. Kaleidescape*, No. 1-04 CV 031829 (Cal. Sup. Ct.).

8 42. Attached hereto as Exhibit 42 is a true and correct copy of a May, 18, 2006 e-mail
9 from Mark Hollar to Jerry Pierce, bearing Bates numbers MVSN0006479-81.

10 43. Attached hereto as Exhibit 43 is a true and correct copy of the Addendum to
11 Statement of Decision in *DVD CCA v. Kaleidescape*, No. 1-04 CV 031829 (Cal. Sup. Ct.), dated
12 April 13, 2007.

13 44. Attached hereto as Exhibit 44 is a true and correct copy of excerpts from the
14 transcript of the deposition of Jeffrey Miller, taken in Los Angeles, California, on February 20,
15 2009.

16 45. Attached hereto as Exhibit 45 is a true and correct copy of excerpts from the
17 transcript of the deposition of Michael Dunn, taken in Los Angeles, California, on December 12,
18 2008.

19 46. Attached hereto as Exhibit 46 is a true and correct copy of excerpts from the
20 transcript of the deposition of Marsha King, taken in Washington, D.C., on December 16, 2008.

21 47. Attached hereto as Exhibit 47 is a true and correct copy of a proposed amendment
22 to the CSS Procedural Specifications, submitted on or about May 29, 2007, bearing Bates
23 numbers DVD019407-13.

24 48. Attached hereto as Exhibit 48 is a true and correct copy of a proposed amendment
25 to the CSS Procedural Specifications, submitted on or about November 7, 2007, bearing Bates
26 numbers DVD020703-10.

27 49. Attached hereto as Exhibit 49 is a true and correct copy of an August 11, 2004
28 email from Scott Hamilton to Robert Hernandez, bearing Bates number MPAA-FOX-0003875.

1 50. Attached hereto as Exhibit 50 is a true and correct copy of a January 14, 2005
2 email from Brad Collar to Tom Rooney, bearing Bates number MPAA-WAR-0010473.

3 51. Attached hereto as Exhibit 51 is a true and correct copy of a June 16, 2005 email
4 from Bill Mandel to Axel Koehler, bearing Bates number MPAA-UNI-0003319.

5 52. Attached hereto as Exhibit 52 is a true and correct copy of a July 5, 2005 email
6 from Lewis Ostrover to John Quinn, bearing Bates number MPAA-WAR-0010482.

7 53. Attached hereto as Exhibit 53 is a true and correct copy of a Kaleidescape
8 brochure obtained from Kaleidescape's website at www.kaleidescape.com on March 19, 2009.

9 54. Attached hereto as Exhibit 54 is a true and correct copy of a research report
10 prepared by Cornerstone Research.

11 55. Attached hereto as Exhibit 55 is a true and correct copy of a Macrovision
12 presentation dated July 2008 bearing Bates numbers MVSN 0006077-80.

13 56. Attached hereto as Exhibit 56 is a true and correct copy of a September 12, 2006
14 e-mail from Jeff Miller to Richard Atkinson bearing Bates number MPAA-DIS-0002219.

15 57. Attached hereto as Exhibit 57 is a true and correct copy of a May 7, 2007 e-mail
16 from Tom Rooney to Americo Silva, bearing Bates number MPAA-PARA-0010936.

17 58. Attached hereto as Exhibit 58 is a true and correct copy of an ARccOS title list
18 dated January 31, 2009, bearing Bates numbers DADC 01180-81.

19 59. Attached hereto as Exhibit 59 is a true and correct copy of excerpts from the
20 transcript of the deposition of Thomas Gewecke, taken in Portland, Oregon on February 13,
21 2009.

22 60. Attached hereto as Exhibit 60 is a true and correct copy of excerpts from the
23 transcript of the deposition of Mitch Singer, taken in Los Angeles, California on February 17,
24 2009.

25 61. Attached hereto as Exhibit 61 is a true and correct copy of excerpts from the
26 transcript of the deposition of Martin Schwartz, taken in Seattle, Washington on January 30,
27 2009.

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