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13 DVD COPY CONTROL ASSOCIATION, INC.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

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

18 Plaintiffs,

19 v.

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

22 Defendants.

23 And Related Counterclaims.

24
25 AND RELATED CASES
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27
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Case No. C08 04548 MHP;
C08 04719 MHP

**DEFENDANTS' JOINT VIDEO
DEPOSITION WITNESS DISCLOSURE
FOR PRELIMINARY INJUNCTION
PROCEEDING**

Date: April 24, 2009
Time: 9:00 a.m.
Dept.: 15

Pursuant to the parties' agreement, Defendant and Counterclaimant DVD Copy Control Association, Inc. and Defendants 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 LLP, Universal City Studios LLP, and Viacom, Inc. (collectively, "Defendants") hereby submit their joint list of witnesses whose videotaped deposition testimony Defendants plan to present at the preliminary injunction hearing during their case-in-chief, commencing on April 24, 2009.

Also set forth is a summary of the testimony each witness is expected to give. This list does not include witnesses that RealNetworks has identified in its March 31, 2009 Witness Disclosure for Preliminary Injunction Proceeding (Dkt. No. 240) as witness that RealNetworks "may call by live testimony." Pursuant to the parties' agreement, if RealNetworks does not call the individuals listed on its March 31, 2009 Witness Disclosure as witnesses whom Real "may call by live testimony," Defendants reserve the right to update this Witness Disclosure.

PHIL BARRETT: Mr. Barrett is an employee of RealNetworks who was on the RealDVD development team. Defendants will introduce Mr. Barrett's deposition testimony on the purpose, design and operation of RealDVD.

NICOLE HAMILTON: Ms. Hamilton is a former employee of RealNetworks. Defendants will introduce Ms. Hamilton's deposition testimony on RealNetworks' efforts to license the CSS technology, its non-compliance with the CSS License Agreement, the development of RealDVD, Real's knowledge of copy protection technologies, Real's efforts to circumvent those technologies, Mr. Barrett's attitudes towards those technologies and preparations for litigation, and her communications with counsel for Real and counsel for the defendants.

MARTIN SCHWARZ: Mr. Schwarz is an employee of RealNetworks and was designated by RealNetworks as a Rule 30(b)(6) witness. Defendants will introduce Mr. Schwarz's deposition testimony on the nature of ARccOS, RipGuard, and CSS as copy protection systems, on the current and planned functionality of Facet, and on his communications with OEMs regarding Facet.

1 **EDWARD FELTEN:** Mr. Felten is an expert witness designated by Real. Defendants will
2 introduce his testimony on the work that he did to prepare his expert opinions, his interpretation of the
3 CSS license, and the nature and operation of RealDVD.

4 **TODD BASCHE:** Mr. Basche was an advisor of RealNetworks who participated in the
5 development of RealDVD. Defendants will introduce Mr. Basche's deposition testimony on the
6 purpose and function of CSS, ARccOS and RipGuard.

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8 Dated: April 6, 2009

AKIN GUMP STRAUSS HAUER & FELD LLP
WHITE & CASE LLP

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10
11 By _____/s/
12 Reginald D. Steer
13 Attorneys for Defendant and Counterclaimant
14 DVD Copy Control Association, Inc.

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16 Dated: April 6, 2009

MUNGER, TOLLES & OLSON, LLP

17 By _____/s/
18 Rohit Singla
19 Attorneys for Motion Picture Studio Plaintiffs/
20 Declaratory Relief Claim Defendants
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