

1 JAMES A. DiBOISE, State Bar No. 83296  
 Email: jdiboise@wsgr.com  
 2 LEO 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  
 15 Corporation; and REALNETWORKS HOME  
 ENTERTAINMENT, INC., a Delaware  
 16 corporation,

17 Plaintiffs,

18 v.

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

25 Defendants.

Case Nos. C08 04548 MHP;  
 C08 04719 MHP

**STIPULATION AND ~~PROPOSED~~  
 ORDER EXTENDING TIME FOR  
 PLAINTIFFS AND COUNTERCLAIM  
 DEFENDANTS REALNETWORKS, INC.  
 AND REALNETWORKS HOME  
 ENTERTAINMENT, INC. TO ANSWER  
 THE COUNTERCLAIMS OF  
 DEFENDANT AND COUNTERCLAIM  
 PLAINTIFF DVD COPY CONTROL  
 ASSOCIATION, INC.**

26  
 27 AND RELATED CASES  
 28

STIPULATION AND ~~PROPOSED~~ ORDER TO  
 EXTEND TIME TO ANSWER DVD CCA'S  
 COUNTERCLAIMS  
 Case Nos. C08 04548 MHP & C08 04719 MHP

1           WHEREAS, Plaintiffs RealNetworks, Inc. and RealNetworks Home Entertainment, Inc.  
2 (collectively “Plaintiffs”) commenced this action on September 30, 2008 seeking a Declaratory  
3 Judgment that their DVD products do not violate the DMCA or constitute a breach of contract;

4           WHEREAS, Defendants DVD Copy Control Association (“DVD CCA”) filed an answer  
5 on October 21, 2008.

6           WHEREAS, the DVD CCA filed an amended answer and counterclaims for breach of  
7 contract and breach of the implied covenant of good faith and fair dealing on November 10,  
8 2008.

9           WHEREAS, this Court deemed Plaintiffs’ Amended Complaint for Declaratory Relief  
10 filed on December 22, 2008.

11           WHEREAS, the DVD CCA filed its Answer of DVD Copy Control Association, Inc. to  
12 Amended Complaint for Declaratory Relief; Counterclaims on January 12, 2009.

13           WHEREAS, Plaintiffs filed their Motion to Dismiss DVD Copy Control Association,  
14 Inc.’s Second Counterclaim on January 16, 2009.

15           WHEREAS, Plaintiffs withdrew their Motion to Dismiss DVD Copy Control  
16 Association, Inc.’s Second Counterclaim on March 20, 2009.

17           WHEREAS, Plaintiffs’ answer to the DVD CCA’s January 12, 2009 counterclaims was  
18 due on or before March 30, 2009.

19           WHEREAS, previous time modifications in this case include an extension of the Studio  
20 Defendants’ deadline to answer Plaintiffs’ complaint from October 21, 2008 to October 31,  
21 2008, as well as an extension of time for Plaintiffs to answer the Studio Defendants’  
22 counterclaims from October 23, 2008 to October 31, 2008. Further, the hearing of the pending  
23 preliminary injunction motions was originally scheduled to begin on January 27, 2009, and was  
24 subsequently moved to begin on March 3, 2009, then April 1, 2009, and is now scheduled to  
25 begin on April 24, 2009.

1 NOW THEREFORE, the parties, by and through their counsel of record, hereby agree  
2 and stipulate to extend the period of time in which Plaintiffs may answer the DVD CCA's  
3 counterclaims from March 30, 2009 to and including May 13, 2009. The extension of time will  
4 not affect the schedule of this case.

5  
6 1. The Plaintiffs answer to the DVD CCA's counterclaims shall be due on or before  
7 May 13, 2009.

8  
9 Dated: March 31, 2009

10 WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

11 By: /s/  
12 Michael A. Berta

13 Attorneys for Plaintiffs  
14 REALNETWORKS, INC. and REALNETWORKS  
HOME ENTERTAINMENT, INC.

15  
16 Dated: March 31, 2009

17 AKIN GUMP STRAUSS HAUER & FELD LLP

18 By: /s/  
19 Reginald Steer

20 Attorneys for Defendant  
DVD COPY CONTROL ASSOCIATION

21 PURSUANT TO STIPULATION, IT IS SO ORDERD,

22  
23 UNITED STATES DISTRICT COURT JUDGE

24  
25  
26 Date: April 7, 2009

27 By:   
Marilyn Hall Patel