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

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14

15 REALNETWORKS, INC., a Washington )  
 Corporation; and REALNETWORKS HOME )  
 16 ENTERTAINMENT, INC., a Delaware 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. )  
 )  
 26 )  
 AND RELATED CASES )  
 27 )  
 )  
 28 )

Case Nos. C08 04548 MHP;  
 C08 04719 MHP

**REALNETWORKS, INC. AND  
 REALNETWORKS HOME  
 ENTERTAINMENT, INC.'S  
 SUPPLEMENTAL WITNESS  
 DISCLOSURE FOR  
 PRELIMINARY INJUNCTION  
 PROCEEDING**

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

1 Pursuant to the parties' agreement, Real hereby identifies witness that it currently  
 2 expects to call by live testimony, depending on what witnesses the Defendants ultimately offer at  
 3 trial.<sup>1</sup> Real also hereby identifies the witnesses it intends to call by deposition. Real reserves all  
 4 rights to seek to preclude witnesses not identified by the Defendants in their disclosures.

5  
 6 **I. WITNESSES REAL INTENDS CALL BY LIVE TESTIMONY**

7 **Rob Glaser** – Mr. Glaser is the Founder, Chairman and Chief Executive of Real. Mr. Glaser  
 8 will testify about the conception and development of the RealDVD products, including the  
 9 efforts that were undertaken to ensure that the products complied with Real's CSS License. Mr.  
 10 Glaser will also testify about the features and security offered by the RealDVD products, and the  
 11 intended uses and expected end-users of those products. Mr. Glaser will also testify about the  
 12 harm to Real that would result from a preliminary injunction against the RealDVD products.  
 13 Finally, Mr. Glaser will testify about Real's efforts to address Studio concerns regarding  
 14 RealDVD prior to release of the product.

15 **Elizabeth Coppinger** – Ms. Coppinger is the Vice President of Video Services at Real. Ms.  
 16 Coppinger will testify about the features of the RealDVD products, the marketing efforts related  
 17 to those products, and the intended uses and expected end-users of those products. Ms.  
 18 Coppinger will also testify about the market for digital video content. Ms. Coppinger will also  
 19 testify about the harm to Real that would result from a preliminary injunction against the  
 20 RealDVD products. Finally, Ms. Coppinger will testify about Real's efforts to address Studio  
 21 concerns regarding RealDVD prior to release of the product.

22 **Matthew Bishop** – Mr. Bishop is a professor of computer science in the Department of  
 23 Computer Science at the University of California at Davis. He has been retained as an expert by  
 24 Real. Mr. Bishop will testify about the technical operation of the RealDVD products, and their

25 \_\_\_\_\_  
 26 <sup>1</sup> Defendants have indicated that they "may" call the witnesses identified on their live and  
 27 deposition witness lists. If Defendants ultimately determine not to call the witnesses identified  
 28 on their witness lists, Real reserves the right to call such witnesses and/or present their deposition  
 testimony at the preliminary injunction hearing. Real also reserves the right to not call witnesses  
 on this list, depending on the Defendants' presentation of their case in chief.

1 compliance with the CSS License and related technical documentation. Mr. Bishop will also  
2 testify about ARccOS and RipGuard, and the claims in this case relating to those technologies.

3 **Douglas Dixon** - Mr. Dixon is an independent technology consultant, writer, and speaker  
4 specializing in digital media. He has been retained as an expert by Real. Mr. Dixon will testify  
5 about the technical operation of the RealDVD products, and their compliance with the CSS  
6 License and related technical documentation. Mr. Dixon will also testify about ARccOS and  
7 RipGuard, and the claims in this case relating to those technologies.

8 **Jeffrey Chasen** – Mr. Chasen is a Vice President for Video Product Development for Real and  
9 the current manager of the engineering team responsible for developing the RealDVD/Vegas  
10 product. If called, Mr. Chasen will testify about the development of the RealDVD/Vegas  
11 product, the features of that product, its compliance with the CSS License Agreement and related  
12 technical documentation, and how it functions in response to errors, in light of the Studios’  
13 claims regarding ARccOS and RipGuard.

14 **Jeffrey Buzzard** - Mr. Buzzard is a Software Engineer at Real who participated in the  
15 development of the RealDVD/Vegas product. If called, Mr. Buzzard will testify about the  
16 development of the RealDVD/Vegas product, the features of that product, its compliance with  
17 the CSS License Agreement and related technical documentation, and how it functions in  
18 response to errors, in light of the Studios’ claims regarding ARccOS and RipGuard.

19 **James Bielman** - Mr. Bielman is a Software Engineer at Real who participated in the  
20 development of the RealDVD/Facet product. Mr. Bielman will testify about the development of  
21 the RealDVD/Facet product, the features of that product, its compliance with the CSS License  
22 Agreement and related technical documentation, and how it functions in response to errors, in  
23 light of the Studios’ claims regarding ARccOS and RipGuard.

24 **II. WITNESSES REAL INTENDS TO CALL BY DEPOSITION**

25 **Michael Dunn** - Real understands that Mr. Dunn is the President of Twentieth Century Fox  
26 Home Entertainment LLC. Real will offer deposition testimony by Mr. Dunn regarding Fox’s  
27 theories of harm in this case and Fox’s position regarding a consumer’s fair use right to make a  
28 back-up copy of a DVD.

1 **Jacob Pak** – Real understands that Mr. Pak is the President of the DVD CCA. Real will offer  
2 deposition testimony by Mr. Pak regarding the nature of the CSS License Agreement, the DVD  
3 CCA’s licensing practices, and the DVD CCA’s theories of harm in this case. Real will also  
4 offer deposition testimony by Mr. Pak regarding the effectiveness of CSS technology.

5 **Thomas Gewecke** – Real understands that Mr. Gewecke is the President of Digital Distribution  
6 at Warner Brothers. Real will offer deposition testimony by Mr. Gewecke regarding Warner  
7 Brothers’ theories of harm in this case.

8 **Mitchell Singer** – Real understands that Mr. Singer is the Executive Vice President of New  
9 Media and Technology, and Chief Technology Officer of Sony Pictures Entertainment, Inc. Real  
10 will offer deposition testimony by Mr. Singer regarding technology that would allow rental  
11 DVDs to be differentiated from DVDs purchased by consumers, the nature of the CSS License  
12 Agreement and Sony’s knowledge and involvement with efforts to amend the CSS License  
13 agreement, and Sony’s theories of harm.

14 **Jeffrey Miller** – Real understands that Mr. Miller is President of Worldwide Post Production  
15 and Operations at Walt Disney Studios. Real will offer deposition testimony by Mr. Miller  
16 regarding the effectiveness of CSS technology and Disney’s use of RipGuard.

17 **Aodan Coburn** – Real understands that Mr. Coburn is an Executive Vice President of  
18 Worldwide Operations at Sony Pictures Entertainment, Inc. Real will offer deposition testimony  
19 by Mr. Coburn on the following topics: the prevalence and use of ARccOS on Sony’s DVD’s,  
20 known compatibility problems created by ARccOS and RipGuard on DVDs, and Sony’s  
21 differentiation of rental versus purchased DVDs.

23 Dated: April 8, 2009

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

25 By: /s/  
Michael A. Berta

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27 Attorneys for Plaintiffs  
REALNETWORKS, INC. and REALNETWORKS  
HOME ENTERTAINMENT, INC.

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