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

11  
 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.

25  
 26 AND RELATED CASES  
 27  
 28

Case Nos. C08 04548 MHP;  
 C08 04719 MHP

**DECLARATION OF ANTHONY J.  
 DeNATALE IN SUPPORT OF  
 REALNETWORKS, INC. AND  
 REALNETWORKS HOME  
 ENTERTAINMENT, INC'S  
 RESPONSE TO STUDIOS AND DVD  
 CCA'S MOTIONS FOR  
 PRELIMINARY INJUNCTION**

Before: Honorable Marilyn H. Patel  
 Date: April 24, 2009  
 Time: 9:00 a.m.  
 Dept: Courtroom 15

1 I, Anthony J. DeNatale to hereby attest to the following:

2 I am employed as a senior paralegal in the law firm of WILSON SONSINI GOODRICH  
3 & ROSATI, P.C., counsel for Plaintiffs and Counterclaim Defendants of RealNetworks, Inc. and  
4 RealNetworks Home Entertainment, Inc. (collectively, "Real") in this action. I make this  
5 Declaration in support of Real's Response to Studios and DVD CCA Motions for Preliminary  
6 Injunction. I have personal knowledge of the facts set forth herein, and if called to testify, could  
7 testify competently thereto.

8 1. On March 31, 2009, I was asked to determine whether Real's PC-based software  
9 program known as RealDVD ("Vegas") is able to save certain DVDs released by the defendant  
10 Studios.

11 2. On April 1, 2009, I went to the local Best Buy store (#187), where I purchased the  
12 following DVDs: (1) Wall-E; (2) Mr. Woodcock; (3) Shoot 'Em Up; (4) Hancock and (5) The  
13 Dark Knight.

14 3. The first movie that I attempted to save using RealDVD (Vegas) was "The Dark  
15 Knight." After inserting the DVD into my computer, the RealDVD software instantaneously  
16 recognized it as "The Dark Knight." I was given three options for the movie: "Play," "Save,"  
17 and "Play and Save." After selecting the "Save" option, the RealDVD software successfully  
18 saved the movie to my hard drive, and I was later able to play it back.

19 4. The second movie that I attempted to save using RealDVD (Vegas) was  
20 "Hancock." After inserting the DVD into my computer, the RealDVD software instantaneously  
21 recognized the DVD as "Hancock." I was given three options for the movie: "Play," "Save," and  
22 "Play and Save." After selecting the "Save" option, the RealDVD software successfully saved  
23 the movie to my hard drive, and I was later able to play it back.

24 5. The third movie that I attempted to save using RealDVD (Vegas) was "Shoot 'Em  
25 Up." After inserting the DVD into my computer, the RealDVD software instantaneously  
26 recognized the DVD as "Shoot 'Em Up." I was given three options for the movie: "Play,"  
27 "Save," and "Play and Save." After selecting the "Save" option, the RealDVD software  
28 successfully saved the movie to my hard drive, and I was later able to play it back.

1           6.       The fourth movie that I attempted to save using RealDVD (Vegas) was “Mr.  
2 Woodcock.” After inserting the DVD into my computer, the RealDVD software instantaneously  
3 recognized the DVD as “Mr. Woodcock.” I was given three options for the movie: “Play,”  
4 “Save,” and “Play and Save.” Although I selected the “Save” option, “Mr. Woodcock” was not  
5 successfully saved. The RealDVD program appeared to be stuck at a download status of “0%”  
6 for several hours until I terminated the process.

7           7.       The fifth movie that I attempted to save using RealDVD (Vegas) was “Wall-E.”  
8 After inserting the DVD into my computer, the RealDVD software instantaneously recognized  
9 the DVD as “Wall-E.” I was given three options for the movie: “Play,” “Save,” and “Play and  
10 Save.” Although I selected the “Save” option, “Wall-E” was not successfully saved. The save  
11 process reached “99%” before I encountered the following error message: “Information required  
12 to resume saving is missing. More information is available at the RealNetworks Customer  
13 Support Website.”

14           8.       When I played “Mr. Woodcock” and “Shoot ‘Em Up” using the physical DVD, I  
15 noticed that neither movie displayed an “FBI Warning Screen” prior to playback. I am also  
16 aware that the DVD for “Eyes Wide Shut” does not contain such a warning screen.

17           I declare under penalty of perjury under the laws of the State of California and the United  
18 States of America that the foregoing is true and correct of my own personal knowledge, and that  
19 this declaration is executed this 10th day of April, 2009 at San Francisco, CA.

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By: /s/Anthony J. DeNatale  
Anthony J. DeNatale