

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.

26  
 27 AND RELATED CASES  
 28

Case Nos. C08 04548 MHP;  
 C08 04719 MHP

**ADMINISTRATIVE MOTION FOR  
 FILING UNDER SEAL (1) THE  
 UNREDACTED VERSION OF  
 REALNETWORKS, INC. AND  
 REALNETWORKS HOME  
 ENTERTAINMENT, INC.'S RESPONSE  
 TO STUDIOS' AND DVD CCA'S  
 MOTIONS FOR PRELIMINARY  
 INJUNCTION; (2) THE EXHIBITS TO  
 THE DECLARATION OF CHRISTOPHER  
 F. NELSON IN SUPPORT OF  
 PLAINTIFFS' RESPONSE TO STUDIOS'  
 AND DVD CCA's MOTIONS FOR  
 PRELIMINARY INJUNCTION; AND (3)  
 THE EXHIBITS TO THE  
 DECLARATION OF EDWARD W.  
 FELTEN IN SUPPORT OF PLAINTIFFS'  
 OPPOSITION TO MOTION FOR  
 PRELIMINARY INJUNCTION**

**ADMINISTRATIVE MOTION FOR FILING UNDER SEAL**

Pursuant to Civil Local Rules 7-11 and 79-5(b) and (c), RealNetworks, Inc. and RealNetworks Home Entertainment, Inc. (collectively “RealNetworks”) respectfully request an order to file under seal the following documents:

(1) The unredacted version of RealNetworks, Inc. and RealNetworks Home Entertainment, Inc.’s Response to Studios’ and DVD CCA’s Motions for Preliminary Injunction (“Response”);

(2) The exhibits to the Declaration of Christopher F. Nelson in Support of Plaintiffs RealNetworks, Inc. and RealNetworks Home Entertainment, Inc.’s Response to Studios’ and DVD CCA’s Motions for Preliminary Injunction; and

(3) The two exhibits in support of the Declaration of Edward W. Felten in Support of RealNetworks, Inc. and RealNetworks Home Entertainment, dated March 18, 2009.<sup>1</sup>

A “compelling reason” exists to seal these documents. *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (holding that aside from grand jury transcripts and warrant materials, “[a] party seeking to seal a judicial record. . .bears the burden of overcoming the ‘compelling reasons’ standard”). Trade secrets and other confidential research, development, or commercial information may properly be protected by the court. *See* Fed.R.Civ.P. 26(c).

Here, the redacted portions of the document and the exhibits filed under seal contain RealNetworks’ propriety business, technical and trade secret information relating to RealDVD and the New Platform. Further, they contain propriety business, technical and trade secret information of the defendants and third parties. Additionally, much of the material has been designated “confidential” or “highly confidential” under the stipulated protective order governing this action.

---

<sup>1</sup> The Declaration of Edward W. Felten in Support of RealNetworks, Inc. and RealNetworks Home Entertainment, Inc.’s Opposition to Motion for Preliminary Injunction along with its exhibits were intended to be filed on March 19, 2009. A clerical error resulted in only the exhibits being filed under seal on that date. Therefore, plaintiffs have refiled the declaration and exhibits. Despite the fact that the declaration was not filed with the Court on March 19, 2009, it was served upon opposing counsel.

1 RealNetworks has made conscientious efforts to redact and seal only the confidential or  
2 highly confidential material necessary to protect its sensitive business, technical or personal  
3 information, as well as the sensitive information of the other parties. Thus, this Administrative  
4 Motion to Seal is narrowly tailored to preserve the public's interest in accessing judicial records.  
5 *Kamakana*, 447 F.3d at 1178. Redacted versions of the Opposition and supporting materials  
6 have been publicly filed with the Court. Therefore, the Court should grant this administrative  
7 motion.

8 As required by Civil Local Rule 79-5(b), RealNetworks has lodged with the Clerk copies  
9 of above-mentioned exhibits. Further, as required by Civil Local Rule 79-5(c), RealNetworks  
10 has provided redacted versions of the Response that can be in the public record if the Court  
11 grants the sealing order.

12  
13 WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

14  
15 By: /s/  
Leo Cunningham

16 Attorneys for Plaintiffs and Counterclaim  
17 Defendants REAL NETWORKS, INC. and  
18 REALNETWORKS HOME  
ENTERTAINMENT, INC.