

1 JAMES A. DiBOISE, State Bar No. 83296  
 Email: jdiboise@wsgr.com  
 2 COLLEEN BAL, State Bar No. 167637  
 Email: cbal@wsgr.com  
 3 MICHAEL A. BERTA, State Bar No. 194650  
 Email: mberta@wsgr.com  
 4 TRACY TOSH LANE, State Bar No. 184666  
 Email: ttosh@wsgr.com  
 5 WILSON SONSINI GOODRICH & ROSATI  
 Professional Corporation  
 6 One Market Street  
 Spear Tower, Suite 3300  
 7 San Francisco, CA 94105

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

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 13

14 REALNETWORKS, INC., a Washington )  
 Corporation; and REALNETWORKS HOME )  
 15 ENTERTAINMENT, INC., a Delaware )  
 16 corporation, )  
 17 Plaintiffs and Counterclaim )  
 Defendants, )  
 18 v. )  
 19 DVD COPY CONTROL ASSOCIATION, INC., )  
 20 a Delaware nonprofit corporation, DISNEY )  
 ENTERPRISES, INC., a Delaware corporation; )  
 21 PARAMOUNT PICTURES CORP., a Delaware )  
 22 corporation; SONY PICTURES ENTER., INC., a )  
 Delaware corporation; TWENTIETH CENTURY )  
 23 FOX FILM CORP., a Delaware corporation; )  
 NBC UNIVERSAL, INC., a Delaware )  
 24 corporation; WARNER BROS. ENTER., INC., a )  
 Delaware corporation; and VIACOM, Inc., a )  
 25 Delaware Corporation. )

26 Defendants and Counterclaim )  
 27 Plaintiffs. )  
 28

**CASE NO: C 08 04548 MHP**  
**DECLARATION OF TRACY TOSH**  
**LANE IN SUPPORT OF**  
**PLAINTIFFS' AND**  
**COUNTERCLAIM DEFENDANTS'**  
**OPPOSITION TO DEFENDANTS'**  
**APPLICATION FOR A**  
**TEMPORARY RESTRAINING**  
**ORDER**

**Date: October 7, 2008**  
**Time: 2:00 p.m.**  
**Courtroom 15, 18th Floor**

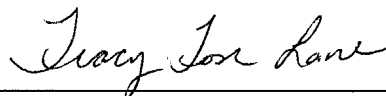
1 I, Tracy Tosh Lane, declare:

2 1. I am an attorney at law duly licensed to practice in the State of California and  
3 before this Court. I am Of Counsel at the law firm of Wilson Sonsini Goodrich & Rosati, and  
4 one of the counsel for RealNetworks, Inc. and RealNetworks Home Entertainment, Inc.  
5 (collectively "Real"), plaintiffs and counterclaim defendants in the above-captioned matter. I  
6 make this Declaration in support of Plaintiffs' and Counterclaim Defendants' Opposition to  
7 Defendants' Application for a Temporary Restraining Order. I have personal knowledge of the  
8 facts set forth herein and, if called as a witness, could and would testify competently thereto.

9 2. Attached hereto as Exhibit A is a true and correct copy of Respondent  
10 Kaledeiscape, Inc.'s Respondent's Brief, in the matter of *DVD Copy Control Association, Inc. v.*  
11 *Kaleidescape, Inc.*, which was filed in the Court of Appeal of the State of California, Sixth  
12 Appellate District, Case No. H031631.

13 3. Attached hereto as Exhibit B is true and correct copy of an article by Paul  
14 Sweeting, published on [www.contentagenda.com](http://www.contentagenda.com), dated September 8, 2008, entitled *Getting*  
15 *Real on Managed-Copy*.

16  
17  
18 I declare under penalty of perjury that the foregoing is true and correct. Executed at San  
19 Francisco, California on October 6, 2008.

20  
21 

22 \_\_\_\_\_  
Tracy Tosh Lane

23  
24  
25  
26  
27  
28