

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

**ADMINISTRATIVE MOTION FOR
 FILING UNDER SEAL THE EXHIBITS
 TO REALNETWORKS, INC. AND
 REALNETWORKS HOME
 ENTERTAINMENT, INC.'S
 DEPOSITION DESIGNATIONS FOR
 ANDREW PARSONS FOR THE
 PRELIMINARY INJUNCTION
 PROCEEDING**

26
 27 AND RELATED CASES
 28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ADMINISTRATIVE MOTION FOR FILING UNDER SEAL

Pursuant to Civil Local Rules 7-11 and 79-5 (b), RealNetworks, Inc. and RealNetworks Home Entertainment, Inc. (collectively “RealNetworks”) respectfully request an order to file under seal the following document: Exhibit A to RealNetworks, Inc. and RealNetworks Home Entertainment, Inc.’s Deposition Designations for Andrew Parsons for the Preliminary Injunction Proceeding.

A “compelling reason” exists to seal the exhibit. *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 exhibit filed under seal contains 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.

RealNetworks has made conscientious efforts to seal only the confidential or highly confidential material necessary to protect its sensitive business, technical or personal information, as well as the sensitive information of the other parties. Thus, this Administrative Motion to Seal is narrowly tailored to preserve the public’s interest in accessing judicial records. *Kamakana*, 447 F.3d at 1178. Therefore, the Court should grant this administrative motion.

1 As required by Civil Local Rule 79-5(b), RealNetworks has lodged with the Clerk copies
2 of above-mentioned exhibit.

3 Dated: April 17, 2009

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

4
5
6

By: /s/Michael A. Berta
Michael A. Berta

7
8
9

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

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28