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 7 One Market Street  
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 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  
 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  
 27 AND RELATED CASES  
 28

Case Nos. C08 04548 MHP;  
 C08 04719 MHP

**DECLARATION OF TRACY TOSH  
 LANE IN SUPPORT OF MOTION *IN  
 LIMINE* TO EXCLUDE OR STRIKE  
 JACOB PAK'S APRIL 10, 2009  
 TESTIMONY REGARDING AMX  
 CORPORATION PURSUANT TO FRE  
 403 AND RULE 30(E)**

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

**[PUBLIC REDACTED VERSION]**

1 I, Tracy Tosh Lane, declare:

2 1. I am an attorney at law duly licensed to practice in the State of California and before  
3 this Court. I am Of Counsel at the law firm of Wilson Sonsini Goodrich & Rosati, and one of the  
4 counsel for RealNetworks, Inc. and RealNetworks Home Entertainment, Inc. (collectively  
5 "Real"), plaintiffs and counterclaim defendants in the above-captioned matter. I make this  
6 Declaration in support of Real's Motion *In Limine* to Exclude or Strike Jacob Pak's April 10,  
7 2009 Testimony Regarding AMX Corporation Pursuant to FRE 403 and Rule 30(E). I have  
8 personal knowledge of the facts set forth herein and, if called as a witness, could and would  
9 testify competently thereto.

10 2. Attached as Exhibit A are true and correct copies of portions of the transcript from  
11 the December 16, 2008 deposition of Jacob Pak.

12 3. Attached as Exhibit B are true and correct copies of portions of the transcript from the  
13 December 11, 2008 deposition of Andrew Parsons.

14 4. Attached as Exhibit C is a true and correct copy of April 14, 2009 e-mail  
15 correspondence between myself and Mark Lambert [REDACTED]  
16 [REDACTED]

17 5. Attached as Exhibit D is a true and correct copy of a document produced in this  
18 litigation, purporting to be a [REDACTED]  
19 [REDACTED]  
20 [REDACTED]

21 6. Attached as Exhibit E is a true and correct copy of a document produced in this  
22 litigation, purporting to be a [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

26 7. Attached as Exhibit F is a true and correct copy of a document produced in this  
27 litigation, purporting to be a [REDACTED]  
28 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 8. Attached as Exhibit G is a true and correct copy of a document produced in this

4 litigation, purporting to be a [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 10. The DVD CCA has refused and/or failed to produce any documents regarding the

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24

25 I declare under penalty of perjury that the foregoing is true and correct. Executed at San  
26 Francisco, California on April 21, 2009.

27

28



Tracy Tosh Lane

**EXHIBITS A-G**  
**[Confidential- Filed Under Seal]**

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Case Nos. C08 04548 MHP;  
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**NOTICE OF MANUAL FILING  
 EXHIBITS A THROUGH G TO  
 DECLARATION OF TRACY TOSH  
 OLANE IN SUPPORT OF MOTION *IN*  
*LIMINE* TO EXCLUDE OR STRIKE  
 JACOB PAK'S APRIL 10, 2009  
 TESTIMONY REGARDING AMX  
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 403 AND RULE 30(E)**

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**NOTICE OF MANUAL FILING**

Regarding:

CONFIDENTIAL VERSION:

**EXHIBITS A THROUGH G TO DECLARATION OF TRACY TOSH LANE IN SUPPORT OF MOTION *IN LIMINE* TO EXCLUDE OR STRIKE JACOB PAK'S APRIL 10, 2009 TESTIMONY REGARDING AMX CORPORATION PURSUANT TO FRE 403 AND RULE 30(E)**

The foregoing document is being filed under seal in paper form only and is being maintained in the case file in the Clerk's office. If you are a party in one or more of the above-captioned actions, these materials will be served on you shortly. For information on retrieving this filing directly from the Court, please see the Court's main web site at <http://www.cand.uscourts.gov> under Frequently Asked Questions (FAQ).

The manual filing is necessary because the document is filed under seal.

Dated: April 21, 2009

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By: /s/ Tracy Tosh Lane  
Tracy Tosh Lane

Attorneys for Plaintiffs  
REALNETWORKS, INC. AND  
REALNETWORKS HOME  
ENTERTAINMENT, INC.

I, Leo P. Cunningham, am the ECF User whose identification and password are being used to file this **Declaration of Tracy Tosh Lane in Support of Motion *in Limine* to Exclude or Strike Jacob Pak's April 10, 2009 Testimony Regarding AMX Corporation Pursuant o Fre 403 and Rule 30(E)**. In compliance with General Order 45.X.B, I hereby attest that Tracy Tosh Lane has concurred in this filing.

Dated: April 21, 2009

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By: /s/ Leo P. Cunningham  
Leo P. Cunningham

Attorneys for Plaintiffs  
REALNETWORKS, INC. AND  
REALNETWORKS HOME ENTERTAINMENT,  
INC.