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 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 (1) THE
 UNREDACTED VERSION OF
 REALNETWORKS' 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); (2) THE
 UNREDACTED VERSIONS OF THE
 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); AND (3) THE
 EXHIBITS TO DECLARATION OF
 TRACY TOSH LANE**

26
 27 AND RELATED CASES
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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’ 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) (“Motion *in Limine*”);

(2) The unredacted version of the 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) (“Declaration of Tracy Tosh Lane”); and

(3) Exhibits A through G, inclusive, to the Declaration of Tracy Tosh.

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, they contain propriety business and trade secret information of the defendants and third parties. Further, the redacted portions of the documents and the exhibits filed under seal implicate RealNetworks’ propriety business and trade secret information relating to RealDVD and the New Platform. 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 redact and 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. Redacted versions of the Opposition and supporting materials

1 have been publicly filed with the Court. Therefore, the Court should grant this administrative
2 motion.

3 As required by Civil Local Rule 79-5(b), RealNetworks has lodged with the Clerk copies
4 of the above-mentioned exhibits. Further, as required by Civil Local Rule 79-5(c),
5 RealNetworks has provided redacted versions of the Motion *in Limine*, and the Declaration of
6 Tracy Tosh Lane that can be in the public record if the Court grants the sealing order.

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8 WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

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10 By: /s/ _____
Leo P. Cunningham

11 Attorneys for Plaintiffs and Counterclaim
12 Defendants REAL NETWORKS, INC. and
13 REALNETWORKS HOME
14 ENTERTAINMENT, INC.
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