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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
 REALNETWORKS' OPPOSITION TO
 STUDIOS' MOTION *IN LIMINE* TO
 EXCLUDE EVIDENCE AND
 TESTIMONY RE SETTLEMENT
 COMMUNICATIONS**

**Before: Hon. Marilyn Hall Patel
 Dept: Courtroom 15
 Date: April 24, 2009
 Time: 9:00 a.m.**

[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 Opposition to Motion Picture Studios' Motion in Limine to
7 Exclude Evidence and Testimony Re Settlement Communications. I have personal knowledge
8 of the facts set forth herein and, if called as a witness, could and would testify competently
9 thereto.

10 [REDACTED] Attached hereto as Exhibit A is a true and correct copy of the [REDACTED]
11 [REDACTED]

12 3. Attached hereto as Exhibit B are true and correct copies of excerpts from the
13 deposition of Elizabeth Coppinger, which was conducted on December 19, 2008.

14 4. Attached hereto as Exhibit C is a true and correct copy of a portion of Plaintiffs'
15 Reply Brief in Support of Plaintiffs *Ex Parte* Application for TRO, filed in the Central District of
16 California on October 1, 2008.

17 5. Attached hereto as Exhibit D is a true and correct copy of a portion of Defendants'
18 Opposition to Plaintiffs' *Ex Parte* Application for a TRO, filed in the Central District of
19 California on September 30, 2008.

20 6. Attached hereto as Exhibit E is a true and correct copy of a portion of the Defendants
21 Notice of Motion and Motion for Sanctions for Spoliation of Evidence; Memorandum of Points
22 and Authorities in Support Thereof.

23 7. Attached as Exhibit F are true and correct copies of excerpts from the deposition of
24 Richard Wolpert, which was conducted on February 13, 2009.

25 I declare under penalty of perjury that the foregoing is true and correct. Executed at San
26 Francisco, California on April 23, 2009.

27
28 /s/ Tracy Tosh Lane
Tracy Tosh Lane

EXHIBITS A-F
[Confidential – Filed Under Seal]

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 24

Case Nos. C08 04548 MHP;
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**NOTICE OF MANUAL FILING
 EXHIBITS A-F TO THE DECLARATION
 OF TRACY TOSH LANE IN SUPPORT
 OF REALNETWORKS' OPPOSITION TO
 STUDIOS' MOTION *IN LIMINE* TO
 EXCLUDE EVIDENCE AND
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 26 AND RELATED CASES
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NOTICE OF MANUAL FILING

Regarding:

CONFIDENTIAL VERSION:

EXHIBITS A-F TO THE DECLARATION OF TRACY TOSH LANE IN SUPPORT OF REALNETWORKS' OPPOSITION TO STUDIOS' MOTION *IN LIMINE* TO EXCLUDE EVIDENCE AND TESTIMONY RE SETTLEMENT COMMUNICATIONS

The foregoing documents are 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 documents are filed under seal.

Dated: April 23, 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.