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 DVD COPY CONTROL ASSOCIATION, INC.

14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA

16 REALNETWORKS, INC., a Washington  
 Corporation; and REALNETWORKS HOME  
 17 ENTERTAINMENT, INC., a Delaware  
 corporation,

18 Plaintiffs,

19 v.

20 DVD COPY CONTROL ASSOCIATION, INC.,  
 21 a Delaware nonprofit corporation, et al.

22 Defendants.

23 And Related Counterclaims.

24  
 25 AND RELATED CASES  
 26  
 27  
 28

Case No. C08 04548 MHP;  
 C08 04719 MHP

**APPLICATION OF DVD COPY CONTROL  
 ASSOCIATION, INC. TO SEAL  
 HIGHLY CONFIDENTIAL DOCUMENTS**

Lodged concurrently herewith:

- 1) [Proposed] Order Granting Application
- 2) Documents Requested To Be Filed Under Seal

1 Pursuant to Civil Local Rule 7-11 and 79-5, DVD Copy Control Association, Inc. (“DVD  
2 CCA”) respectfully applies for an order sealing the following documents:

- 3 (1) Highly Confidential Version of Opposition of DVD Copy Control Association
- 4 to RealNetworks’ Motion in Limine to Strike Jacob Pak’s April 10, 2009
- 5 Testimony Regarding AMX Corporation;
- 6 (2) Exhibit 2 to the Supporting Declaration of Maria Ellinikos;

7 A “compelling reason” exists to seal these documents. *See Kamakana v. City and County of*  
 8 *Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (holding that “[a] party seeking to seal a judicial record  
 9 . . . bears the burden of overcoming the ‘compelling reasons’ standard”); *Foltz v. State Farm Mut. Auto.*  
 10 *Ins. Co.*, 331 F.3d 1122, 1135-36 (9th Cir. 2003). The confidential material at issue divulges aspects of  
 11 DVD CCA’s proprietary business, technical, and trade secret information. Additionally, the  
 12 confidential material also divulges aspects of Real’s proprietary business, technical and trade secret  
 13 information regarding RealDVD and its new platform. This material has been designated by Real as  
 14 “confidential” or “highly confidential” pursuant to the protective order governing this litigation, and is  
 15 thus being manually filed under seal.

16 This Application to Seal is narrowly tailored to protect the public’s interest in access to judicial  
 17 records and the public policies favoring disclosure. *Kamakana*, 447 F.3d at 1178. DVD CCA has filed  
 18 with the Court identical public redacted versions of its Opposition to RealNetworks’ Motion in Limine,  
 19 and the Supporting Declaration of Maria Ellinikos.

20 For these reasons, the Court should grant the Application to Seal.

21 Dated: April 10, 2009

Respectfully submitted,

22 AKIN GUMP STRAUSS HAUER & FELD LLP  
 23 WHITE & CASE LLP

24  
 25 By \_\_\_\_\_ /s/

26 Reginald D. Steer  
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 28 DVD COPY CONTROL ASSOCIATION, INC.