

1 GLENN D. POMERANTZ (SBN 112503)
 Glenn.Pomerantz@mto.com
 2 BART H. WILLIAMS (SBN 134009)
 Bart.Williams@mto.com
 3 KELLY M. KLAUS (SBN 161091)
 Kelly.Klaus@mto.com
 4 MUNGER, TOLLES & OLSON LLP
 355 South Grand Avenue, 35th Floor
 5 Los Angeles, CA 90071-1560
 Tel: (213) 683-9100; Fax: (213) 687-3702
 6

ROBERT H. ROTSTEIN (SBN 72452)
 rxr@msk.com
 ERIC J. GERMAN (SBN 224557)
 ejg@msk.com
 MITCHELL SILBERBERG & KNUPP LLP
 11377 West Olympic Boulevard
 Los Angeles, California 90064-1683
 Tel: (310) 312-2000; Fax: (310) 312-3100

7 GREGORY P. GOECKNER (SBN 103693)
 gregory_goeckner@mpaa.org
 8 DANIEL E. ROBBINS (SBN 156934)
 dan_robbins@mpaa.org
 9 15301 Ventura Boulevard, Building E
 Sherman Oaks, California 91403-3102
 10 Tel: (818) 995-6600; Fax: (818) 285-4403

11 Attorneys for Motion Picture Studio Plaintiffs/Declaratory
 Relief Claim Defendants
 12
 13

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

16 REALNETWORKS, INC., et al.,
 17 Plaintiffs,
 18 vs.
 19 DVD COPY BATES ASSOCIATION,
 INC., et al.
 20 Defendants.
 21

CASE NO. C 08-4548-MHP

**DECLARATION OF KELLY M. KLAUS IN
 SUPPORT OF MOTION PICTURE
 STUDIOS' REPLY IN SUPPORT OF
 MOTION *IN LIMINE* TO EXCLUDE
 EVIDENCE AND TESTIMONY**

Date: April 1, 2009
 Time: 9:00 a.m.
 Ctrm: 15 (Hon. Marilyn Hall Patel)

22 UNIVERSAL CITY STUDIOS
 23 PRODUCTIONS LLLP, et al.,
 24 Plaintiffs,
 25 vs.
 26 REALNETWORKS, INC., et al.
 27 Defendants.
 28

CASE NO. C 08-4719-MHP

PUBLIC REDACTED VERSION

1 I, Kelly M. Klaus, declare:

2 1. I am a partner in the law firm of Munger, Tolles & Olson LLP, counsel of
3 record for the Motion Picture Studio Plaintiffs in the above-captioned matter. I make this
4 Declaration based upon my own personal knowledge, and if called upon to do so, I could and
5 would testify competently to the matters stated herein.

6 2. Attached hereto as Exhibit A is a true and correct copy of a document
7 produced by Real in this action with the production numbers Real 3421-3439.

8 3. Attached hereto as Exhibit B is a true and correct copy of a document
9 produced by Real in this action with the production numbers Real 81768-81776.

10 4. Attached hereto as Exhibit C is a true and correct copy of a document
11 produced by Real in this action with the production numbers Real 48575-48576.

12 I declare under penalty of perjury under the laws of the United States that the
13 foregoing is true and correct and that this Declaration was executed this 23rd day of April 2009,
14 at San Francisco, California.

15

16

17

18

19

20

21

22

23

24

25

26

27

28

/s/ Kelly M. Klaus

KELLY M. KLAUS

EXHIBITS A-C FILED UNDER SEAL