

1 REGINALD D. STEER (SBN 056324)
 rsteer@akingump.com
 2 MARIA ELLINIKOS (SBN 235528)
 mellinikos@akingump.com
 3 **AKIN GUMP STRAUSS HAUER & FELD LLP**
 580 California, 15th Floor
 4 San Francisco, California 94104-1036
 Telephone: (415) 765-9500
 5 Facsimile: (415) 765-9501

6 EDWARD P. LAZARUS (SBN 212658)
 elazarus@akingump.com
 7 STEPHEN MICK (SBN 131569)
 smick@akingump.com
 8 MICHAEL SMALL (SBN 222768)
 msmall@akingump.com
 9 **AKIN GUMP STRAUSS HAUER & FELD LLP**
 2029 Century Park East, Suite 2400
 10 Los Angeles, California 90067-3012
 Telephone: (310) 229-1000
 11 Facsimile: (310) 229-1001

WILLIAM SLOAN COATS (SBN 94864)
 wcoats@whitecase.com
 MARK WEINSTEIN (SBN 193043)
 mweinstein@whitecase.com
 MARK F. LAMBERT (SBN 197410)
 mlambert@whitecase.com
WHITE & CASE LLP
 3000 El Camino Real
 5 Palo Alto Square, 9th Floor
 Palo Alto, California 94306
 Telephone: (650) 213-0300
 Facsimile: (650) 213-8158

12 Attorneys for Defendant and Counterclaimant
 13 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

Case No. C08 04548 MHP;
 C08 04719 MHP

**APPLICATION OF DVD COPY CONTROL
 ASSOCIATION, INC. TO SEAL
 HIGHLY CONFIDENTIAL VERSION OF
 PROPOSED FINDINGS OF FACT AND
 CONCLUSIONS OF LAW**

Lodged concurrently herewith:

- 1) [Proposed] Order Granting Application
- 2) Document 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 Highly Confidential Version of its Proposed
3 Findings of Fact and Conclusions of Law.

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

13 This Application to Seal is narrowly tailored to protect the public’s interest in access to judicial
14 records and the public policies favoring disclosure. *Kamakana*, 447 F.3d at 1178. DVD CCA has filed
15 with the Court an identical public redacted version of its Proposed Findings of Fact and Conclusions of
16 Law.

17
18 For these reasons, the Court should grant the Application to Seal.

19 Dated: May 15, 2009

Respectfully submitted,
AKIN GUMP STRAUSS HAUER & FELD LLP
WHITE & CASE LLP

23 By _____ /s/

24 Reginald D. Steer
25 Attorneys for Defendant and Counterclaimant
26 DVD COPY CONTROL ASSOCIATION, INC.