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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

**STIPULATION AND [PROPOSED]
 ORDER EXTENDING TIME FOR
 STUDIO PLAINTIFFS TO RESPOND TO
 THE MOTION FOR LEAVE TO FILE
 SECOND AMENDED COMPLAINT OF
 REALNETWORKS, INC. AND FOR DVD
 COPY CONTROL ASSOCIATION, INC.
 TO ANSWER THE COUNTERCLAIMS
 OF REALNETWORKS, INC.**

1 WHEREAS, Plaintiffs Paramount Pictures Corporation, Twentieth Century Fox Film
2 Corporation, Universal City Studios Productions LLP, Universal City Studios LLP, Warner Bros.
3 Entertainment Inc., Disney Enterprises, Inc., Walt Disney Pictures, Sony Pictures Television Inc., Sony
4 Pictures Entertainment Inc. and Columbia Pictures Industries, Inc. (collectively, "Studios")
5 commenced an action in the United States District Court for the Central District of California on
6 September 30, 2008, against RealNetworks, Inc. and RealNetworks Home Entertainment, Inc.
7 (collectively "Real"), alleging that Real's manufacture and distribution of RealDVD violates the
8 DMCA and is a breach of contract, and seeking a temporary restraining order against Real under the
9 DMCA;

10 WHEREAS, Real commenced an action in the United States District Court for the Northern
11 District of California on September 30, 2008, against the DVD Copy Control Association, Inc. ("DVD
12 CCA") and several of the Studios and their affiliates, seeking a declaratory judgment that Real's
13 manufacture and distribution of RealDVD does not violate the DMCA or constitute a breach of
14 contract;

15 WHEREAS, the District Court in the Central District of California entered an order transferring
16 the Studios' complaint to the Northern District of California, and the Studios who are Plaintiffs to the
17 DMCA claim renewed their motion for a temporary restraining order and counterclaimed against Real
18 on October 3, 2008;

19 WHEREAS, DVD CCA filed an answer to Real's complaint on October 21, 2008;

20 WHEREAS, the Studios' deadline to answer Real's complaint was October 21, 2008;

21 WHEREAS, Real's deadline to answer the Studios' counterclaims was October 23, 2008;

22 WHEREAS, Real and the Studios stipulated to extend their respective times for responding to
23 Real's complaint and the Studios' counterclaims to October 31, 2008;

24 WHEREAS, Real filed an answer to the Studios' counterclaims on October 31, 2008;

25 WHEREAS, the Studios filed an answer to Real's complaint on October 31, 2008;

26 WHEREAS, DVD CCA filed an amended answer and counterclaims for breach of contract and
27 breach of the implied covenant of good faith and fair dealing on November 10, 2008;

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1 WHEREAS, this Court deemed Real's Amended Complaint for Declaratory Relief filed on
2 December 22, 2008;

3 WHEREAS, DVD CCA filed its Answer and Counterclaims to Real's Amended Complaint for
4 Declaratory Relief on January 12, 2009;

5 WHEREAS, the Studios filed their Answer and Counterclaims to Real's Amended Complaint
6 for Declaratory Relief on January 12, 2009;

7 WHEREAS, Real filed its Motion to Dismiss DVD CCA's Second Counterclaim on January
8 16, 2009;

9 WHEREAS, Real withdrew its Motion to Dismiss DVD CCA's Second Counterclaim on March
10 20, 2009;

11 WHEREAS, Real's answer to DVD CCA's January 12, 2009 counterclaims was due on or
12 before March 30, 2009;

13 WHEREAS, DVD CCA and Real agreed and stipulated to extend the time for Real to answer
14 DVD CCA's counterclaims from March 30, 2009 to and including May 13, 2009;

15 WHEREAS, Real filed its Answer and Counterclaims to DVD CCA's counterclaims and its
16 Motion For Leave to File Second Amended Complaint on May 13, 2009;

17 WHEREAS, DVD CCA's response to Real's May 13, 2009 counterclaims is due on June 2,
18 2009;

19 WHEREAS, the Studios' response to Real's motion for leave to file second amended complaint
20 is due on June 1, 2009;

21 WHEREAS, Real by this stipulation is agreeing to move the hearing date for its Motion for
22 Leave to File Second Amended Complaint from June 22, 2009 to July 20, 2009, with a corresponding
23 extension of the dates for the Studios' opposition brief and Real's reply brief on that same motion by
24 four weeks;

25 WHEREAS, previous time modifications in this case include an extension of the Studios'
26 deadline to answer Real's complaint from October 21, 2008 to October 31, 2008, an extension of time
27 for Real to answer the Studios' counterclaims from October 23, 2008 to October 31, 2008 and an
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1 extension of time for Real to answer DVD CCA’s counterclaims from March 30, 2008 to May 13,
2 2009. Further, the hearing of the preliminary injunctions motion was concluded on May 21, 2009;

3 WHEREAS, DVD CCA and/or the Studios reserve their rights to seek further modifications of
4 the time for responding to Real’s counterclaims and/or motion to amend, and Real is reserving its right
5 to oppose any additional modification;

6 WHEREAS, pursuant to Civil Local Rule 6-2(a)(3), the parties state that the only effect the
7 requested time modifications herein would have on the schedule for the case would be to move the
8 respective response dates as set forth herein;

9 NOW THEREFORE, the parties, by and through their counsel or record, hereby agree and
10 stipulate to extend the period of time in which DVD CCA may respond to Real’s counterclaims to and
11 including July 14, 2009 and to extend the period of time in which the Studios may respond to Real’s
12 motion for leave to file second amended complaint to and including June 29, 2009.

13 1. DVD CCA’s response to Real’s counterclaims shall be due on or before July 14, 2009

14 2. The Studios’ response to Real’s motion for leave to file second amended complaint shall
15 be due on or before June 29, 2009, Real’s reply shall be due on or before July 6, 2009, and the motion
16 shall be calendared for hearing on July 20, 2009.

17 Dated: May 29, 2009

AKIN GUMP STRAUSS HAUER & FELD LLP
WHITE & CASE LLP

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19
20 By _____ /s/
Reginald Steer
21 Attorneys for DVD CCA
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23 Dated: May 29, 2009

MUNGER TOLLES & OLSON, LLP

24
25 By _____ /s/
Kelly Klaus
26 Attorneys for Studios
27
28

1 Dated: May 29, 2009

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

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3 By _____ /s/
4 Colleen Bal
Attorneys for Real

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6 PURSUANT TO STIPULATION, IT IS SO ORDERED,

7 UNITED STATES DISTRICT COURT JUDGE

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9 By _____
Hon. Marilyn Hall Patel

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1 I, Maria Ellinikos, am the ECF User whose identification and password are being used to file
2 the STIPULATED FINDINGS OF FACT AND CONCLUSIONS OF LAW. In compliance with
3 General Order 45.X.B., I hereby attest that Kelly Klaus and Colleen Bal have concurred in this filing.

4 Dated: May 29, 2009

AKIN GUMP STRAUSS HAUER & FELD LLP
WHITE & CASE LLP

5
6 By _____ /s/
7 Maria Ellinikos
8 Attorneys for DVD CCA
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