

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 Street, 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
 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,
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 Plaintiffs,
 19
 v.
 20
 DVD COPY CONTROL ASSOCIATION, INC., a
 21 Delaware nonprofit corporation, et al.
 22
 Defendants.

Case No. C08 04548 MHP
 Case No. C08 04719 MHP (related case)

**APPLICATION OF DVD CCA FOR
 ATTORNEYS' FEES AND COSTS
 PURSUANT TO MAY 5, 2009 ORDER OF
 THE COURT**

24 And Related Cases

1 The Court’s May 5, 2009 Order imposed monetary sanctions against RealNetworks, Inc.
2 (“Real”) for failing to preserve Nicole Hamilton’s notebooks and awarded to Defendant and
3 Counterclaimant DVD Copy Control Association, Inc. (“DVD CCA”) and the Studios “reasonable
4 attorneys’ fees and related costs for pursuing the evidence of spoliation of Hamilton’s notebooks and
5 for bringing this part of the sanctions motion.” Order on Defendants’ Motion for Sanctions for
6 Spoliation of Evidence (Dkt. No. 316). The May 5, 2009 Order allows DVD CCA and the Studios to
7 apply for attorneys’ fees and costs. DVD CCA submits this application pursuant to that Order. As set
8 forth in the accompanying Declaration of Teresa W. Wang in Support of DVD CCA’s Application for
9 Attorneys’ Fees and Costs (“Wang Declaration”), DVD CCA reasonably incurred \$17,525.20.20 in
10 attorneys’ fees in pursuing evidence of spoliation of the Hamilton notebooks and preparing the Notice
11 of Joinder and Joinder of DVD CCA in Motion for Sanctions for Spoliation of Evidence (Dkt. No.
12 139) (“Spoliation Joinder”). The Spoliation Joinder prepared by DVD CCA sought remedies for the
13 serious harm to DVD CCA resulting from the spoliation of Ms. Hamilton’s notebooks, in light of Ms.
14 Hamilton’s position as Real’s primary contact with DVD CCA. While the Spoliation Joinder also
15 referenced the destruction of Ms. Hamilton’s e-mails, the legal arguments and research dedicated to the
16 Hamilton notebooks and Hamilton e-mails cannot be segregated from one another. Thus, in
17 accordance with the Court’s May 5 Order, DVD CCA seeks attorneys’ fees for preparing the
18 Spoliation Joinder.

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1 Counsel for DVD CCA reached out to counsel for Real in an attempt to reach a stipulated
2 agreement on the attorneys' fees associated with the spoliation of the Hamilton notebooks. The parties
3 were not able to reach a mutually acceptable agreement on this issue. DVD CCA respectfully requests
4 an award against Real in the amount of \$17,525.20. The breakdown of fees by the time incurred and
5 hourly rates of each attorney is set forth in the Wang Declaration.

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Dated: June 15, 2009

AKIN GUMP STRAUSS HAUER & FELD LLP
WHITE & CASE LLP

By _____/s/_____
Reginald Steer
Attorneys for Defendant and Counterclaimant
DVD Copy Control Association, Inc.