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

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA

14 REALNETWORKS, INC., et al.,  
 15 Plaintiffs,  
 16 vs.  
 17 DVD COPY CONTROL ASSOCIATION,  
 18 INC., et al.,  
 19 Defendants.

CASE NO. C 08-4548-MHP  
**[PROPOSED] STIPULATED  
 PRESERVATION ORDER**

20 UNIVERSAL CITY STUDIOS  
 PRODUCTIONS LLLP, et al.,  
 21 Plaintiffs,  
 22 vs.  
 23 REALNETWORKS, INC., et al.  
 24 Defendants.

CASE NO. C 08-4719-MHP

1 Plaintiffs RealNetworks, Inc. and RealNetworks Home Entertainment, Inc. (collectively  
2 “Real”); Defendants Paramount Pictures Corp., Sony Pictures Entertainment, Inc., Twentieth  
3 Century Fox Film Corp., Warner Bros. Entertainment Inc., Disney Enterprises, Inc., NBC  
4 Universal, Inc. and Viacom, Inc. (“collectively, the “Studio Defendants”); and Defendant DVD  
5 Copy Control Association, Inc. (“DVD CCA”) by and through their respective counsel, hereby  
6 respectfully request that the Court enter the following Preservation Order.

7 “Documents, data or tangible things,” as used herein, is to be interpreted broadly, and to  
8 include versions of software, hard drives and backup data, removable computer storage media  
9 such as tapes, disks and cards, source code files and versions thereof, and wikis. Information that  
10 serves to identify, locate or link such material, such as file inventories, file folders, indices and  
11 metadata, is also included in this definition. Backup tapes created for disaster recovery purposes  
12 and maintained on a temporary basis are not included in this definition.

13 “Preservation,” as used herein, is to be interpreted broadly to accomplish the goal of  
14 maintaining the integrity of all documents, data and tangible things reasonably anticipated to be  
15 subject to discovery under Fed. R. Civ. P. 45 and 56(e) in this action, given the findings of the  
16 Spoliation Order. Preservation includes taking reasonable steps to prevent the partial or full  
17 destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration,  
18 theft, loss or mutation of such material, as well as any other handling that would make material  
19 incomplete or inaccessible.

#### 20 STIPULATED ORDER

21 It is ordered that Real shall preserve all extant and future documents, data or tangible  
22 things relating to all products or other matters at issue in this litigation, including RealDVD,  
23 Vegas and/or Facet (the “Materials”).

24 Real is directed to determine whether its business practices involve or cause the routine  
25 destruction, recycling, relocation, or mutation of the Materials and, if so, direct employees,  
26 officers and agents either to (a) halt such business practices, (b) sequester or remove such  
27 Materials from such business practices, or (c) arrange for the preservation of complete and  
28 accurate duplicates or copies of the Materials suitable for later discovery. Real shall, not later

1 than July 6, 2009, submit to the Court a statement that the directive in this paragraph has been  
2 carried out.

3  
4 IT IS SO STIPULATED THROUGH COUNSEL OF RECORD:

5 DATED: June 17, 2009

MUNGER, TOLLES & OLSON LLP

6 By: \_\_\_\_\_ /s/  
7 L. ASHLEY AULL

8 Attorneys for Studio Defendants/Counterclaim-  
9 Plaintiffs/Plaintiffs

10 DATED: June 17, 2009

AKIN, GUMP, STRAUSS, HAUER & FELD  
LLP

11 By: \_\_\_\_\_ /s/  
12 REGINALD STEER

13 Attorneys for Defendant/Counterclaimant DVD  
14 Copy Control Association, Inc.

15 DATED: June 17, 2009

WILSON, SONSINI, GOODRICH & ROSATI  
LLP

16 By: \_\_\_\_\_ /s/  
17 TRACY TOSH LANE

18 Attorneys for Plaintiffs/Counterclaim-  
19 Defendants/Defendants RealNetworks, Inc. and  
RealNetworks Home Entertainment, Inc.

20  
21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22 DATED: 6/18/09

23 By: \_\_\_\_\_

24 JUDGE MA  
United State  
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I, L. Ashley Aull, am the ECF user whose identification and password are being used to file the STIPULATION AND [PROPOSED] ORDER EXTENDING TIME FOR DEFENDANTS TO FILE AN APPLICATION FOR MONETARY SANCTIONS FOR SPOILIATION OF EVIDENCE. In compliance with General Order 45.X.B., I hereby attest that Reginald Steer and Tracy Tosh Lane have concurred in this filing.

Dated: June 17, 2009

MUNGER TOLLES & OLSON, LLP

By \_\_\_\_\_/s/\_\_\_\_\_  
L. Ashley Aull  
Attorneys for Studios