

# EXHIBIT 1

## Aull, Ashley

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**From:** Singla, Rohit  
**Sent:** Tuesday, June 23, 2009 5:28 PM  
**To:** lcunningham@wsgr.com; Bal, Colleen; Tosh Lane, Tracy; mberta@wsgr.com  
**Cc:** Pomerantz, Glenn; Aull, Ashley; Klaus, Kelly; rsteer@akingump.com; 'Mick, Stephen R.'  
**Subject:** Request to meet and confer

Counsel — I have left voice messages for Colleen and Mike seeking to meet and confer regarding a motion we wish to file tomorrow. Specifically, we intend to ask the Court to supplement the p.i. record and take judicial notice of patent applications filed by Real that were published by the PTO recently. The applications at issue are

- (1) U.S. Patent Application Publication No. US 2009/0148125 AI (Watson, Bielman, and Barrett);
- (2) U.S. Provisional App. No. 61/095,249 (Chasen, Buzzard, et al.);
- (3) U.S. Provisional App. No. 61/012,500 (Barrett, Hamilton, et al.)

Please let me know as soon as you can whether Real will stipulate to our request. I am available to discuss this evening or in the morning.

Regards.

## EXHIBIT 2

**Aull, Ashley**

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**From:** Tosh Lane, Tracy [TTosh@wsgr.com]  
**Sent:** Wednesday, June 24, 2009 1:14 PM  
**To:** Singla, Rohit; Cunningham, Leo; Bal, Colleen; Berta, Michael; DiBoise, Jamie  
**Cc:** Pomerantz, Glenn; Aull, Ashley; Klaus, Kelly; rsteer@akingump.com; Mick, Stephen R.  
**Subject:** RE: Request to meet and confer

Rohit,

I didn't get your request to meet and confer about your motion to supplement the PI record until after the close of business yesterday. I appreciate the information below, but we have not yet had a chance to review the patent applications and determine what our response is to your proposed request. We'd ask that you hold off filing your motion to give us a chance to evaluate. Given that the proceedings have been closed for more than a month, I can't imagine why we shouldn't be allowed the time necessary to address this issue.

Please confirm that you will not file until we have a chance to respond. Thanks.

Tracy

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**From:** Singla, Rohit [mailto:Rohit.Singla@mto.com]  
**Sent:** Wednesday, June 24, 2009 9:47 AM  
**To:** Tosh Lane, Tracy; Cunningham, Leo; Bal, Colleen; Berta, Michael; DiBoise, Jamie  
**Cc:** Pomerantz, Glenn; Aull, Ashley; Klaus, Kelly; rsteer@akingump.com; Mick, Stephen R.  
**Subject:** RE: Request to meet and confer

Thanks for the email Tracy. We intend to file today, so please let us know your position by the end of the day.

The basis for our motion is that these applications address, inter alia, RealDVD's circumvention technologies for ARccOS and RipGuard and contradict some of Real's evidence on this issue. As such, we believe the applications are important evidence for the Court in evaluating the parties' respective contentions regarding whether RealDVD circumvents ARccOS and RipGuard. We also believe that the applications should have been produced in discovery.

I am available to talk all day. If you get my voicemail, just hit 0 and ask reception to page me.

Thanks.

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**From:** Tosh Lane, Tracy [mailto:TTosh@wsgr.com]  
**Sent:** Wednesday, June 24, 2009 9:40 AM  
**To:** Singla, Rohit; Cunningham, Leo; Bal, Colleen; Berta, Michael; DiBoise, Jamie  
**Cc:** Pomerantz, Glenn; Aull, Ashley; Klaus, Kelly; rsteer@akingump.com; Mick, Stephen R.  
**Subject:** RE: Request to meet and confer

Rohit,

I got your voicemail and the email below. I have not had a chance to talk to our team about this and won't be in the office until after noon. So that we can consider your request, can you let us know what the basis is for

6/24/2009

supplementing the record to include the below? It was not part of any part of the PI proceeding or briefing as far as I know. Thanks.

Tracy

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**From:** Singla, Rohit [Rohit.Singla@mto.com]

**Sent:** Tuesday, June 23, 2009 5:28 PM

**To:** Cunningham, Leo; Bal, Colleen; Tosh Lane, Tracy; Berta, Michael

**Cc:** Pomerantz, Glenn; Aull, Ashley; Klaus, Kelly; rsteer@akingump.com; Mick, Stephen R.

**Subject:** Request to meet and confer

Counsel — I have left voice messages for Colleen and Mike seeking to meet and confer regarding a motion we wish to file tomorrow. Specifically, we intend to ask the Court to supplement the p.i. record and take judicial notice of patent applications filed by Real that were published by the PTO recently. The applications at issue are

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(3) U.S. Provisional App. No. 61/012,500 (Barrett, Hamilton, et al.)

Please let me know as soon as you can whether Real will stipulate to our request. I am available to discuss this evening or in the morning.

Regards.

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# EXHIBIT 3

**Aull, Ashley**

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**From:** Tosh Lane, Tracy [TTosh@wsgr.com]  
**Sent:** Wednesday, June 24, 2009 6:04 PM  
**To:** Aull, Ashley; Singla, Rohit; Pomerantz, Glenn; WSGR - REALCORE; Klaus, Kelly; rsteer@akingump.com; Mick, Stephen R.; Lambert, Mark F.  
**Subject:** RE: Request to meet and confer

Ashley,

I am saying that if you insist on submitting supplemental briefing we will not stipulate at all. We frankly believe that supplementing the record after the proceeding is closed (and has been closed for more than a month) is improper, but were willing to compromise to add the exhibits you identified to avoid a dispute. It sounds from your email below that you intend to submit "explanatory briefing" regardless of our offer so I do not think we can agree.

Tracy

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**From:** Aull, Ashley [ashley.aull@mto.com]  
**Sent:** Wednesday, June 24, 2009 4:45 PM  
**To:** Tosh Lane, Tracy; Singla, Rohit; Pomerantz, Glenn; WSGR - REALCORE; Klaus, Kelly; rsteer@akingump.com; Mick, Stephen R.; Lambert, Mark F.  
**Subject:** RE: Request to meet and confer

Tracy:

Are you saying that you stipulate to the admission of the patent applications, but not to our explanatory briefing (which we will file), or that you will not stipulate at all if we include such briefing? Please let me know immediately, as we are filing shortly.

Ashley

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**From:** Tosh Lane, Tracy [mailto:TTosh@wsgr.com]  
**Sent:** Wednesday, June 24, 2009 4:41 PM  
**To:** Singla, Rohit; Pomerantz, Glenn; WSGR - REALCORE; Aull, Ashley; Klaus, Kelly; rsteer@akingump.com; Mick, Stephen R.; Lambert, Mark F.  
**Subject:** FW: Request to meet and confer

Counsel,

It appears from the below that the Studios' intention with respect to these patent applications is to submit further briefing on the PI, which Real believes is improper. We will agree, however, to a stipulation that simply states that the parties stipulate that these additional documents are part of the record for the preliminary injunction proceeding. This accomplishes what you are seeking with respect to supplementing the record -- but does not open the door to improper briefing or other submissions relating to the merits of the PI. Please let me know if this is acceptable.

Tracy

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**From:** Singla, Rohit [mailto:Rohit.Singla@mto.com]  
**Sent:** Wednesday, June 24, 2009 3:04 PM

6/24/2009

**To:** Tosh Lane, Tracy; Cunningham, Leo; Bal, Colleen; Berta, Michael; DiBoise, Jamie  
**Cc:** Pomerantz, Glenn; Aull, Ashley; Klaus, Kelly; rsteer@akingump.com; Mick, Stephen R.  
**Subject:** RE: Request to meet and confer

Tracy --

We would submit them to the Court as part of an unopposed administrative motion to supplement the record along with a brief explanation of how we believe the applications are relevant to the issues before the Court. Real could, of course, respond to our explanation of the relevance of the patent applications.

Let me know if you wish to discuss. I am available at my desk till 3:30, but could call you from my cell after that.

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**From:** Tosh Lane, Tracy [mailto:TTosh@wsgr.com]  
**Sent:** Wednesday, June 24, 2009 2:55 PM  
**To:** Singla, Rohit; Cunningham, Leo; Bal, Colleen; Berta, Michael; DiBoise, Jamie  
**Cc:** Pomerantz, Glenn; Aull, Ashley; Klaus, Kelly; rsteer@akingump.com; Mick, Stephen R.  
**Subject:** RE: Request to meet and confer

Rohit,

If we did agree that the PI record could be supplemented to include the patent applications you want to include, how would you propose that these be submitted to the Court?

Thanks.

Tracy

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**From:** Singla, Rohit [mailto:Rohit.Singla@mto.com]  
**Sent:** Wednesday, June 24, 2009 9:47 AM  
**To:** Tosh Lane, Tracy; Cunningham, Leo; Bal, Colleen; Berta, Michael; DiBoise, Jamie  
**Cc:** Pomerantz, Glenn; Aull, Ashley; Klaus, Kelly; rsteer@akingump.com; Mick, Stephen R.  
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**Subject:** RE: Request to meet and confer

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**Sent:** Tuesday, June 23, 2009 5:28 PM

**To:** Cunningham, Leo; Bal, Colleen; Tosh Lane, Tracy; Berta, Michael

**Cc:** Pomerantz, Glenn; Aull, Ashley; Klaus, Kelly; rsteer@akingump.com; Mick, Stephen R.

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