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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

**PARTIES' JOINT APPLICATION TO FILE
 UNDER SEAL DEPOSITION
 DESIGNATIONS, COUNTER-
 DESIGNATIONS, AND EXHIBITS**

Date: April 24, 2009
 Time: 9:00 a.m.
 Ctrm: 15 (Hon. Marilyn Hall Patel)

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

Lodged concurrently herewith:
 1) [Proposed] Order Granting Application

1 Pursuant to Civil Local Rule 7-11 and 79-5, Columbia Pictures Industries, Inc., Disney
2 Enterprises, Inc., NBC Universal, Inc., Paramount Pictures Corporation, Sony Pictures
3 Entertainment, Inc., Sony Pictures Television, Inc., Twentieth Century Fox Film Corporation,
4 Universal City Studios LLLP, Universal City Studios Productions LLLP, Viacom, Inc., Walt
5 Disney Pictures, and Warner Bros. Entertainment, Inc. (collectively, “the Studios”), the DVD
6 Copy Control Association (the “DVD CCA”), and RealNetworks, Inc. and RealNetworks Home
7 Entertainment, Inc. (“Real”) respectfully apply for an order filing under seal the deposition
8 transcript designations, counter-designations, and exhibits which the parties lodged with the Court
9 during the preliminary injunction proceedings and which are identified in the following
10 documents:

- 11 • RealNetworks, Inc. and RealNetworks Home Entertainment, Inc.’s Deposition
12 Designations for Preliminary Injunction Hearing, filed on April 16, 2009 (Docket
13 #268)
- 14 • RealNetworks, Inc. and RealNetworks Home Entertainment, Inc.’s Deposition
15 Designations for Andrew Parsons for the Preliminary Injunction Hearing, filed on
16 April 17, 2009 (Docket # 271)
- 17 • RealNetworks, Inc. and RealNetworks Home Entertainment, Inc.’s Deposition
18 Designations for Preliminary Injunction Hearing; DVD CCA and Studios’ Joint
19 Counter-Designations; and Plaintiff Studios’ Counter-Designation for Andrew
20 Parsons, filed on April 27, 2009 (Docket # 303)
- 21 • DVD CCA and Studios’ Deposition Designations; Real’s Counter-Designations,
22 filed on April 28, 2009 (Docket # 304)
- 23 • Amended DVD CCA and Studios’ Deposition Designations; Real’s Counter-
24 Designations, filed on April 28, 2009 (Docket # 309)
- 25 • Second Amended DVD CCA and Studios’ Deposition Designations; Real’s
26 Counter-Designations, filed on May 15, 2009 (Docket # 327)

27 A “compelling reason” exists to file under seal the deposition transcript designations,
28 counter-designations, and exhibits identified in these documents. *See Kamakana v. City and*

1 County of Honolulu, 447 F.3d 1172, 1178 (9th Cir. 2006) (holding that “[a] party seeking to seal a
2 judicial record . . . bears the burden of overcoming the ‘compelling reasons’ standard”); *Foltz v.*
3 *State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135-36 (9th Cir. 2003). The confidential
4 material at issue divulges aspects of the Studios’, DVD CCA’s, and Real’s proprietary business,
5 technical, and/or trade secret information. This material has been designated by the Studios, the
6 DVD CCA, and Real as “confidential” pursuant to the protective order governing this litigation,
7 and has thus been manually lodged with the Court. This Application to Seal is narrowly tailored
8 to protect the public’s interest in access to judicial records and the public policies favoring
9 disclosure. *Kamakana*, 447 F.3d at 1178.

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

11 DATED: June 25, 2009

MUNGER, TOLLES & OLSON LLP

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13
14 By: /s/ Jonathan H. Blavin
15 JONATHAN H. BLAVIN

16 Attorneys for Studio Defendants/Counterclaim-
17 Plaintiffs/Plaintiffs

18 DATED: June 25, 2009

AKIN GUMP STRAUSS HAUER & FELD LLP

19
20 By: /s/ Reginald Steer
21 REGINALD STEER

22 Attorneys for Defendants/Counterclaim
23 Plaintiffs DVD Copy Control Association, Inc.
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DATED: June 25, 2009

WILSON SONSINI GOODRICH & ROSATI
LLP

By: /s/ Tracy Tosh Lane
TRACY TOSH LANE

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