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 Relief Claim Defendants
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14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

16 REALNETWORKS, INC., et al.,
 17 Plaintiffs,
 18 vs.
 19 DVD COPY BATES ASSOCIATION,
 INC., et al.
 20 Defendants.
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CASE NO. C 08-4548-MHP

**STUDIOS' NOTICE OF NON-OPPOSITION
 TO REALNETWORKS' MOTION TO
 AMEND ITS COMPLAINT**

22 UNIVERSAL CITY STUDIOS
 23 PRODUCTIONS LLLP, et al.,
 24 Plaintiffs,
 25 vs.
 26 REALNETWORKS, INC., et al.
 27 Defendants.
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CASE NO. C 08-4719-MHP

1 Real filed its Complaint in this action on September 30, 2008. More than seven months
2 later, on May 13, 2009, *on the eve of closing argument* on the Studios' motion for a preliminary
3 injunction, Real sought to plead antitrust claims against the Studios and the DVD CCA. These
4 claims, had they any merit, could have been filed in Real's original complaint or indeed in 2007
5 when Real began developing RealDVD.

6 In any case, Real's antitrust claims are legally and factually meritless, and the Studios
7 intend to file a motion to dismiss the new claims on the pleadings. The Studios do not, however,
8 oppose Real's current motion to amend to plead these last-ditch antitrust claims. *See* FED. R. CIV.
9 P. 15(a)(2) (reflecting liberal policy towards granting leave to amend).

10 The Studios are concurrently filing a motion to extend their time to respond to the new
11 claims until 30 days after the Court's ruling on the preliminary injunction motions. Real contends
12 that its antitrust claims are tied to the interpretation of the CSS License, one of the matters
13 currently under submission with the Court. Although Real's antitrust claims are inadequate under
14 any interpretation of the CSS License, the Court's interpretation of the CSS License could well
15 bear upon the specific issues and arguments to be addressed in the Studios' Rule 12 motion. For
16 this reason, it makes no sense for the parties to undertake the time and expense to brief a motion
17 to dismiss the antitrust claims before the Court has issued its preliminary injunction decision.
18 Particularly given how long Real has delayed in bringing its antitrust claim, there is no danger of
19 prejudice to Real from such an extension.

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DATED: June 29, 2009

/s/
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Attorneys for Studio Defendants/Counterclaim-
Plaintiffs/Plaintiffs

COLUMBIA PICTURES INDUSTRIES, INC., DISNEY
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SONY PICTURES TELEVISION INC., TWENTIETH
CENTURY FOX FILM CORP., NBC UNIVERSAL,
INC., WALT DISNEY PICTURES, WARNER BROS.
ENTERTAINMENT, INC., UNIVERSAL CITY
STUDIOS PRODUCTIONS LLLP, UNIVERSAL CITY
STUDIOS LLLP, AND VIACOM, INC.

DATED: June 29, 2009

/s/
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