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11 Attorneys for Defendant and Counterclaimant
 12 DVD COPY CONTROL ASSOCIATION, INC.

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

15 REALNETWORKS, INC., a Washington
 Corporation; and REALNETWORKS HOME
 16 ENTERTAINMENT, INC., a Delaware corporation,

17 Plaintiffs,

18 v.

19 DVD COPY CONTROL ASSOCIATION, INC., a
 Delaware nonprofit corporation, et al.

20 Defendants.

Case No. C08 04548 MHP
 Related Case No. C08 CV 04719 MHP

**RESPONSE OF DVD COPY CONTROL
 ASSOCIATION, INC. TO PLAINTIFFS'
 MOTION FOR LEAVE TO FILE
 SECOND AMENDED COMPLAINT**

Before: Hon. Marilyn Hall Patel
 Dept: Courtroom 15
 Date: July 20, 2009
 Time: 2:00 p.m.

22 AND RELATED CASES
 23
 24

25 The DVD Copy Control Association, Inc. ("DVD CCA") submits this Response to Plaintiffs'
 26 Motion for Leave to File Second Amended Complaint, dated May 13, 2009 (Doc. 324).
 27

1 Plaintiffs' Motion for Leave to File Second Amended Complaint is superfluous insofar as it is
2 addressed to DVD CCA because the proposed Second Amended Complaint purports to allege against
3 DVD CCA exactly the same antitrust and unfair competition claims as are set forth in the Counterclaims
4 that RealNetworks, Inc. and RealNetworks Home Entertainment, Inc. ("Real") filed on May 13, 2009
5 (Doc. 323). Therefore, DVD CCA does not believe a response to Real's Motion is required. However,
6 if a response is required, DVD CCA states that it does not oppose Real's Motion and does not waive any
7 defenses it has to the claims set forth in the Second Amended Complaint, including the right to have
8 them dismissed pursuant to Rule 12 of the Federal Rules of Civil Procedure.

9 Dated: June 29, 2009

10 Respectfully submitted,

11 AKIN GUMP STRAUSS HAUER & FELD LLP
12 WHITE & CASE LLP

13
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17 DVD COPY CONTROL ASSOCIATION, INC.
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