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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

**MOTION OF DVD COPY CONTROL
ASSOCIATION, INC. FOR
EXTENSION OF TIME TO RESPOND
TO COUNTERCLAIMS**

[Declaration of Reginald D. Steer and
Proposed Order filed herewith]

22 AND RELATED CASES

25 The DVD Copy Control Association, Inc. ("DVD CCA"), pursuant to Civil Local Rule 6-3,
26 respectfully requests an extension of its time to respond to the Counterclaims of RealNetworks, Inc. and
27 RealNetworks Home Entertainment, Inc. ("Real") dated May 13, 2009 (Doc. 323) to and including thirty
28

1 days after the Court issues its ruling on the pending preliminary injunction motions.

2 DVD CCA's response to Real's Counterclaims is currently due on July 14, 2009 (there has been
3 one previous extension). (Steer Decl. ¶ 4, Ex. 1). As explained in the Declaration of Reginald D. Steer
4 filed in support of this Motion, counsel for DVD CCA asked Real's counsel to agree to a second
5 extension, to and including thirty days after the Court rules on the pending preliminary injunction
6 motions, and to agree that DVD CCA's response would be due on the same date as the Studios'
7 response to the Second Amended Complaint. Real's counsel rejected that request. (Steer Decl. ¶ 4).
8 DVD CCA's counsel and counsel for the Studios together told Real's counsel that they intend to file this
9 motion. (Steer Decl. ¶ 5.)

10 In addition, counsel for DVD CCA and the Studios asked Real's counsel to agree to an extension
11 to July 31, to allow sufficient time for the Court to rule on this Motion and because of the Fourth of July
12 holiday and summer vacations. Real's counsel has not responded to this request, except to state that the
13 in-house person with authority is on vacation and generally not reachable. (Steer Decl. ¶ 5).

14 Since Real's proposed Second Amended Complaint alleges, inter alia, the same antitrust and
15 unfair competition claims against the Studios as are alleged against DVD CCA in Real's Counterclaims
16 (see Docs. 323; 324-2), and since both the DVD CCA and the Studios are likely to move to dismiss
17 Real's antitrust and unfair competition claims, it makes sense to schedule DVD CCA's response to the
18 Counterclaims and the Studios' response to the Second Amended Complaint on the same date.

1 Therefore, DVD CCA joins in and adopts the Studios' arguments in support of their request to
2 continue their responses to Real's new claims until thirty days after the Court rules on the pending
3 preliminary injunction motions. Alternatively, DVD CCA requests an extension of time to respond to
4 Real's Counterclaims to July 31, 2009.

5 Dated: June 29, 2009

6 Respectfully submitted,

7 AKIN GUMP STRAUSS HAUER & FELD LLP
8 WHITE & CASE LLP

9
10 By Reginald D. Steer
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12 Attorneys for Defendant and Counterclaimant
13 DVD COPY CONTROL ASSOCIATION, INC.
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