



USCA DOCKET # (IF KNOWN)

**UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT  
CIVIL APPEALS DOCKETING STATEMENT**

PLEASE ATTACH ADDITIONAL PAGES IF NECESSARY.

<b>TITLE IN FULL:</b>  RealNetworks, Inc. and RealNetworks Home Entertainment, Inc. v. DVD Copy Association, Inc., Disney Enterprises, Inc., Paramount Pictures Corp., Sony Pictures Enter., Inc., Twentieth Century Fox Film Corp., NBC Universal, Inc., Warner Bros. Enter. Inc., and Viacom, Inc.	DISTRICT: Northern	JUDGE: Patel
	DISTRICT COURT NUMBER: C08-04548	
	DATE NOTICE OF APPEAL FILED: September 10, 2009	IS THIS A CROSS APPEAL? <input type="checkbox"/> YES
	IF THIS MATTER HAS BEEN BEFORE THIS COURT PREVIOUSLY, PLEASE PROVIDE THE DOCKET NUMBER AND CITATION (IF ANY):	
<b>BRIEF DESCRIPTION OF NATURE OF ACTION AND RESULT BELOW:</b>  Defendants and counterclaim plaintiffs filed a motion for a preliminary injunction, which the district court granted on August 11, 2009. The underlying claims are for breach of contract and violation of the Digital Millennium Copyright Act.		
<b>PRINCIPAL ISSUES PROPOSED TO BE RAISED ON APPEAL:</b>  Whether the district court erred by entering a preliminary injunction against plaintiffs and counterclaim defendants.		
<b>PLEASE IDENTIFY ANY OTHER LEGAL PROCEEDING THAT MAY HAVE A BEARING ON THIS CASE (INCLUDE PENDING DISTRICT COURT POST-JUDGMENT MOTIONS):</b>  		
<b>DOES THIS APPEAL INVOLVE ANY OF THE FOLLOWING:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Possibility of Settlement</li> <li><input type="checkbox"/> Likelihood that intervening precedent will control outcome of appeal</li> <li><input type="checkbox"/> Likelihood of a motion to expedite or to stay the appeal, or other procedural matters (Specify)</li> </ul> <hr/> <li><input type="checkbox"/> Any other information relevant to the inclusion of this case in the Mediation Program</li> <hr/> <li><input type="checkbox"/> Possibility parties would stipulate to binding award by Appellate Commissioner in lieu of submission to judges</li>		

LOWER COURT INFORMATION				
JURISDICTION		DISTRICT COURT DISPOSITION		
FEDERAL	APPELLATE	TYPE OF JUDGMENT/ORDER APPEALED	RELIEF	
<input checked="" type="checkbox"/> FEDERAL QUESTION <input type="checkbox"/> DIVERSITY <input type="checkbox"/> OTHER (SPECIFY): <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	<input type="checkbox"/> FINAL DECISION OF DISTRICT COURT  <input type="checkbox"/> INTERLOCUTORY DECISION <input checked="" type="checkbox"/> APPEALABLE AS OF RIGHT  <input type="checkbox"/> INTERLOCUTORY ORDER CERTIFIED BY DISTRICT JUDGE (SPECIFY): <div style="border: 1px solid black; height: 30px; width: 100%;"></div> <input type="checkbox"/> OTHER (SPECIFY): <div style="border: 1px solid black; height: 30px; width: 100%;"></div>	<input type="checkbox"/> DEFAULT JUDGMENT <input type="checkbox"/> DISMISSAL/JURISDICTION <input type="checkbox"/> DISMISSAL/MERITS <input type="checkbox"/> SUMMARY JUDGMENT <input type="checkbox"/> JUDGMENT/COURT DECISION <input type="checkbox"/> JUDGMENT/JURY VERDICT <input type="checkbox"/> DECLARATORY JUDGMENT <input type="checkbox"/> JUDGMENT AS A MATTER OF LAW <input checked="" type="checkbox"/> OTHER (SPECIFY): <div style="border: 1px solid black; padding: 5px;">Order granting preliminary injunction</div>	<input type="checkbox"/> DAMAGES: SOUGHT \$ <div style="border: 1px solid black; width: 80px; height: 20px;"></div> AWARDED \$ <div style="border: 1px solid black; width: 80px; height: 20px;"></div> <input checked="" type="checkbox"/> INJUNCTIONS: <input checked="" type="checkbox"/> PRELIMINARY <input type="checkbox"/> PERMANENT <input checked="" type="checkbox"/> GRANTED <input type="checkbox"/> DENIED <input type="checkbox"/> ATTORNEY FEES: SOUGHT \$ <div style="border: 1px solid black; width: 80px; height: 20px;"></div> AWARDED \$ <div style="border: 1px solid black; width: 80px; height: 20px;"></div> <input type="checkbox"/> PENDING <input type="checkbox"/> COSTS: \$ <div style="border: 1px solid black; width: 80px; height: 20px;"></div>	
CERTIFICATION OF COUNSEL				
<p><b>I CERTIFY THAT:</b></p> <p>1. COPIES OF ORDER/JUDGMENT APPEALED FROM ARE ATTACHED.</p> <p>2. A CURRENT SERVICE LIST OR REPRESENTATION STATEMENT WITH TELEPHONE AND FAX NUMBERS IS ATTACHED (SEE 9TH CIR. RULE 3-2).</p> <p>3. A COPY OF THIS CIVIL APPEALS DOCKETING STATEMENT WAS SERVED IN COMPLIANCE WITH FRAP 25.</p> <p>4. I UNDERSTAND THAT FAILURE TO COMPLY WITH THESE FILING REQUIREMENTS MAY RESULT IN SANCTIONS, INCLUDING DISMISSAL OF THIS APPEAL.</p>				
<div style="border: 1px solid black; padding: 5px; width: 100%;">Michael Berta</div> <p style="text-align: center;"><b>Signature</b></p>		<div style="border: 1px solid black; padding: 5px; width: 100%;">September 10, 2009</div> <p style="text-align: center;"><b>Date</b></p>		
COUNSEL WHO COMPLETED THIS FORM				
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<p><b>**THIS DOCUMENT SHOULD BE FILED IN DISTRICT COURT WITH THE NOTICE OF APPEAL. **</b></p> <p><b>**IF FILED LATE, IT SHOULD BE FILED DIRECTLY WITH THE U.S. COURT OF APPEALS.**</b></p>				