

1 JAMES A. DiBOISE, State Bar No. 83296  
 Email: jdiboise@wsgr.com  
 2 LEO P. CUNNINGHAM, State Bar No. 121605  
 Email: lcunningham@wsgr.com  
 3 COLLEEN BAL, State Bar No. 167637  
 Email: cbal@wsgr.com  
 4 MICHAEL A. BERTA, State Bar No. 194650  
 Email: mberta@wsgr.com  
 5 TRACY TOSH LANE, State Bar No. 184666  
 Email: ttosh@wsgr.com  
 6 WILSON SONSINI GOODRICH & ROSATI  
 Professional Corporation  
 7 One Market Street  
 Spear Tower, Suite 3300  
 8 San Francisco, CA 94105

9 Attorneys for Plaintiffs and  
 Counterclaim Defendants  
 10 REALNETWORKS, INC. and  
 REALNETWORKS HOME  
 11 ENTERTAINMENT, INC.

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA

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

Case Nos. C08 04548 MHP;  
 C08 04719 MHP  
 CA9 Docket No.: 09-16996

16 Plaintiffs,

17 v.

18 DVD COPY CONTROL ASSOCIATION, INC., a  
 19 Delaware nonprofit corporation, DISNEY  
 ENTERPRISES, INC., a Delaware corporation;  
 20 PARAMOUNT PICTURES CORP., a Delaware  
 corporation; SONY PICTURES ENTER., INC., a  
 21 Delaware corporation; TWENTIETH CENTURY  
 FOX FILM CORP., a Delaware corporation; NBC  
 22 UNIVERSAL, INC., a Delaware corporation;  
 WARNER BROS. ENTER. INC., a Delaware  
 23 corporation; and VIACOM, Inc., a Delaware  
 Corporation,

**REALNETWORKS' AMENDED  
 NOTICE OF APPEAL**

24 Defendants.

**PRELIMINARY INJUNCTION APPEAL**

26  
 27 AND RELATED CASES

**AMENDED NOTICE OF APPEAL<sup>1</sup>**

NOTICE IS HEREBY GIVEN that Plaintiffs and counterclaim defendants RealNetworks, Inc. and RealNetworks Home Entertainment, Inc. (collectively, “RealNetworks”) hereby appeal to the United States Court of Appeals for the Ninth Circuit from the Court’s August 11, 2009 Memorandum and Order Re: Studio Plaintiff’s and DVD Copy Control Association’s Motion for Preliminary Injunction (the “Order”). Further, to the extent the appellate court must consider any other memorandum and/or order issued by the Court to decide the appealed Order, such other memorandum and/or order should be considered appealed. Such other order and/or memorandum may include, but is not limited to, the Court’s May 5, 2009 Memorandum & Order Re: Plaintiffs’ Motion to Dismiss DVD CCA’s Second Counterclaim; Plaintiffs’ Motion to Preclude Claims Based on Non-CSS Technologies; Defendants’ Motion for Sanctions for Spoliation of Evidence, attached as Exhibit A hereto. The Order was attached as Exhibit A to the Civil Appeals Docketing Statement filed with the Notice on September 10, 2009.

Dated: September 23, 2009

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By:           /s/ Michael A. Berta            
Michael A. Berta

Attorneys for Plaintiffs REALNETWORKS,  
INC. and REALNETWORKS HOME  
ENTERTAINMENT, INC.

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<sup>1</sup> This amended notice contains non-substantive changes to the Notice of Appeal filed on September 10, 2009 and is meant to provide clarification to the record as to the possible scope of review necessary to complete the appeal of the Court’s grant of a preliminary injunction. A party may submit an amended notice of appeal to correct non-substantive deficiencies without a formal motion. See Goelz & Watts, *Rutter Group Practice Guide: Federal Ninth Circuit Civil Appellate Practice*, §3:400-1 (The Rutter Group 2009); *Pope v. Saving Bank of Puget Sound*, 850 F.2d 1345, 1347 (9th Cir. 1988).

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**Service List**

REGINALD D. STEER (SBN 056324)  
rsteer@akingump.com  
MARIA ELLINIKOS (SBN 235528)  
mellinikos@akingump.com  
**AKIN GUMP STRAUSS HAUER  
& FELD LLP**  
580 California, 15th Floor  
San Francisco, California 94104-1036  
Tel: (415) 765-9500  
Fax: (415) 765-9501

EDWARD P. LAZARUS (SBN 212658)  
elazarus@akingump.com  
STEPHEN MICK (SBN 131569)  
smick@akingump.com  
MICHAEL SMALL (SBN 222768)  
msmall@akingump.com  
**AKIN GUMP STRAUSS HAUER  
& FELD LLP**  
2029 Century Park East, Suite 2400  
Los Angeles, California 90067-3012  
Telephone: (310) 229-1000  
Fax: (310) 229-1001

WILLIAM SLOAN COATS (SBN 94864)  
wcoats@whitecase.com  
**WHITE & CASE LLP**  
3000 El Camino Real  
5 Palo Alto Square, 9th Floor  
Palo Alto, California 94306  
Tel: (650) 213-0300  
Fax: (650) 213-8158

Attorneys for Defendant  
**DVD COPY CONTROL ASSOCIATION,  
INC**

GLENN D. POMERANTZ (SBN 112503)  
Glenn.Pomerantz@mto.com  
LAWRENCE C. BARTH (SBN 123002)  
Lawrence.Barth@mto.com  
BART H. WILLIAMS (SBN 134009)  
Bart.Williams@mto.com  
KELLY M. KLAUS (SBN 161091)  
Kelly.Klaus@mto.com  
**MUNGER TOLLES & OLSON LLP**  
335 South Grand Avenue, 35th Floor  
Los Angeles, CA 90071-1560  
Tel: (213) 683-9100; Fax: (213) 687-3702

ROBERT H. ROTSTEIN (SBN 72452)  
rxr@msk.com  
ERIC J. GERMAN (SBN 224557)  
ejg@msk.com  
**MITCHELL, SILBERBERG & KNUPP LLP**  
11377 West Olympic Boulevard  
Los Angeles, CA 90064-1683  
Tel: (310) 312-2000  
Fax: (310) 312-3100

Attorneys for Defendants  
**PARAMOUNT PICTURES CORP., SONY  
PICTURES ENTERTAINMENT, INC.,  
TWENTIETH CENTURY FOX FILM  
CORP., NBC UNIVERSAL, INC., WARNER  
BROS. ENTERTAINMENT, INC., and  
VIACOM, INC.**

JAMES A. DiBOISE (SBN 83296)  
jdiboise@wsgr.com  
COLLEEN BAL (SBN 167637)  
cbal@wsgr.com  
MICHAEL A. BERTA (SBN 194650)  
mberta@wsgr.com  
TRACY TOSH LANE (SBN 184666)  
ttosh@wsgr.com  
**WILSON SONSINI GOODRICH &  
ROSATI PC**  
One Market Street, Spear Tower, Suite 3300  
San Francisco, CA 94105  
Tel: (415) 947-2000; Fax: (415) 947-2099

Attorneys for Plaintiffs  
**REALNETWORKS, INC. and  
REALNETWORKS HOME  
ENTERTAINMENT**