

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,

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,

24 Defendants.  
 25

Case Nos. C08 04548 MHP;  
 C08 04719 MHP

**REALNETWORK'S OPPOSITION TO  
 MOTION PICTURE STUDIO PARTIES'  
 AND DVD CCA'S SUBMISSION OF  
 CHANGES TO PROPOSED  
 PRELIMINARY INJUNCTION ORDER**

26  
 27 AND RELATED CASES  
 28

1 On August 11, 2009, the Court entered its Preliminary Injunction Order (“Order”)  
2 enjoining Real from, among other things, selling its RealDVD Products to the public. The Order  
3 required that Real certify its compliance with the Order within 30 days. Real also had 30 days to  
4 file a Notice of Appeal of the Order. Real complied with both of these deadlines, filing a  
5 compliance statement and a Notice of Appeal on September 10, 2009.

6 The Order also stated that the Studios and DVD CCA (“Defendants”) were permitted to  
7 submit a “proposed order for injunctive relief if anything further is sought.” Order at p. 56. The  
8 Defendants did not do so during the 30 day window. Rather, Defendants have now filed a  
9 request for changes to the Court’s Order 45 days after it has issued, and after Real has filed both  
10 its compliance statement and its notice of appeal of the original Order.

11 Real requests that the Court deny Defendants’ submission as untimely. If the requested  
12 changes are non-substantive, as Defendants suggest, then they are unnecessary and should be  
13 rejected. Changing the Order now works to Real’s prejudice especially where Real has already  
14 taken an appeal of the actual, original Order. If, instead, Defendants’ suggested changes are  
15 somehow taken to be substantive, then Defendants’ changes should be rejected as too vague to  
16 form the basis for injunctive relief because Defendants do not say what requirements these  
17 changes place on Real; whether the Court would require Real to file a new statement of  
18 compliance; and what further compliance steps might be required of Real.

19 The Defendants state that they do not “seek any further relief than the Court granted in its  
20 Order.” As that is the case, Real requests that the Court allow the appeal of the existing Order to  
21 go forward unhindered and without further modification or delay.

22 Respectfully submitted,

23 Dated: September 28, 2009

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

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

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

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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**