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18 PICTURES CORP., SONY PICTURES
ENTERTAINMENT, INC., TWENTIETH CENTURY FOX
19 FILM CORP., NBC UNIVERSAL, INC., WARNER BROS.
ENTERTAINMENT, INC., AND VIACOM, INC.
20

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA

23
24 REALNETWORKS, INC., a Washington
Corporation; and REALNETWORKS
25 HOME ENTERTAINMENT, INC., a
Delaware corporation,

26 Plaintiffs,

27 vs.
28

CASE NO. C 08-4548 MHP

**STIPULATION REGARDING
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED**

1 DVD COPY CONTROL ASSOCIATION,
INC., a Delaware nonprofit corporation,
2 DISNEY ENTERPRISES, INC., a
Delaware corporation; PARAMOUNT
3 PICTURES CORP., a Delaware
corporation; SONY PICTURES
4 ENTERTAINMENT, INC., a Delaware
corporation; TWENTIETH CENTURY
5 FOX FILM CORP., a Delaware
corporation; NBC UNIVERSAL, INC., a
6 Delaware corporation; WARNER BROS.
ENTERTAINMENT, INC., a Delaware
7 corporation; and VIACOM, INC., a
Delaware Corporation,

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9 Defendants.
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1 **STIPULATION**

2 This Stipulation is made with reference to the following facts:

3 WHEREAS, on September 30, 2008, Plaintiffs and Counterclaim-defendants Real
4 Networks, Inc. and Real Networks Home Entertainment, Inc. (collectively, "Real") filed the
5 above-captioned action (hereinafter, "Declaratory Relief Suit") against Defendants DVD CCA,
6 Disney Enterprises, Inc., Paramount Pictures Corp., Sony Pictures Entertainment, Inc., Twentieth
7 Century Fox Film Corp., NBC Universal, Inc., Warner Bros. Entertainment, Inc. and Viacom,
8 Inc., seeking a declaratory judgment that, in marketing and selling its RealDVD product, Real did
9 not breach the CSS License Agreement between it and the DVD CCA and did not violate the anti-
10 circumvention provisions of the Digital Millennium Copyright Act, 17 U.S.C. § 1201 ("DMCA");

11 WHEREAS, that same morning, Defendants and Counterclaim Plaintiffs
12 Paramount Pictures Corp., Twentieth Century Fox Film Corp., Sony Pictures Entertainment, Inc.,
13 Disney Enterprises, Inc. and Warner Bros. Entertainment, Inc. (collectively, "the Studios") (along
14 with Universal City Studios Productions LLLP, Universal City Studios LLLP, Walt Disney
15 Pictures, Sony Pictures Television Inc., and Columbia Pictures Industries, Inc.) filed a case in the
16 Central District of California (hereinafter, the "Affirmative Suit"), alleging that, in marketing and
17 selling its RealDVD product, Real breached the CSS License Agreement and violated the anti-
18 circumvention measures of the DMCA;

19 WHEREAS, on October 14, 2008, the Affirmative Suit was formally transferred to
20 the Northern District of California and assigned case number C 08-04719 CRB;

21 WHEREAS, the Declaratory Relief Suit that is currently pending before this Court
22 involves substantially the same parties and claims as those in the Affirmative Suit, and it is highly
23 likely that it will be unduly burdensome to duplicate the proceedings before two different judges;

24 WHEREAS, there is also an extremely high risk of conflicting results if two
25 judges reach independent conclusions on essentially the same claims regarding the same product;

26 IT IS HEREBY STIPULATED BY THE PARTIES, by and through their
27 undersigned counsel of record, and the parties jointly request, that the Affirmative Suit be related
28 to and consolidated with the Declaratory Relief Suit currently pending before this Court.

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DATED: October 20, 2008

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DATED: October 20, 2008

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