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

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

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

15 Plaintiffs,

16 v.

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

23 Defendants.
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25
 26 AND RELATED CASES
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Case Nos. C08 04548 MHP;
 C08 04719 MHP

**[PROPOSED] ORDER GRANTING
 MOTION TO DISMISS DVD COPY
 CONTROL ASSOCIATION, INC.'S
 SECOND COUNTERCLAIM AND TO
 STRIKE AFFIRMATIVE DEFENSES**

**Before: Hon. Marilyn Hall Patel
 Dept: Courtroom 15
 Date: February 9, 2009
 Time: 2:00 p.m.**

1 The motion of Plaintiffs and Counterclaim Defendants RealNetworks, Inc. and
2 RealNetworks Home Entertainment, Inc. (collectively, "Real") to: (1) Dismiss DVD Copy
3 Control Association, Inc.'s Second Counterclaim for Breach of the Implied Covenant of Good
4 Faith and Fair Dealing with prejudice; and (2) Strike the Second and Third Affirmative Defenses
5 contained in the Amended Answer and Counterclaims of Defendant and Counterclaimant DVD
6 Copy Control Association, Inc., came on regularly for hearing before this Court on
7 _____.

8 After considering the moving and opposition papers, arguments of counsel, and all other
9 matters presented to the Court, IT IS HEREBY ORDERED THAT the motion is GRANTED.

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11 Dated: _____

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13 HONORABLE MARILYN HALL PATEL
14 United States District Court Judge
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