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17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA

19 REALNETWORKS, INC., et al.,  
 20 Plaintiffs,  
 21 vs.  
 22 DVD COPY CONTROL ASSOCIATION,  
 INC., et al.  
 23 Defendants.  
 24  
 25 AND CONSOLIDATED ACTIONS.  
 26

CASE NO. C 08-4548-MHP  
 Consolidated with Case No. C 08-04719-MHP  
**ADMINISTRATIVE MOTION TO  
 OBTAIN SEALED TRANSCRIPT OF  
 OCTOBER 3, 2008 HEARING**  
**[PROPOSED ORDER]**

1           The Studio Defendants respectfully request that the Court authorize the Court  
2 Reporter to provide each party to this litigation a copy of the October 3, 2008 hearing transcript in  
3 this matter. As we recall, that transcript was placed under seal at Plaintiffs' request because it  
4 disclosed the number of copies of RealDVD that had been sold before the TRO issued. Even if  
5 that number continues to be confidential, the parties can treat the hearing transcript as attorneys'  
6 eyes only, much as other confidential information being produced in this litigation by all parties.

7           We are having to file this motion because RealNetworks has objected, arguing that  
8 the transcript was placed under seal because the October 3 hearing "was held without notice" and  
9 that "[t]he record of the TRO hearing on October 6th should be the only record of relevance here  
10 and we believe the proceedings on October 3rd no longer have any relevance."<sup>1</sup> (Plaintiffs appear  
11 no longer to be claiming that the number of copies of RealDVD distributed by RealNetworks is  
12 confidential.)

13           Inasmuch as undersigned counsel was present at the October 3 hearing, there is no  
14 reason that the transcript should be withheld from us. The hearing and the transcript are part of  
15 the record before the Court and all parties have a right to review the transcript. The number of  
16 downloads of RealDVD (and other more confidential information) has, moreover, been separately  
17 disclosed in documents produced in discovery. To the extent RealNetworks has any legitimate  
18 confidentiality interest in the information disclosed in the transcript, the attached proposed order  
19 requires the parties to treat the transcript as attorneys' eyes only, just like confidential discovery  
20 materials. There is no possible prejudice to RealNetworks from defendants' request for a copy of  
21 the hearing transcript.

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28 <sup>1</sup> Defendant DVDFCA has indicated that it has no objection to this motion.

1 DATED: December 17, 2008

MUNGER, TOLLES & OLSON LLP

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3 By: /s/ Rohit K. Singla  
4 ROHIT K. SINGLA

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15 ENTERTAINMENT, INC., UNIVERSAL  
16 CITY STUDIOS PRODUCTIONS LLLP,  
17 UNIVERSAL CITY STUDIOS LLLP, AND  
18 VIACOM, INC.  
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