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 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.

24  
 25  
 26 AND RELATED CASES  
 27  
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Case Nos. C08 04548 MHP;  
 C08 04719 MHP

**PLAINTIFFS' OPPOSITION TO  
 STUDIO DEFENDANTS'  
 ADMINISTRATIVE MOTION TO  
 OBTAIN SEALED TRANSCRIPT OF  
 OCTOBER 3, 2008 HEARING**

1 On December 18, 2008 the Studio Defendants filed their Administrative Motion to  
2 Obtain Sealed Transcript of October 3, 2008 Hearing. Plaintiffs oppose that motion. The Court  
3 should deny the Studio Defendants' motion because it fails to set forth good cause to unseal the  
4 transcript of the October 3, 2008 proceeding. Instead of providing good cause, the Studio  
5 Defendants state an erroneous reason as to why the proceedings were sealed: Plaintiffs did not  
6 want disclosed to the public the number of copies of RealDVD that were sold.

7 As the Court will recall, the court sealed the record not only because of the confidential  
8 nature of the matters discussed, but also because the proceeding was held without notice, without  
9 Plaintiffs' counsel present in Court, and because the sole purpose of the proceeding was to  
10 maintain the status quo until the Court could consider the October 6, 2008 briefing of the  
11 application for a temporary restraining order. For these reasons, and because the subsequent  
12 hearing supplanted the October 3, 2008 hearing, the transcript is not relevant and should not be  
13 used for any purpose in this proceeding. For these reasons, the Plaintiffs respectfully request that  
14 the Court deny the Studio Defendants request.

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16 Dated: December 19, 2008

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

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19 By: /s/James A. DiBoise  
James A. DiBoise

20  
21 Attorneys for Plaintiffs  
22 REALNETWORKS, INC. AND  
23 REALNETWORKS HOME  
24 ENTERTAINMENT, INC.  
25  
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