

1 JAMES A. DiBOISE, State Bar No. 83296
 Email: jdiboise@wsgr.com
 2 COLLEEN BAL, State Bar No. 167637
 Email: cbal@wsgr.com
 3 MICHAEL A. BERTA, State Bar No. 194650
 Email: mberta@wsgr.com
 4 TRACY TOSH LANE, State Bar No. 184666
 Email: ttosh@wsgr.com
 5 WILSON SONSINI GOODRICH & ROSATI
 Professional Corporation
 6 One Market Street
 Spear Tower, Suite 3300
 7 San Francisco, CA 94105

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.
 24

25
 26 AND RELATED CASES
 27
 28

Case Nos. C08 04548 MHP;
 C08 04719 MHP

**NOTICE OF WITHDRAWAL OF
 NOTICE OF MOTION AND MOTION
 TO DISMISS DVD COPY CONTROL
 ASSOCIATION, INC.'S SECOND
 COUNTERCLAIM AND TO STRIKE
 AFFIRMATIVE DEFENSES FILED ON
 DECEMBER 4, 2008**

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT, Plaintiffs hereby withdraw their Notice of Motion and Motion to Dismiss DVD Copy Control Association, Inc.'s Second Counterclaim and to Strike Affirmative Defenses filed on December 4, 2008.¹ Therefore, the hearing calendared for February 9, 2009 at 2:00 p.m. is no longer necessary.

Dated: January 20, 2009

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ Tracy Tosh Lane
Tracy Tosh Lane

Attorneys for Plaintiffs
REALNETWORKS, INC. AND
REALNETWORKS HOME
ENTERTAINMENT, INC.

¹ This notice of withdrawal is not in any way intended to affect the Notice of Motion and Motion to Dismiss DVD Copy Control Association, Inc.'s Second Counterclaim filed on January 16, 2009.