

**Relevant Language of Magistrate Judge Charles F. Eick's Rulings Regarding Collection of  
ReplayTV 4000 Customer Data**

*Paramount Pictures Corporation, et al. v. ReplayTV, Inc., et al.*  
U.S.D.C. Central District CV 01-9358-FMC (Ex)

**The following is the language of Magistrate Judge Eick's ruling at Page 3, paragraph 2 of the Order on Plaintiffs' Motion to Compel:**

“. . . within sixty (60) days of the date of this order, Defendants shall do that which Plaintiffs sought to be ordered at page 43, line 7 through page 44, line 10 of the 'Joint Stipulation for Plaintiffs' Motion to Compel,' filed April 5, 2002. Unless Plaintiffs elect to excuse Defendants from compliance with this part of the order, Plaintiffs shall bear three-quarters of the reasonable cost of Defendants' compliance with this part of the order.”

**In Page 43, line 7 through Page 44, line 10 of the Joint Stipulation, Plaintiffs demanded that SONICblue:**

“(1) take the steps necessary to use their broadband connections with ReplayTV 4000 customers to gather all available information about how users of the ReplayTV employ the devices, including all available information about what works are copied, stored, viewed with commercials omitted, or distributed to third parties with the ReplayTV 4000, when each of those events took place, and the like;

“(2) implement Defendants' offer to collect available data from a second source – the MyReplayTV.com web site – about how users of the ReplayTV employ the devices, but for all time periods for which that data can be collected, rather than just for a short period;

“(3) provide the foregoing data to Plaintiffs in a readily-understandable electronic format and provide any technical assistance that may be necessary for Plaintiffs to review the data;

“(4) provide Plaintiffs with all documents about Defendants' consideration of what data to gather or not to gather about their customers' use of the ReplayTV 4000; and

“(5) provide Plaintiffs with any other documents (such as emails or logs) reflecting what works have been copied with the ReplayTV 4000 and how those works have been stored, viewed, or distributed.”

**At Page 43, Lines 5 to 6, and 25 to 26, of the Joint Stipulation, Plaintiffs insisted on data sorted by an individual user number rather than provided in the aggregate:**

“. . . they should be ordered to provide Plaintiffs with a complete set of data – with third party users identified only by unique identification numbers – about how their users employ the ReplayTV 4000.”

“The information need not identify any individuals by name, but data for different users should be provided with a unique, anonymous identifier (such as 'ReplayTV 4000 User A98765').”