

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

REDBOX AUTOMATED RETAIL, LLC,)	
)	
Plaintiff,)	
)	Civil Action No. 09-592-RBK
vs.)	
)	<u>JURY TRIAL DEMANDED</u>
TWENTIETH CENTURY FOX HOME)	
ENTERTAINMENT, LLC,)	
)	
Defendant.)	

**REDBOX’S STATEMENT OF POSITION REGARDING
TWENTIETH CENTURY FOX HOME ENTERTAINMENT LLC’S
MOTION TO SEAL THE OPENING BRIEF IN SUPPORT OF FOX’S
MOTION TO TRANSFER VENUE, THE DECLARATION OF DONALD
JEFFRIES AND THE ACCOMPANYING EXHIBITS IN SUPPORT THEREOF**

Defendant Twentieth Century Fox Home Entertainment, LLC (“Fox”) has moved to seal an unredacted version of its Opening Brief in Support of Its Motion to Transfer Venue, filed October 1, 2009, and Exhibit 1 to that document, entitled the Jeffries Declaration, along with the accompanying exhibits. Three of the exhibits (A-C) are described as presentations or proposals that Redbox made to Fox. Specifically, Exhibits A and B are purported Redbox presentations made to Fox (in June 2007 and December 2008, respectively) and Exhibit C is a purported proposal dated May 2009 described as a Redbox proposal for an agreement between Fox and Redbox in which Fox would provide DVDs directly to Redbox. Exhibit D purports to be an email from internal Fox business people discussing a response to Redbox, and Exhibit E purports to be a communication to Redbox proposing an agreement concerning DVDs from Fox. Fox claims that the exhibits contain competitively sensitive information: contract price and duration terms that Fox offered to Redbox prior to Redbox’s initiation of this suit.

For purposes of this motion, and without waiver of any right, Redbox does not object to Fox's request that the declaration and identified documents be sealed along with the sections of the brief that refer to the information that Fox has identified as commercially sensitive. Redbox reserves the right to contest the alleged confidential nature of any sealed information at a later date.

Charles S. Bergen
George R. Dougherty
Michael S. Gulland
GRIPPO & ELDEN LLC
111 South Wacker Drive
Chicago, IL 60606
Phone: (312) 704-7700
Fax: (312) 558-1195

Frederick W. Stein
Redbox Automated Retail, LLC
One Tower Lane, Suite 1200
Oakbrook Terrace, IL 60181
Phone: (630) 756-8255
Fax: (630) 756-8885

Dated: October 28, 2009

/s/ Chad S.C. Stover
Henry E. Gallagher, Jr. (DE Bar ID #495)
Chad S.C. Stover (No. 4919)
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
Wilmington, DE 19801
Telephone: (302) 658-9141
Facsimile: (302) 658-5614
hgallagher@cblh.com
cstover@cblh.com

*Attorneys for Plaintiff
Redbox Automated Retail, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on **October 28, 2009**, I electronically filed **REDBOX'S STATEMENT OF POSITION REGARDING TWENTIETH CENTURY FOX HOME ENTERTAINMENT LLC'S MOTION TO SEAL THE OPENING BRIEF IN SUPPORT OF FOX'S MOTION TO TRANSFER VENUE, THE DECLARATION OF DONALD JEFFRIES AND THE ACCOMPANYING EXHIBITS IN SUPPORT THEREOF** with the Clerk of Court using CM/ECF which will send notification of such filing to the following, and I have also sent the foregoing in the manner indicated:

<u>VIA E-MAIL</u>	<u>VIA E-MAIL</u>
<p>Yosef Riemer KIRKLAND & ELLIS LLP 601 Lexington Avenue New York, NY 10022 Telephone: (212) 446-4802 Email: yosef.riemer@kirkland.com</p> <p>Corey C. Watson KIRKLAND & ELLIS LLP 777 South Figueroa Street Los Angeles, CA 90017 Telephone: (213) 680-8482 Email: corey.watson@kirkland.com</p>	<p>Beth Moskow-Schnoll (No. 2900) Ballard Spahr LLP 919 North Market Street, 12th Floor Wilmington, DE 19801 Telephone: (302) 252-4447 Facsimile: (302) 355-0221 Email: moskowb@ballardspahr.com</p> <p>Neal Walters Ballard Spahr LLP Plaza 1000 - Suite 500 Main Street Voorhees, NJ 08043 Telephone: (856) 761-3438 Email: waltersn@ballardspahr.com</p>

/s/ Chad S.C. Stover
Chad S.C. Stover (DE Bar ID #4919)