

.....APPENDIX C.....

HEARING EXHIBITS

**In the Matter of Digital Performance Right in Sound Recordings and
Ephemeral Recordings, Docket No. 2000-9 CARP DTRA 1 and 2**

<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
Cary Sherman, RIAA (7/31/01)					
	<i>Public</i>				
		SX 0001	Undated	Sound Exchange Website: About Us; Licensing; Webcasting FAQs, printed 07/30/01, (5pp)	Admitted
		SX 0002	11/22/00	Petition for Rulemaking and to Convene Copyright Arbitration Royalty Panel If Necessary	Admitted
Hilary Rosen, RIAA (7/31/01)					
	<i>Public</i>				
		SX 0003	06/15/00	Testimony of Rosen before House Judiciary Committee, Subcommittee on Courts & Intellectual Property	Admitted
		SX 0004	Undated	Silicon Alley Website, "From Digital Coast 2000: RIAA CEO Hilary Rosen... [Interview], printed 06/29/01, (15pp)	Admitted
	<i>Restricted</i>				

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<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
		SX 0005	Undated	RIAA Market Data "2000 Monthly Consumer Survey" [for 02/2000—01/2001]	Admitted
David Altschul, Warner Bros. Records (8/1/01)					
<i>Restricted</i>					
		SX 0006	Undated	List of Warner Music Group "Labels and Trademarks" (RIAA B1682-86)	Admitted
		SX 0007	Undated	Warner Music Group Label Comparatives for 1997 (RIAA B0099)	Not Admitted
		SX 0008	04/21/01 & 07/02/01	WMGS-SOB Income Statements: Dec 99; Dec 98; Dec 97 (RIAA C0162; RIAA C0189; RIAA C0211)	Admitted
		SX 0009	Undated	Warner Bros, 1998 & 1999 Releases/Performance within Year of Release (also RIAA Exh 006 DR)	Not Admitted
Paul Katz, Zomba Music (8/2/01)					
<i>Public</i>					
		SX 0010	Undated	NMPA, International Survey of Music Publishing Revenues [for 1998] (RIAA E0001-55)	Admitted
James Griffin, Cherry Lane Digital, LLC (8/6/01)					
<i>Public</i>					
		SX 0011	07/11/00	Statement of Jim Griffin before Senate Judiciary Committee	Admitted
		SX 0012	04/01	J Griffin White Paper: "At Impasse: Technology, Popular Demand, & Today's Copyright Regime"	Admitted

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		SX 0013	08/01/01	Interview: "Phil Leigh's Inside Digital Media: Cherry Lane's Jim Griffin [sic]"	Admitted
Ron Wilcox, Sony Music (8/7/01)					
	<i>Public</i>				
		SX 0015	04/12/01	LA Times Article, "Company Town"	Not Admitted
	<i>Restricted</i>				
		20.1 DR	08/16/00	Music Video Agreement between Sony Music & ██████████	Admitted (Pursuant to 8/14/01 Order)
		86 DR	04/99	Music Video Agreement between ██████████ & Sony Music	Admitted (Pursuant to 8/14/01 Order)
		87 DR	02/29/00	Music Video Agreement between ██████████ & Sony Music.	Admitted (Pursuant to 8/14/01 Order)
Paul Vidich, Warner Music Group (8/7/01)					
	<i>Restricted</i>				
		SX 0020 (same as RIAA 90 DR)	02/15/01	License Agreement between Warner Music Group & ██████████	Admitted
		SX 0021 (same as RIAA 89 DR)	01/14/00	Webcasting Transmission License Agreement between Warner Music Group & ██████████	Admitted
		SX 0022	11/16/99	Webcasting Transmission License Agreement between Warner Music Group & ██████████	Admitted

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<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
		88 DR	07/00	Locker Agreement between [REDACTED] & Warner Music Group	Admitted (Pursuant to 8/14/01 Order)
		89 DR (same as SX 0021)	01/14/00	Webcasting Transmission License Agreement between Warner Music Group & [REDACTED]	Admitted (Pursuant to 8/14/01 Order)
		90 DR (same as SX 0020)	02/15/01	License Agreement between Warner Music Group & [REDACTED].	Admitted (Pursuant to 8/14/01 Order)
		91 DR	12/10/99	Music Video Agreement between [REDACTED] & Warner Music Group	Admitted (Pursuant to 8/14/01 Order)
		92 DR	07/05/00	Music Video Agreement between [REDACTED] & Warner Music Group	Admitted (Pursuant to 8/14/01 Order)
		93 DR	05/23/00	Music Video Agreement between [REDACTED] & Warner Music Group	Admitted (Pursuant to 8/14/01 Order)
		94 DR	12/11/00	Music Video Agreement between [REDACTED] & Warner Music Group	Admitted (Pursuant to 8/14/01 Order)
		95 DR	10/31/00	Music Video Agreement between [REDACTED] & Warner Music Group	Admitted (Pursuant to 8/14/01 Order)
		96 DR	12/22/99	Music Video Agreement between [REDACTED] & Warner Music Group	Admitted (Pursuant to 8/14/01 Order)
		97 DR	04/03/01	Subscription Services Agreement between [REDACTED] & Warner Music Group	Admitted (Pursuant to 8/14/01 Order)

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<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
		114 DR	11/03/00	Webcasting Transmission License Agreement between [REDACTED] & Warner Music Group	Admitted (Pursuant to 8/14/01 Order)
LaVerne Evans, BMG Entertainment (8/8/01)					
<i>Public</i>					
		SX 0016	08/29/00	Letter from Lopez (Univision Online) to Guillermo Page (BMG US/Latin) Re: Christina Aguilera	Admitted
Greg Hessinger, AFTRA (8/8/01)					
<i>Public</i>					
		SX 0018	05/17/01	AFTRA Press Release: Statement of Ann Chaitovitz [Dir of Sound Rec] before the House Oversight Hearings on Music on the Internet	Admitted
		SX 0019	Undated	ArtistsAgainstPiracy Website, "AFTRA Position on 'Work for Hire' and Sec. 101 of the Copyright Act	Admitted
Lawrence Kenswil, Universal Music Group (8/8/01)					
<i>Public</i>					
		SX 0024	09/16/97	Testimony of Lawrence Kenswil before the House Committee on Courts and Intellectual Property	Admitted
		SX 0030	06/26/00	Webnoize Article, "RIAA to Enter \$400 Million Music Licensing Business"	Not Admitted
<i>Restricted</i>					

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		SX 0031	01/19/01	Interactive License Agreement between Universal Music Group & [REDACTED]	Admitted
		SX 0032	06/27/01	License Agreement between Universal Music Group & [REDACTED]	Admitted
		105 DR	04/04/00	Strategic Alliance Agreement between [REDACTED] & Universal Latin America	Admitted (Pursuant to 8/14/01 Order)
		106 DR	07/21/00	Clip Agreement between [REDACTED], & Universal Music Group	Admitted (Pursuant to 8/14/01 Order)
		107 DR	11/14/00	Locker Agreement between [REDACTED] & Universal Music Group	Admitted (Pursuant to 8/14/01 Order)
		108 DR	04/15/00	Clip Agreement between [REDACTED] & Universal Music Group	Admitted (Pursuant to 8/14/01 Order)
		109 DR	07/01/98	Digital Jukebox License Agreement between [REDACTED] & Universal Music Group	Admitted (Pursuant to 8/14/01 Order)
		110 DR	07/10/98	Digital Jukebox License Agreement between [REDACTED] & Polygram Records	Admitted (Pursuant to 8/14/01 Order)
		111 DR	04/10/00	Clip Agreement between [REDACTED] & Universal Music Group	Admitted (Pursuant to 8/14/01 Order)
		112 DR	04/11/00	Comedy Catalog Agreement between [REDACTED] & Universal Music Group	Admitted (Pursuant to 8/14/01 Order)
		113 DR	08/08/00	Online Promotional Agreement between [REDACTED] & Universal Music Group	Admitted (Pursuant to 8/14/01 Order)

<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
Dr. Thomas Nagle, Strategic Pricing Group (8/9/01)					
	<i>Public</i>				
		SX 0033	1995	Selections from "The Strategy and Tactics of Pricing," by Thomas Nagle	Admitted
		SX 0034	Various dates	"Industry sources" documents: (1) email from Crane; (2) email from Bryan; (3) Crane interview; (4) Gerbrandt interview; and (5) Bryan interview	Admitted
		147 DP "SECOND" ¹	Various dates	Binder of Public Source Documents Supporting Nagle/SPG Analysis	Admitted
	<i>Restricted</i>				
		117 DR	Undated	Live365.com 5 Year Trend: Profitability to Cover Investment Losses (JJEJ 00007)	Not Admitted
		118 DR	Undated	CoolLinks Projected Gross Ad Revenues, yr 2001 (MPET 0035)	Not Admitted
		119 DR	Undated	RadioWave Projections 2001 and 2002 and 2003 (NPEA 0923)	Not Admitted
		120 DR	04/06/01	Testimony of Steven McHale [Everstream] before US Copyright Office	Not Admitted
		121 DR	04/06/01	Testimony of Robert Ohlweiler [MusicMatch] before US Copyright Office	Not Admitted
		122 DR	Undated	MusicMatch Radio Cost Structure (ROHL 0084)	Not Admitted

¹ The binder of public source documents admitted into evidence in support of Dr. Nagles testimony was inadvertently marked RIAA Exhibit 147 DP. Another exhibit submitted April 11, 2001 as part of Steve Marks direct testimony (screenshots from the Cornerband Website) was previously marked as RIAA Exhibit 147 DP. As of September 7, 2001 there has been no distinction made between these exhibits on the record.

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		123 DR	09/25/00	Everstream Bandwidth Recap for Martina McBride (SMCH 00086 - 101)	Not Admitted
		124 DR	03/01	Streaming Media Magazine: "Targeted Ad Insertion" (DJUR 00054 - 58)	Not Admitted
		125 DR	Undated	Media Streaming Agreement between Citadel and Coollink (MPET 0016 - 34)	Not Admitted
		126 DR	Undated	Live365.com Bandwidth Costs (JJEJ 00045)	Not Admitted
		127 DR	Undated	Future P&L Statement (MPET 0086 - 91)	Not Admitted

Jay Samit, EMI - NewMedia (8/10/01)

Restricted

		98 DR	11/11/99	Music Video Agreement between [REDACTED] & Virgin Holdings	Admitted (Pursuant to 8/14/01 Order)
		99 DR	07/26/00	Locker Agreement between [REDACTED] & Virgin Holdings	Admitted (Pursuant to 8/14/01 Order)
		100 DR	12/08/99	Digital Jukebox Agreement between [REDACTED] & Capitol Records	Admitted (Pursuant to 8/14/01 Order)
		101 DR	10/12/00	Digital Jukebox Agreement between [REDACTED] & Virgin Holdings	Admitted (Pursuant to 8/14/01 Order)
		102 DR	04/02/01	Subscription Service, Locker Service and Clip Service Agreement between [REDACTED] & Virgin Holdings	Admitted (Pursuant to 8/14/01 Order)
		103 DR	12/06/00	Locker Agreement between [REDACTED] & Virgin Holdings	Admitted (Pursuant to 8/14/01 Order)

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		104 DR	01/01/00	Music Video Agreement between [REDACTED] & Virgin Holdings	Admitted (Pursuant to 8/14/01 Order)
Jennifer Warnes, Artist (8/13/01)					
	<i>Public</i>				
		SX 0036	Undated	Official Jennifer Warnes' Website, Biography; Discography; Message from Jennifer; and News, printed 08/12/01.	Admitted
	<i>Restricted</i>				
		SX 0035	12/15/85	Recording Agreement between Warnes & Cypress Records	Admitted
		SX 0037	06/28/95	Testimony of Berry Bergman before House Committee	Not Admitted
Harold Bradley, Artist (08/13/01)					
	<i>Public</i>				
		SX 0038	05/1/99	Remarks by Bradley at the Workers' Rights Board Press Conference in San Antonio, TX	Admitted
Steven Wildman, Professor Michigan State University (8/15/01)					
	<i>Public</i>				
		SX 0039	07/20/01	Memorandum and Order in US v. Broadcast Music, Inc.	Admitted
		SX 0040	05/79	National Association of Broadcasters, "Study of Economic Issues in the Recording Industry"	Admitted

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<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
Joe Lyons, Comedy Central Radio (8/16/01)					
<i>Public</i>					
		101 DP-X	09/25/00	Business Wire, "NetRadio and Comedy Central Partner to Launch 24/7 All-Comedy Internet Radio Station"	Admitted
		SD 0001	Undated	Comedy Central PowerPoint Presentation	Admitted
<i>Restricted</i>					
		001 DR-X	Undated	Comedy Central 2001 Budget Projections (JLYO 00026)	Admitted
Michael Wise, Net Radio (8/17/01)					
<i>Public</i>					
		102 DP-X	10/13/99	NetRadio SEC EDGAR Submission	Admitted
		103 DP-X	Undated	NetRadio Website, Now Playing Screenshot	Admitted
		104 DP-X	Undated	NetRadio Website, Advertising Rate Card	Admitted
		105 DP-X	Undated	NetRadio Website, Advertising Information	Admitted
		106 DP-X	03/30/01	NetRadio Year 2000 SEC 10-K Annual Report	Admitted
		107 DP-X	06/15/01	NetRadio Press Release: Revenue Growth Strategies Detailed (Readmitted 8/23/00)	Admitted
		108 DP-X	10/14/99	Email from Marks to Witzig Re: 9/14 S1, NetRadio	Not Admitted
<i>Restricted</i>					
		002 DR-X	06/24/00	Order Fulfillment Agreement between NetRadio and Valley Media	Admitted

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		003 DR-X	12/01/98	Fulfillment Agreement between Navarre and NetRadio, December 1, 1998	Admitted
		004 DR-X	08/17/01	Handwritten demonstrative of NetRadio Rate/Revenue Calculations	Not Admitted
David Pakman, My Play (8/17/01)					
<i>Public</i>					
		109 DP-X	Undated	MyPlay Website, Now Playing - Beatles	Not Admitted
		110 DP-X	Undated	MyPlay Website, Now Playing - Les Miserables	Not Admitted
		111 DP-X	Undated	MyPlay Website, Now Playing - Genesis	Not Admitted
		112 DP-X	Undated	Windows Media Player Final Fantasy Screenshot	Not Admitted
		113 DP-X	Undated	MyPlay Website, FAQs, printed 8/16/01	Not Admitted
		114 DP-X	09/08/00	Email exchange between Steve Marks and David Packman Re: DMCA license	Admitted
<i>Restricted</i>					
		005 DR-X	08/17/01	Handwritten demonstrative of MyPlay Rate/Revenue Calculations	Not Admitted
Brad Porteus, MTVi Radio (8/21/01)					
<i>Public</i>					
		115 DP-X	01/23/01	Viacom Press Release: Viacom Completes Acquisition of BET	Admitted
		116 DP-X	Undated	MTVi Group Website, Company Backgrounder	Admitted

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		117 DP-X	03/13/98	Newsbytes News Network article, "Internet World-Free Internet Radio"	Admitted
		118 DP-X	10/20/99	Webnoize Interview, "Fred Seibert, MTV Network Online"	Not Admitted
		119 DP-X	03/20/00	MTVi Group SEC Registration Filing	Admitted
		120 DP-X	10/16/00	Industry Standard Magazine, "Viacom Goes Super Sonic"	Not Admitted
		121 DP-X	09/06/99	Australian Industry Standard Magazine, "Viacom Changes Its Web Tune"	Not Admitted
		122 DP-X	08/30/99	Viacom Press Release: Viacom's MTV Network Online Announces Formation of MTVi	Admitted
		SD 0002 (SDR-2)	04/04/01	Web Site License Agreement between MTV Networks and ASCAP (BPOR 00202-04)	Admitted (8/22/01)
	<i>Restricted</i>				
		006 DR-X	08/21/01	Handwritten demonstrative of MTVi Expenses	Not Admitted
Rob Reid, Listen.com (8/21/01)					
	<i>Restricted</i>				
		007 DR-X	02/12/01	Branded Radio Agreement between Listen.com and Crunch Fitness	Admitted
		008 DR-X	03/23/00	Binding Proposal between WiredPlanet and [REDACTED]	Admitted
		009 DR-X	04/07/00	Binding Proposal between WiredPlanet and [REDACTED]	Admitted
		010 DR-X	08/15/00	Binding Proposal between WiredPlanet and [REDACTED]	Admitted

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<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
		011 DR-X	04/25/00	Binding Proposal between WiredPlanet and [REDACTED]	Admitted
		012 DR-X	03/21/00	Binding Proposal between WiredPlanet and [REDACTED]	Admitted
		013 DR-X	07/12/00	Agreement between WiredPlanet and [REDACTED]	Admitted
		014 DR-X	02/08/00	Binding Proposal between WiredPlanet and [REDACTED]	Admitted
		015 DR-X	08/11/00	Binding Proposal between WiredPlanet and [REDACTED]	Admitted
		016 DR-X	04/27/00	Binding Proposal between WiredPlanet and [REDACTED]	Admitted
		017 DR-X	07/14/01	Settlement and Release Agreement b/t RIAA and the Record Companies (BMG, EMI, Sony, UMG and Warner), and Listen.com	Admitted
		018 DR-X (118 DR-X)	Undated	Listen Radio Stats for 2001-04, [projected listening statistics by station], printed 4/23/01	Admitted
		019 DR-X	08/21/01	Handwritten demonstrative of Listen.com projected Revenue and Expenses for 2001-2002	Not Admitted
Quincy McCoy, MTVi Group (8/21/01)					
	<i>Public</i>				
		123 DP-X	Undated	Cosmik Debris' interview, "Bring Back the Spark, Quincy McCoy on the State of Radio"	Admitted
	<i>Restricted</i>				
		020 DR-X (120 DR-X)	Various Dates	11/02/00 - Letter re: MTV-[REDACTED]; 03/07/01 - Listening Party Agr re: [REDACTED]; 03/02/01 - Agreement re: [REDACTED]	Admitted

<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
Fred McIntyre, AOL Music, Spinner (8/22/01)					
	Public				
		124 DP-X	08/20/01	AOL Time Warner Press Release: AOL Reorganizes to Lead Next Chapter of Internet's Growth	Admitted
		125 DP-X	06/01/99	AOL Time Warner Press Release: AOL Acquires Leading Internet Music Brands -- Spinner.com, Winamp and SHOUTcast	Admitted
		126 DP-X	Undated	AOL Website, Who We Are – Data Points, printed 07/20/01	Admitted
		127 DP-X	Undated	AOL: Winamp, Who We Are – Spinner & SHOUTcast: The Future of Music	Admitted
		128 DP-X	07/23/01	AOL Time Warner Press Release: AOL Music Announces New Initiatives In Online Music	Admitted
		129 DP-X	Undated	Spinner Website, User Testimonials, printed 8/18/01	Admitted
		130 DP-X	08/19/01	Email from Spinner Registration to Harry Katz Re: Registration Confirmation	Admitted
		131 DP-X	Undated	Bitbop Website, What's Bitbop?, printed 8/21/01	Not Admitted
		132 DP-X	Undated	SHOUTcast Website, What is SHOUTcast?, printed 8/21/01	Admitted
		133 DP-X	Undated	Streamripper Website, Welcome to Streamripper – Introduction, printed 8/21/01	Not Admitted

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		134 DP-X	02/19/01	Email from Fred McIntyre to Steve Marks Re: Streamripper,	Admitted
		135 DP-X	Undated	MusicLivesOnline Website, New SpinAmp v2.6 General Purpose Plug-In For Winamp, printed 8/19/01	Not Admitted
		136 DP-X	Undated	Spinner Website, Forums, printed 8/19/01	Admitted
	<i>UnMarked</i>		8/22/01	Demonstrative screenshot displaying results of a BitBop search for stations carrying material of N'Sync, the Backstreet Boys, Madonna, or Sting.	Not Admitted

Dan Halyburton, Susquehana Radio City (8/22/01)

Public

		137 DP-X	1925	Economics of the Radio Industry, "Part III: Problems of Efficiency in Radio Service"	Not Admitted
		138 DP-X	05/19/00	National Assoc. of Broadcasters Website, Radio and the Internet [slides]	Not Admitted
		139 DP-X	Undated	Radio Marketing Guide & Fact Book for Advertisers, 2001-2002 Edition	Not Admitted
		140 DP-X	Undated	Merge 93.3 Website, Welcome to Merge 933.Net, printed 8/19/01	Not Admitted

Restricted

		022 DR-X	04/02/00	Who Owns What: Top Groups By Audience	Admitted
		023 DR-X	03/12/01	Susquehana Radio Corp, Radio Only Revenues for 1999-2000	Admitted

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		024 DR-X	02/01/99	Agreement between Broadcast.com and Susquehanna Radio Corp	Admitted
		025 DR-X	04/20/01	Email from Andy Collins to Dan Halyburton Re: back end streaming solution	Admitted
		026 DR-X	02/17/00	Affiliate Service Agreement between RadioWave and Susquehanna Radio	Admitted
		027 DR-X	04/20/01	Memo from Charlotte Lawyer to Jason Boyarski Re: Susquehanna-Comparison of Over the Air Listening Hrs to Streaming Hours	Admitted

Michael Mazis (Expert) (8/23/01)

Public

		142 DP-X	2000	Reference Manual on Scientific Evidence, "Reference Guide on Survey Research," 2000	Not Admitted
		143 DP-X	06/99	Copyright 1999 The Roper Center for Public Opinion Research, "Pollsters.com," June, 1999	Not Admitted
		144 DP-X	Undated	Witness' Exhibit 14, "Composition of NPD Online Panel" (XMAZ 00044)	Not Admitted
		146 DP-X	06/99	Copyright 1999 The Roper Center for Public Opinion Research, "Heady Days Are Here Again; online polling is rapidly coming of age"	Not Admitted
		147 DP-X	Undated	NPD Group Website, Member Information	Not Admitted
		149 DP-X	Undated	NPD Group Website, Three (3) Articles	Not Admitted
		152 DP-X	Undated	NPD Polling results, Question 14: "Which of the following motivated your purchase?"	Admitted

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Michael Fine, Soundata, Sounscan, BDS (8/23/01)

Public

		153 DP-X	2000	Edison Media Research/Arbitron, "Radio Station Web Site Content, An In-Depth Look"	Admitted
		SD 0003	Undated	Soundata document produced in Discovery	Admitted
		SD 0003A	Undated	Soundata "Album Purchases – Demographics"	Admitted (9/12/01)

Restricted

		028 DR-X	08/00	Soundata Music Consumer Panel, Question 7	Admitted
		029 DR-X	05/00	Soundata Music Consumer Panel, Question 10	Admitted
		030 DR-X	11/00	Soundata Music Consumer Panel, Question 35	Admitted
		031 DR-X	09/00	Soundata Music Consumer Panel, Questions 13, 14, 14A, 14B & 14C	Admitted
		032 DR-X	09/00	Soundata Music Consumer Panel, Questions 13 & 14, September 2000, [subset of 031 DR-X]	Admitted
		033 DR-X	01/00	Soundata Music Consumer Panel, Question 10	Admitted

James P. Donahoe, Clear Channel (8/24/01)

Public

		154 DP-X	03/21/01	Clear Channel 2000 SEC 10-K Annual Report	Admitted
		155 DP-X	Undated	Clear Channel 2000 Shareholder Report	Admitted
		156 DP-X	Undated	Radio Crow Chart: The History of Two Radio Behemoths [Infinity and Clear Channel]	Not Admitted
		157 DP-X	Undated	Clear Channel Website [company profile]	Admitted

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		158 DP-X	Undated	Clear Channel Press Release: Kevin Mayer Named Chairman and CEO of Clear Channel Internet Group	Admitted
		159 DP-X	Undated	Clear Channel Website, Interactive	Admitted
		160 DP-X	02/05/01	WSJ Article, "Internet Offers Radio Station Life After Death"	Not Admitted
		161 DP-X	Undated	Clear Channel Website, Quarterly Earnings	Admitted
		162 DP-X	Undated	Unknown source, "Internet Group to Temporarily Cease Audio Streaming"	Not Admitted
		163 DP-X	06/14/01	Yahoo Finance Article "Clear Channel to Test Web-only Ads Next Week"	Not Admitted
		164 DP-X	06/18/01	Clear Channel Press Release: Clear Channel Interactive Chooses HiWire for Ad Targeting in Top 50 Markets	Admitted
	<i>Restricted</i>				
		SD 0004	06/12/01	Streaming Framework and Ad Insertion Agreement between Hiwire & Clear Channel	Admitted
Jonathan Zittrain (Expert) (08/24/01)					
	<i>Public</i>				
		165 DP-X	Undated	Streaming Media Report, "The Cost of Streaming Services"	Admitted
Paul Kempton, Media Matrix (8/27/01)					

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<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
<i>Public</i>					
		166 DP-X	05/24/01	Portion of Australian Copyright Act of 1968, as amended May 24, 2001	Admitted
		167 DP-X	09/00	Portion of Final Report by the Intellectual Property and Comp Review Comm, Sept 2000	Not Admitted
		168 DP-X	Undated	Swiss Copyright Document	Not Admitted
		169 DP-X	03/30/93	Final Decision of British Copyright Tribunal	Admitted
		170 DP-X	08/13/99	Canadian Copyright-Public Perf. of Sound Recordings: Reasons for the decision certifying [Commerical Radio] Tariff for 1998-2002	Admitted
<i>Restricted</i>					
		034 DR-X	Various Dates	Email exchange between Kempton, Vader [Ireland] and Banga [Netherlands] Re: European Radio Licensing [Rates], March 15 – 20, 2001, with att.	Admitted
		035 DR-X	Various Dates	Email exchange between Kempton and Carroll [Australia] Re: Radio Licensing [Rates], March 16 – April 6, 2001, with attachments	Admitted
		036 DR-X	Various Dates	Email exchange between Kempton and Demuth [Switzerland] Re: European Radio Licensing [Rates], February 26, 2001, with attachments	Admitted
		037 DR-X	Various Dates	Email exchange between Kempton and VDFS [Austria and Switzerland] Re: Radio Licensing [Rates], February 20 – 26, 2001	Admitted
		038 DR-X	Various Dates	Email exchange between Kempton and Salonen [Finland] Re: European Radio Licensing [Rates], March 15 – 21, 2001	Admitted
<i>Unmarked</i>					

INTERIM PUBLIC VERSION

<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
			Various Dates	Email exchange between Kempton and AERC [Spain] Re: European Radio Licensing [Rates], February 17 – 26, 2001 (XKEM 00182 - 184)	Not Admitted
Adam Jaffe (Expert) (8/28/01 – 8/28/01)					
<i>Restricted</i>					
		39 DR-X	03/27/01	Rader to Karyn email re: Clear Channel Fee Data Questions, March 27, 2001 (XJAF 00850 – 851)	Admitted
		40 DR-X	2000	BMI Blanket License Annual Statement of Account for KFOG (XJAF 1796 and 1844)	Admitted
		41 DR-X	Undated	Lexicon: Proposed Fee by Streaming Station, Sesquehanna & Entercom (XJAF 00538a)	Admitted
Scott Mills, BET Interactive (8/29/01)					
<i>Public</i>					
		171 DP-X	10/06/99	Salon Website article, "Can Robert Johnson bring more blacks online?"	Not Admitted
		172 DP-X	02/04/00	Advertising Age article, "BET earmarks \$10 mil to push site: Media company faces Tribune, Cox in battle for online black consumers"	Not Admitted
		173 DP-X	Undated	News2000 article, "Bob Johnson bets big that blacks will flock to the web," printed 8/20/01	Not Admitted
		174 DP-X	11/21/00	ZDNet Website article, "BET.com Leads Among Blacks"	Not Admitted
		175 DP-X	11/03/00	BET Website Press Release: Viacom to Acquire BET Holdings	Admitted
		176 DP-X	03/20/00	Digital Coast Weekly Website	Admitted

INTERIM PUBLIC VERSION

<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
	<i>Restricted</i>				
		42 DR-X	11/15/00	Letter from ██████ to Erika Munroe [BET] Re: ██████ - 360 Hip Hop.com Promotion	Admitted
		43 DR-X	11/07/00	Agreement letter between ██████ and BET.com Re: ██████	Admitted
 David Juris, XACT Radio (8/29/01)					
	<i>Public</i>				
		177 DP-X	05/28/01	Radio Ink Website article, "Industry Heavyweights Debut Personalized Web Radio"	Not Admitted
		178 DP-X	Undated	XACT Radio Website, Use the Web for all it's worth from the XACT website [advertising info]	Admitted
		179 DP-X	Undated	XACT Radio Website, Frequently Asked Questions	Admitted
	<i>Restricted</i>				
		44 DR-X	04/01	XACT Radio Network, Business Plan	Admitted
		45 DR-X	04/12/01	Affiliate Agreement between XACT Radio Network and WBOS [Boston]	Admitted
		46 DR-X	01/02/01	Affiliate Agreement between XACT Radio Network and NextMedia	Admitted
		47 DR-X	01/22/01	Affiliate Agreement between XACT Radio Network and Milwaukee Radio Alliance	Admitted
		48 DR-X	04/12/01	Affiliate Agreement between XACT Radio Network and WMJX [Boston]	Admitted
		49 DR-X	01/04/01	Affiliate Agreement between XACT Radio Network and Citadel	Admitted

INTERIM PUBLIC VERSION

<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
Tuhin Roy, Echo Networks (8/30/01)					
	<i>Public</i>				
		180 DP-X	03/16/01	Business Times Article, "Online music keeps on playing"	Not Admitted
	<i>Restricted</i>				
		50 DR-X	05/01	Echo Networks Executive Summary	Admitted
Charles Moore, Radio Active Media Partners (8/30/01)					
	<i>Public</i>				
		181 DP-X	06/15/00	Testimony of Moore before House Judiciary Committee, Subcommittee on Courts & Intellectual Property, June 15, 2000	Admitted
	<i>Restricted</i>				
		51 DR-X	Undated	RadioAmp PowerPoint Presentation to Potential Investors, Summer 2001	Admitted
		52 DR-X	Undated	RadioAmp Detailed Financial Presentation to Potential Investors, July 2000	Admitted
		53 DR-X	Undated	RadioAmp network traffic chart for July – December 2000, January 2001	Admitted
		54 DR-X	04/11/01	RadioAmp Detailed P&L data for 1999 and 2000	Admitted
Stephen Fisher, Entercom Communications Corp. (8/31/01)					

INTERIM PUBLIC VERSION

<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
<i>Public</i>					
		182 DP-X	03/21/01	Excerpts from Entercom's 2000 SEC 10-K Annual Report	Admitted
		183 DP-X	08/06/01	Entercom Press Release: [Entercom] Reports Record 2 nd Qtr 2001 Results	Admitted
		184 DP-X	Undated	RMLC Website, BMI License Agreement status, printed Aug 30, 2001	Not Admitted
<i>Restricted</i>					
		55 DR-X	05/00	StreamAudio Service Agreement	Admitted
		56 DR-X	04/15/01	StreamAudio Service Agreement	Admitted
		57 DR-X	07/26/00	LMIV Participation Agreement	Admitted
		58 DR-X	04/13/01	LMIV Financial Projections 2001-2003, Base Case	Admitted
Dan Mason, Infinity Radio (8/31/01)					
<i>Public</i>					
		185 DP-X	Undated	Viacom Website, The Facts, [List of Viacom Holdings], printed 8/30/01	Admitted
		186 DP-X	Undated	Excerpts from Duncan's Radio Market Guide, 2001 Ed., Highest Billing Stations and Markets	Not Admitted
		187 DP-X	03/21/01	Excerpts from Viacom's 2000 SEC 10-K Annual Report	Admitted
		188 DP-X	Undated	Viacom Website, Infinity Broadcasting Corp Reports Record Results for the 4 th Qtr 2000	Admitted

INTERIM PUBLIC VERSION

<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
Nathan Pearson, RadioWave (9/4/01)					
	<i>Public</i>				
		190 DP-X	Undated	RadioWave Website, Advertising Information, printed 9/2/01 (5pp)	Admitted
	<i>Restricted</i>				
		59 DR-X	05/20/00	Interactive Audio Services Agreement between RadioWave and Microsoft, May 20, 2000	Admitted
		60 DR-X	04/09/01	RadioWave Projections 2001 and 2002 and 2003, April 9, 2001 (SERV 01304)	Admitted
		61 DR-X	Undated	Radiowave Summary of costs by department, yr 2000 (NPEA 00927 – 928)	Admitted
		62 DR-X	08/27/01	RadioWave Sources and Uses ProForma Sept 30, 2001 (6pp)	Admitted (9/5/01)
John Jeffrey, Live365 (9/5/01)					
	<i>Public</i>				
		191 DP-X	02/27/01	Live365 Press Release: Live365 Completes Comprehensive Report on the Internet Radio Industry, printed 9/4/01	Admitted
		192 DP-X	02/01	Live365 Report, Internet Radio: The Future is Now	Admitted
		193 DP-X	04/17/01	Live365 Press Release: Live 365 Promotes Daley to CFO, printed 9/4/01	Admitted
		194 DP-X	Undated	Two Live365 Press Releases, Explosive Growth; Additions to Sales team, printed 9/4/01	Admitted
		195 DP-X	10/10/00	Streamingmedia interview, "Q&A with Alex Sanford, CEO of Live365"	Not Admitted

INTERIM PUBLIC VERSION

<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
		196 DP-X	03/24/00	Letter from Marks to Jeffrey [Live 365 General Counsel] with attachments	Admitted
		197 DP-X	05/19/00	Email between Sanford and Marks	Admitted
		198 DP-X	06/02/00	Letter from Jeffrey to Marks	Admitted
		199 DP-X	04/26/01	Live365 Counsel Cease and Desist letter from Plevan to Clegy [Streamripper]	Admitted
		200 DP-X	03/14/00	ABCNews Website article, "An Online Tape Deck"	Not Admitted
		201 DP-X	08/30/01	PHO Distribution List Posting by Majordomo Re: Changes at Live365	Admitted
		202 DP-X	01/24/01	PHO Distribution List Posting by Gupta, Re: Internet Radio...Profitable?	Not Admitted
	<i>Restricted</i>				
		64 DR-X	10/00	Live365 Private Placement Memo	Admitted
		65 DR-X	08/01	Live365 Internet Radio & Audio Publishing	Admitted
Barry Knittel, AEI/DMX (9/5/01)					
	<i>Public</i>				
		203 DP-X	Undated	AEI Website, About AEI, printed 9/5/01	Admitted
	<i>Restricted</i>				
		66 DR-X	06/01/00	License Agreement between █████ & DMX	Not Admitted
	<i>Unmarked</i>				
			9/5/01	Handwritten demonstrative, ProPac and ProDisk processes	Not Admitted
			9/5/01	Handwritten demonstrative, ProFusion processe	Not Admitted

INTERIM PUBLIC VERSION

<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
			9/5/01	Handwritten demonstrative, DBS/Broadcasting processes	Not Admitted

Joe Davis, Salem Communications Corp (9/6/01)

Public

	204 DP-X		03/05/01	Salem 2000 Annual Report, March 5, 2001	Admitted
	205 DP-X		08/01	Salem Press Release: Announces Record Second Quarter Results, Aug 2001	Admitted
	206 DP-X		05/01	Salem Press Release: Announces Record First Quarter Results, May 2001	Admitted
	207 DP-X		12/00	Salem Press Release: Announces Record Fourth Quarter Results, Dec 2000	Admitted
	208 DP-X		08/01	Salem Press Release: Announces Record Third Quarter Results, Aug 2001	Admitted
	209 DP-X		08/00	Salem Press Release: Announces Record Second Quarter Results, Aug 2000	Admitted
	210 DP-X		01/29/01	LA Bus Journal, "Christian Media Company Targeting Growth Market," January 29, 2001	Not Admitted
	211 DP-X		03/01	Salem Press Release: Contemporary Christian Music Signs on in Chicago, March 2001	Admitted
	212 DP-X		09/00	Salem Press Release: Contemporary Christian Music Signs on in Atlanta, Sept 2000	Admitted

Kenneth Stern, National Public Radio (9/7/01)

Public

INTERIM PUBLIC VERSION

<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
		213 DP-X	03/01	Public Broadcasting Revenue Fiscal Year 1999	Admitted
		214 DP-X	Undated	NPR Website, "Every Day, NPR Delivers," 7pp.	Admitted
		215 DP-X	Undated	NetRadio Website, "Learn About Music," 25pp.	Not Admitted
		216 DP-X	Undated	Public Broadcasting Report, "PBS and NPR Heads say they are Reassessing Web Operation"	Not Admitted

Jane Murdoch (Expert) (9/7/01)

Public

		217 DP-X	Undated	ASCAP Website "About ASCAP," printed 9/7/01	Not Admitted
		218 DP-X	Undated	NPR Music Rights Survey 2000, (5pp)	Admitted
		219 DP-X	Undated	Chart printout of selected raw data results from Music Rights survey	Admitted
		220 DP-X	07/22/98	Report of the Panel re: Section 118 of the Copyright Act, July 22, 1998	Admitted

Unmarked

			07/18/01	Register of Copyrights Order, July 18, 2001; and related Motions: May 25 th , June 6 th and June 13 th	Not Admitted
			Undated	Table 1, Summary of the Calculation of a Reasonable Annual Blanket License Fee	Not Admitted
			Undated	Table 6, Form of Web Programming Offered by Public Radio Stations	Not Admitted
			Undated	Table 8, Web Audio Format Offerings by Survey Respondents	Not Admitted
			Undated	Table 5, Calculation of Public Radio Web Audience as Percent of Broadcast Audience	Not Admitted

INTERIM PUBLIC VERSION

<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
			Undated	Table 4, Average Share of Broadcast Programming Day by Format	Not Admitted
Steve Marks, RIAA (9/10/01 – 9/14/01)					
	<i>Public</i>				
		149 DP	Undated	Cablemusic screenshots of channel menu (4 pp)	Admitted (09/14/01)
		150 DP	Undated	DiMA Website, Deadlines for Webcasting License; Arbitration Information, printed 10/29/99	Admitted (09/14/01)
		151 DP	06/01/01	Email from Marks forwarding Potter (DiMA) "pho" posting of 09/07/00	Admitted (09/14/01)
		152 DP	06/01/01	Email from Marks forwarding Potter (DiMA) "pho" posting of 02/10/00	Admitted (09/14/01)
	<i>Restricted</i>				
		60A DR	08/31/01	Second Webcasting Performance and Webcasting and Bus. Est. Ephemeral Recording License Agreement between SoundExchange and MusicMusicMusic, Inc.	Admitted (09/12/01)
		62A DR	02/01/01	Second Webcasting Performance and Ephemeral Recording License Agreement between RIAA and Radio Free World	Admitted (09/12/01)
		63A DR	02/01/01	Second Webcasting Performance and Ephemeral Recording License Agreement b/t SoundExchange and iJockey	Admitted (09/12/01)
		70A DR	04/17/01	Assignment and Assumption Agreement and Amendment No. 1 between RIAA And Multicast Technologies	Admitted (09/12/01)

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<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
		115 DR	07/11/01	Webcasting Performance and Ephemeral License Agreement between MusicMatch and SoundExchange	Admitted (Pursuant to 8/14/01 Order)
		128 DR	n/a	Musicmusicmusic agreement email chronology (4 volumes)	Admitted (09/12/01)
		129 DR	n/a	Lomasoft agreement email chronology	Admitted (09/12/01)
		130 DR	n/a	Radiofreeworld agreement email chronology	Admitted (09/13/01)
		131 DR	n/a	JamRadio agreement email chronology (2 vols)	Admitted (09/13/01)
		132 DR	n/a	Visual Dynamics agreement email chronology	Admitted (09/13/01)
		133 DR	n/a	WWW.com agreement email chronology	Admitted (09/13/01)
		134 DR	n/a	Soundbreak agreement email chronology	Admitted (09/13/01)
		135 DR	n/a	Spike Radio agreement email chronology	Admitted (09/13/01)
		136 DR	n/a	Websound agreement email chronology	Admitted (09/13/01)
		137 DR	n/a	Yahoo agreement email chronology (2 vols)	Admitted (09/13/01)
		138 DR	n/a	iJockey agreement email chronology (2 vols)	Admitted (09/14/01)
		139 DR	n/a	MoodLogic agreement email chronology (2 vols)	Admitted (09/14/01)
		140 DR	n/a	KickRadio agreement email chronology (2 vols)	Admitted (09/14/01)
		141 DR	n/a	Beem-Me-Up agreement email chronology	Admitted (09/14/01)

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<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
		142 DR	n/a	CyberAxis agreement email chronology	Admitted (09/14/01)
		143 DR	n/a	Spacial Audio Solutions agreement email chron	Admitted (09/14/01)
		144 DR	n/a	The Buzz Bin agreement email chronology	Admitted (09/14/01)
		145 DR	n/a	eNashville agreement email chronology	Admitted (09/14/01)
		146 DR	n/a	SLAM Media agreement email chronology	Admitted (09/14/01)
		147 DR	n/a	Fansedge agreement email chronology	Admitted (09/14/01)
		148 DR	n/a	Cybertainment agreement email chronology	Admitted (09/14/01)
		149 DR	n/a	GaliMusica agreement email chronology	Admitted (09/14/01)
		150 DR	n/a	She Sings agreement email chronology	Admitted (09/14/01)
		151 DR	n/a	Multicast agreement email chronology (2 vols)	Admitted (09/14/01)
		152 DR	n/a	Musicmatch agreement email chronology (3 vols)	Admitted (09/14/01)
		153 DR	n/a	Cornerband agreement email chronology	Admitted (09/14/01)
		SX 41	Undated	Webcaster Royalties for the period October 1998 to April 2001 (RIAA N0001 – 04)	Admitted
		SX 42	05/09/99	Letter from Spegg to Marks, Re: MMM/ RadioMoi, w/ att (RIAA N0389 – 413)	Admitted
		SX 43	08/16/98	Email from Spegg to Marks, Re: new legislation (RIAA N11495)	Admitted

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<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
		SX 44	11/14/98	Email from Spegg (via Pam) to Marks, Re: RadioMoi News (RIAA N0388)	Not Admitted
		SX 45	12/01/98	Email from Marks to Spegg, Re: new legislation (RIAA N11498 - 505)	Admitted
		SX 46	02/22/99	Email from Spegg to Marks, Re: our meeting (RIAA N0377 – 78)	Admitted
		SX 47	02/17/99	Email from Marks to Conroy, et al, Re: proposed license, w/att (RIAA N13582 – 87)	Admitted
		SX 48	02/22/99	Email from Spegg to Marks, Re: License Terms (RIAA N0379 – 80)	Admitted
		SX 49	02/22/99	Email from Marks to Conroy, et al, Re: MMM (RIAA N13588)	Admitted
		SX 50	02/25/99	Email from Spegg to Marks, Re: sever status (RIAA N0384)	Admitted
		SX 51	03/02/99	Email from Marks to Conroy, et al, Re: MMM license (RIAA N13589 - 93)	Admitted
		SX 52	03/12/99	Email from Marks to Conroy, et al, Re: new draft license, w/ att (RIAA N13604 - 14)	Admitted
		SX 53	03/20/99	Email from Ostroff to Marks, Re: MMM license, (RIAA N13615 – 16)	Admitted
		SX 54	03/24/99	Email from Marks to Spegg, Re: License Agreement (RIAA N8152 – 53)	Admitted
		SX 55	03/24/99	Email from Marks to Hissong, Re: License Agreement (RIAA N13629)	Admitted
		SX 56	04/02/99	Email from Marks to Hissong, Re: Important Conf Call (RIAA N13678)	Admitted
		SX 57	04/05/99	Email from Spegg to Marks, Re: questions (RIAA N0371 – 72)	Admitted

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<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
		SX 58	04/05/99	Email from Marks to Conroy, et al Re: Revised MMM perf license (RIAA N13761 – 71)	Admitted
		SX 59	Undated	MMM Website Article, “RIAA Strikes 1 st Pact for Web Radio License”	Not Admitted
		SX 60	06/30/99	MMM Website Article, “Internet music site aims for global music database”	Not Admitted
		SX 61	09/29/99	Bus. Dateline Article, “Profit-Toronto”	Not Admitted
		SX 62	03/27/01	Email from Munsat to Phil (RadioMoi) Re: Draft Term Sheet for ISS Service w/att (N13857 – 59)	Admitted
		SX 63	08/14/01	Office.com website, “musicmusicmusic Readies subscription-based On-Demand streaming music site	Not Admitted
		SX 64	08/13/01	Google extraction from LomaSoft Website, Corporate Overview	Admitted
		SX 65	10/01/99	Email from Marks to SDMI Exec, et al, Re: cablemusic.com (RIAA N13362 – N13363.5)	Admitted (within 129 DR)
		SX 66	01/29/01	Email from Marks to Gambale Re License Renewal (N13399 – 429)	Admitted (within 129 DR)
		SX 67	01/02/01	Email from Munsat to Webmaster (Latimer) Re: Draft License Renewal	Admitted (within 130 DR)
		SX 68	Undated	Visual Dynamics website, About Us (3pp)	Not Admitted
		SX 69	Undated	SlashDot Bulletin Board postings Re: quicktracks.com [ref to Franchuk 11/18 posting]	Not Admitted
		SX 70	02/09/00	PR NewsWire Article, “WWW.com Signs Agreement with RIAA...”	Admitted
		SX 71	02/17/00	Industry Standard Article, “MTVi in Copyright Dispute with Sony, EMI”	Not Admitted

INTERIM PUBLIC VERSION

<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
		SX 72	02/16/00	RAIN Article, "WWW.com's deal with RIAA gives them surprising freedom"	Not Admitted
		SX 73	05/24/00	WWW.com Press Release, WWW.com Expands Globally with London-Based Carlton Communicatons	Admitted
		SX 74	Undated	WWW.com Website, Who We Are	Admitted
		SX 75	01/23/01	Webnoize Article, "Universal-Sony 'Duet' Streaming Service Delayed"	Not Admitted
		SX 76	07/21/00	Email from Marks to Lisa (Soundbreak) Re: rate proposal	Admitted (within 134 DR)
		SX 77	08/23/00	Silicon Valley News Article, "Soundbreak strikes deal with record labels	Not Admitted
		SX 78	09/01/00	Daily Variety Article, "Crane flies the coop..."	Not Admitted
		SX 79	07/13/00	Email from Munsat to Nick Re: SpikeRadio Licensing (N1396 – 99)	Admitted
		SX 80	08/21/00	Email from Abrahams to Marks Re: SpikeRadio Licensing (N1629-32)	Admitted
		SX 81	09/14/00	Australia.Internet.com Article, "Sausage Firms, Melbourne IT CEO Resigns	Not Admitted
		SX 82	02/23/01	Business Review Weekly, "Spike Radio Talks Up a Comeback"	Not Admitted
		SX 83	08/24/01	Email from Munsat to Straus Re: Websound (N1950 – 51)	Admitted (within 136 DR)
		SX 84	07/22/99	Marks to Cuban re: term sheet (N11764)	Admitted
		SX 85	11/08/00	Email from Lee (MoodLogic) to Marks Re: MoodLogic + Listen	Admitted

INTERIM PUBLIC VERSION

<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
		SX 86	10/24/00	Draft Webcasting Performance and Ephemeral License Agr b/t RIAA and MoodLogic	Admitted
		SX 87	04/17/01	Kickworks Press Release: RIAA and Kickworks crank up internet radio, printed 6/14/01	Admitted
		SX 88	05/09/01	Multicast Press Release: Radio Express joins forces with Multicast..."	Admitted
		SX 89	08/19— 08/13/00	RIAA Reporting Table, "Future Performances of Sound Recordings – License Fee Report"	Admitted
	<i>UnMarked</i>		09/10/00	Handwritten demonstrative of RIAA licensees	Not Admitted
			09/12/00	Handwritten demonstrative of RIAA licensees, with royalty fees added by Mr. Steinthal	Not Admitted
	musicmusicmusic (within 128DR)	Bates# N13783-84	11/29/00	Email from Munsat to Phil Re: listening post	Admitted (within 128 DR)
		Bates# N13786	11/30/00	Email from Hall to Munsat Re: background music service	Admitted (within 128 DR)
		Bates# N13578-79	03/20/01	Email from Marks to RIAA Negotiating Committee Re: MMM, for discussion on conference call	Admitted (within 128 DR)
		Bates# N13831-56	03/27/01	Email from Munsat to Phil Re: license agreement w/att.	Admitted (within 128 DR)
		Bates# N13872-74	04/09/01	Email from Phil to Munsat Re: draft term sheet for ISS Service	Admitted (within 128 DR)
		Bates# N13580	06/27/01	Email from Munsat to McMullan Re: musicmusicmusic	Admitted (within 128 DR)
	Lomasoft (within 129DR)	Bates# N0754-56	05/04/99	Email from Gambale to Marks Re: Webcasting/Digital Millennium Act	Admitted (within 129 DR)

INTERIM PUBLIC VERSION

<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
		Bates# N0750 (N8517 in binder)	07/06/99	Email from Marks to Gambale Re: per performance proposal	Admitted (within 129 DR)
		Bates# N8513-16	07/02/99	Email from Gambale to Marks Re: term sheet for cabledmusic.com, w/att	Admitted (within 129 DR)
		Bates# N0751-53	07/06/99	Letter from Gambale to Marks Re: proposed license agreement	Admitted (within 129 DR)
		Bates# N8522-32	07/09/99	Webcasting Performance License Agreement (draft)	Admitted (within 129 DR)
		Bates# N0760-62	07/21/99	Email from Gambale to Marks Re: error in cabledmusic.com payable performance rate calculation	Admitted (within 129 DR)
		Bates# N13361	08/12/99	Email from Steve Marks to Amanda Marks Re: cabledmusic.com	Admitted (within 129 DR)
		Bates# N5008-11	10/02/00	Email from Marks to dale [Cabledmusic] Re: Follow up to meeting	Admitted (within 129 DR)
		Bates# N13364-91	12/14/00	Email from Munsat to Gambale Re: license renewal w/att.	Admitted (within 129 DR)
		Bates# N13392	12/21/00	Letter from Marks to Gambale Re: license extension	Admitted (within 129 DR)
		Bates# N13396-97	01/18/01	Email from Marks to Gambale Re: license renewal	Admitted (within 129 DR)
		Bates# N13430-32	01/29/01	Email from Marks to Gambale Re: follow-up	Admitted (within 129 DR)
		Bates# N13434-35	03/29/01	Email from Munsat to Craig Re: follow-up	Admitted (within 129 DR)

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<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
Radio Free World (within 130DR)		Bates# N1750-51	08/16/99	Email from Marks to Hines Re: question	Admitted (within 130 DR)
		Bates# N1752-61	08/23/99	Letter from Marks to Weissbach Re: license agreement w/att.	Admitted (within 130 DR)
		Bates# N1762-74	09/13/99	Email from Marks to Webmaster (Latimer) Re: revised license agreement w/att	Admitted (within 130 DR)
		Bates# N14290	12/21/00	Letter from Marks to Latimer Re: license extension	Admitted (within 130 DR)
Jam Radio (within 131DR)		Bates# N8770-79	08/99	Webcasting Performance License Agreement	Admitted (within 131 DR)
		Bates# N13154	10/12/00	Email from Munsat to Meth Re: rate options	Admitted (within 131 DR)
		Bates# N13168	12/06/00	Email from Munsat to Meth Re: proposed minimum for new Jam Radio Agreement	Admitted (within 131 DR)
		Bates# N13259-95	04/17/01	Email from Munsat to Meth Re: revised agreement w/att.	Admitted (within 131 DR)
		Bates# N14636-54	09/08/01	Second Webcasting Performance and Ephemeral License Agreement (attached to email from Munsat to Meth Re: Jamradio Renewal Docs)	Admitted (within 131 DR)
Visual Dynamics (within 132DR)		Bates# N1747-49	10/07/99	Fax from Reiss to Marks Re: proposed terms of license agreement	Admitted (within 132 DR)
		Bates# N1799	09/27/99	Email from Marks to Saul Re: license agreement	Admitted (within 132 DR)
		Bates# N14535	10/20/99	Email from Marks to RIAA Negotiating Committee Re: license agreement w/Visual Dynamics	Admitted (within 132 DR)

INTERIM PUBLIC VERSION

<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
WWW.com (within 133DR)		Bates# N11543	10/07/99	Email from Marks to Alexander Re: per performance agreement	Admitted (within 133 DR)
		Bates# N11527	09/28/99	Email from Marks to Alexander Re: revised license agreement	Admitted (within 133 DR)
		Bates# N14278	01/27/01	Email from Marks to RIAA Negotiating Committee Re: license agreement w/WWW.com signed	Admitted (within 133 DR)
Soundbreak (within 134DR)		Bates# N1131-35	08/16/99	Email from Marks to Kronemyer Re: Soundbreak term sheet	Admitted (within 134 DR)
		Bates# N11645	09/01/99	Email from Kronemyer to Marks Re: proposed DMCA license agreement for Soundbreak.com	Admitted (within 134 DR)
		Bates# N4156-69	08/05/00	Email from Marks to Pena Re: Soundbreak/RIAA comments w/att.	Admitted (within 134 DR)
		Bates# N14462	08/18/00	Email from Marks to RIAA Negotiating Committee Re: Soundbreak license deal signed	Admitted (within 134 DR)
		Bates# N14465-69	08/29/00	Email from Marks to RIAA Negotiating Committee Re: final release w/att	Admitted (within 134 DR)
SpikeRadio (within 135DR)		Bates# N1712-13	06/29/00	Memo from Abrahams to Munsat Re: SpikeRadio B2C & B2B license	Admitted (within 135 DR)
Websound (within 136DR)		Bates# N2121	08/14/00	Email from Marks to Straus Re: b2b/RIAA/DMCA	Admitted (within 136 DR)
		Bates# N2120	08/15/00	Email from Marks to Straus Re: Websound/Volkswagon	Admitted (within 136 DR)
		Bates# N2002-04	08/22/00	Email from Straus to Munsat Re: license agreement concerns	Admitted (within 136 DR)

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<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
Yahoo! (within 137DR)		Bates# N11771	10/16/98	Email from Marks to Cuban Re: artist-only channels	Admitted (within 137 DR)
		Bates# N11706	12/04/98	Email from Marks to Greenstein Re: broadcast.com	Admitted (within 137 DR)
		Bates# N11855 (N11882 in binder)	05/03/99	Email from Marks to Wagner Re: billboard channel	Admitted (within 137 DR)
		Bates# N11746	09/16/99	Email from Marks to Johnson Re: archived programs	Admitted (within 137 DR)
		Bates# N11879-80	07/01/99	Email from Marks to Follmer Re: negotiations	Admitted (within 137 DR)
		Bates# N1009-13	07/23/99	Email from Marks to Cuban Re: term sheet	Admitted (within 137 DR)
		Bates# N11901	07/23/99	Email from Marks to Wagner Re: update	Admitted (within 137 DR)
		Bates# N11757 (N1009 in binder)	07/23/99	Email from Marks to Cuban Re: term sheet	Admitted (within 137 DR)
		Bates# N11732	08/12/99	Email from Marks to Wagner Re: revised term sheet	Admitted (within 137 DR)
		Bates# N11686-88	01/31/00	Email from Zahn to Marks Re: Counterproposal	Admitted (within 137 DR)
		Bates# N11721	02/03/00	Email from Marks to Johnson Re: revised term sheet	Admitted (within 137 DR)
		Bates# N14540	02/16/00	Email from Marks to Vidich Re: yahoo term sheet	Admitted (within 137 DR)

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<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
		Bates# N14544	03/03/00	Email from Marks to Webcasting Re: yahoo	Admitted (within 137 DR)
		Bates# N14546-50	03/29/00	Email from Marks to Webcasting Re: yahoo term sheet, w/att	Admitted (within 137 DR)
		Bates# N14554-56	03/30/00	Email from Marks to Webcasting Re: yahoo term sheet	Admitted (within 137 DR)
		Bates# N1014-15	05/08/00	Email from Yang to Rosen Re: note back to you...	Admitted (within 137 DR)
		Bates# N14561	06/29/00	Email from Marks to Webcasting Re: yahoo!	Admitted (within 137 DR)
		Bates# N0935-36	07/07/00	Letter from Marks to Mandelbrot, w/att	Admitted (within 137 DR)
		Bates# N0992	07/25/00	Email from Marks to Johnson Re: Comments on Agreement, w/att-N11129-31	Admitted (within 137 DR)
		Bates# N1001-04	0/8/14/00	Email from Marks to davidman [Mandelbrot] re: 2 Open Items	Admitted (within 137 DR)
		Bates# N14572-74	09/06/00	Email from Marks to Webcasting Re: FINAL RIAA-Yahoo! press release, w/att	Admitted (within 137 DR)
		Bates# N0945-46	04/27/00	"RIAA Proposal" attached to email from Yang to Rosen Re: yahoo... (org'l marked SX 84)	Admitted (within 137 DR)
	IJockey (within 138DR)	Bates# N13026-27 (#13528-29 in binder)	09/10/99	Email from Marks to Wilcox, Re: ijockey – RESPONSE REQUIRED	Admitted (within 138 DR)
		Bates# N0926	10/05/99	Letter from Haddad to Marks, Re: Final License Agreement	Admitted (within 138 DR)

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<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
		Bates# N13036-39	03/27/00	Email from Steve Marks to RIAA Negotiating Committee, Re: working with iJockey/ NRJ Media	Admitted (within 138 DR)
	MoodLogic (within 139DR)	Bates# N10111	11/08/00	Email from Munsat to Mark, Re: redline version of license agreement, w/att N07945-65	Admitted (within 139 DR)
	Kick Radio (within 140DR)	Bates# N0731-34	02/12/-01	Email from Hackett to Munsat, Re: license agreement	Admitted (within 140 DR)
	Beem-Me-Up (within 141DR)	Bates# N0320 (#00314 in binder)	04/03/01	Email from Munsat to Marks, Re: webcaster license	Admitted (within 141 DR)
		Bates# N8065	04/04/01	Email from Munsat to Beeman, Re: Webcaster license	Admitted (within 141 DR)
	CyberAxis (within 142DR)	Bates# N13569 (#13572-77 in binder)	08/14/01	Email from Davidson to Marks, Re: SyncCast Press Release and Web site launch	Admitted (within 142 DR)
		Bates# N2408 (#10481-83 in binder)	03/06/01	Email from Davidson to Munsat, Re: comments on contract	Admitted (within 142 DR)
	GaliMusica (within 149DR)	Bates# N11544-53	02/10/00	Email from George to Marks	Admitted (within 149 DR)
	Multicast Tech. (within 151DR)	Bates# N13522-23	03/20/00	Email from Marks to Kenswil, Re: Multicast Technologies – Take Two	Admitted (within 151 DR)
	MusicMatch (within 152DR)	Bates# N11902-04	02/02/01	Email from Marks to Ohlweiler, et al, Re: MusicMatch-RIAA agreement	Admitted (within 152 DR)
		Bates# N12578-80	03/08/01	Email from Ohlweiler to Marks, Re: MusicMatch-RIAA agreement	Admitted (within 152 DR)
		Bates# N11919-20	03/14/01	Email from Marks to Ohlweiler, Re: MusicMatch-RIAA agreement	Admitted (within 152 DR)

INTERIM PUBLIC VERSION

<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
		Bates# N12715	06/04/01	Email from Marks to Ohlweiler, Re: MusicMatch Radio MX	Admitted (within 152 DR)

EXHIBIT NUMBERS NOT USED (Copyright Owners & Performers)

Public

- 148 DP
- 141 DP-X
- 145 DP-X
- 148 DP-X
- 150 DP-X
- 151 DP-X
- 189 DP-X

Restricted

- 116 DR
- 021 DR-X
- 063 DR-X

EXHIBIT NUMBERS NOT USED (Broadcasters'/Webcasters')

- SX 0014
- SX 0015
- SX 0017

INTERIM PUBLIC VERSION

<i>Witness</i>	<i>Exhibit Type</i>	<i>Exhibit</i>	<i>Date</i>	<i>Description</i>	<i>Status</i>
		SX 0023			
		SX 0025			
		SX 0026			
		SX 0027			
		SX 0028			
		SX 0029			