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Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
Library of Congress
Washington, D.C.

In re

DETERMINATION OF ROYALTY
RATES AND TERMS FOR
EPHEMERAL RECORDING AND
DIGITAL PERFORMANCE OF SOUND
RECORDINGS (*WEB IV*)

DOCKET NO. 14-CRB-0001-WR
(2016-2020)

Received

APR 21 2015

Copyright Royalty Board

**AMENDED WRITTEN REBUTTAL STATEMENT OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

Pursuant to the Copyright Royalty Judges' March 26, 2015 Summary Order and subsequent April 2, 2015 Order Denying Licensee Services' Motion to Strike and Granting Further Relief, the National Association of Broadcasters ("NAB") hereby submits its Amended Written Rebuttal Statement. The Amended Written Rebuttal Statement consists of the Amended Written Rebuttal Testimony of Michael L. Katz, including exhibits to his testimony.¹ Professor Katz's Amended Written Rebuttal Testimony replaces and supersedes his Written Rebuttal Testimony filed February 23, 2015.

Pursuant to 37 C.F.R. § 350.4(a), the National Association of Broadcasters is filing an original and five copies of these materials, including both the Public Versions as well as the Restricted and Confidential Versions. Included are a list of testimony and exhibits for this filing (Exhibit A), a redaction log (Exhibit B) and Declaration and Certification. The Amended Written Rebuttal Testimony of Michael L. Katz will be NAB proposed hearing exhibit NAB Ex.

¹ Apart from Professor Katz's amended testimony submitted herewith, the testimony of NAB's other rebuttal witnesses is unchanged. NAB is not re-filing the written testimony of its other rebuttal witnesses.

4015, and the exhibits to his testimony will be NAB proposed hearing exhibits NAB Exs. 4201-4207. NAB will promptly amend its Exhibit List of proposed hearing exhibits to include these materials and any other cross exhibits relevant to this subject matter.

Respectfully submitted,

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Dated: April 21, 2015

EXHIBIT A

**List of Testimony and Exhibits Included in the Amended Written Rebuttal Statement of
the National Association of Broadcasters**

<u>Exhibit Number</u>	<u>Restricted</u>	<u>Description</u>	<u>Bates Range (if applicable)</u>
NAB Ex. 4015	RESTRICTED	Amended Written Rebuttal Testimony of Michael L. Katz (Apr. 21, 2015)	
NAB Ex. 4201	RESTRICTED	Tilt Overview	APL-CRB000001-018
NAB Ex. 4202	RESTRICTED	Apple-Beggars Agreement	SNDEX0119131-176
NAB Ex. 4203	RESTRICTED	10th Amendment to Sony- Apple Digital Music and Video Download Sales Agreement	SNDEX0019035-036
NAB Ex. 4204	RESTRICTED	Amendment 2 to Warner-Apple Sound Recording Cloud Service Agreement	SNDEX0011099-101
NAB Ex. 4205	RESTRICTED	Fifth Amendment to Universal- Apple Cloud Service Agreement	SNDEX0119102
NAB Ex. 4206	RESTRICTED	UMG Email correspondence chain, June-Sep. 2013, re: iTunes Radio - CONFIDENTIAL	SNDEX0420574-577
NAB Ex. 4207	RESTRICTED	UMG Email correspondence chain, Aug. 2013, re: Apple iRadio deal	SNDEX0425530-531

EXHIBIT B

**Redaction Log for the Amended Written Rebuttal Statement of the
National Association of Broadcasters**

<u>Document</u>	<u>Paragraph / Page</u>	<u>Description</u>
Amended Written Rebuttal Testimony of Michael L. Katz	Table of Contents, p. I, iv- vi.	Characterizations of testimony contained in the Restricted Deposition of Daniel L. Rubinfeld, December 11, 2014. Restricted designation made by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	Heading 1, p. 15.	Characterizations of testimony contained in the Restricted Deposition of Daniel L. Rubinfeld, December 11, 2014. Restricted designation made by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 11	Characterizations of testimony contained in the Restricted Deposition of Daniel L. Rubinfeld, December 11, 2014. Restricted designation made by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 12, fn. 18	Characterizations of testimony contained in the Restricted Deposition of Daniel L. Rubinfeld, December 11, 2014. Restricted designation made by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 13	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	Heading 2	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 15, fn. 23	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 16, fn. 25	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 17, fn. 27	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 18, fns. 27, 28	Characterizations of testimony contained in the Restricted Deposition of Daniel L. Rubinfeld, December 11, 2014 and

<u>Document</u>	<u>Paragraph/ Page</u>	<u>Description</u>
		information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 19, fns. 29, 30, 31	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 21, fn.33	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 22, fn. 34	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 24, fn. 37	Characterizations of testimony contained in the Restricted Deposition of Daniel L. Rubinfeld, December 11, 2014 and information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 25, fn. 38	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 26, fn. 40	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 28, fn. 43	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 29	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	Heading (c)	Characterizations of testimony contained in the Restricted Deposition of Aaron Harrison, December 5, 2014 and the Restricted Deposition of Dennis Kooker, December 18, 2014. Restricted designation made by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 30, fn. 45	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 31, fn. 46	Information designated RESTRICTED by SoundExchange.

<u>Document</u>	<u>Paragraph / Page</u>	<u>Description</u>
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 32, fn. 47	Characterizations of testimony contained in the Restricted Deposition of Daniel L. Rubinfeld, December 11, 2014 and information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 33, fn. 48	Characterizations of testimony contained in the Restricted Deposition of Daniel L. Rubinfeld, December 11, 2014 and information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	Heading (e)	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 39, fn. 53	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 41, fn. 55	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 46, fn. 61	Characterizations of testimony contained in the Restricted Deposition of Daniel L. Rubinfeld, December 11, 2014 and information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 47, fn. 64	Characterizations of testimony contained in the Restricted Deposition of Daniel L. Rubinfeld, December 11, 2014 and information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 48	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 53	Characterizations of and quotes from testimony contained in the Restricted Deposition of Daniel L. Rubinfeld, December 11, 2014 and information designated RESTRICTED by SoundExchange.

<u>Document</u>	<u>Paragraph / Page</u>	<u>Description</u>
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 54	Characterizations of testimony contained in the Restricted Deposition of Daniel L. Rubinfeld, December 11, 2014 and information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 65, Table 4	Information designated RESTRICTED by NAB regarding proprietary and confidential survey information of Lincoln Financial Media Corporation.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 66, Figure 1	Information designated RESTRICTED by NAB regarding proprietary and confidential survey information of Lenawee Broadcasting Company.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 70, fns. 94, 95	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 71	Characterizations of testimony contained in the Restricted Deposition of Daniel L. Rubinfeld, December 11, 2014 and information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 74, Table 6	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 78, fn. 100	Characterizations of testimony contained in the Restricted Deposition of Aaron Harrison, December 5, 2014. Restricted designation made by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 80, fn. 103	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 86, fns. 112, 113	Characterizations of and quotes from testimony contained in the Restricted Deposition of Daniel L. Rubinfeld, December 11, 2014 and information designated RESTRICTED by SoundExchange.

<u>Document</u>	<u>Paragraph / Page</u>	<u>Description</u>
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 87, fns. 116, 120	Characterizations of, and quotes from, testimony contained in the Restricted Deposition of Aaron Harrison, December 5, 2014. Restricted designation made by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 88, fn. 121	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 89, fns. 127, 131	Information designated RESTRICTED by SoundExchange. Characterizations of testimony contained in the Restricted Deposition of Aaron Harrison, December 5, 2014.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 90	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 91	Proprietary survey data of Nielsen produced by NAB under confidentiality.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 92	Quotes from testimony contained in the Restricted Deposition of Charles Walk, February 20, 2015. Restricted designation made by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 93	Quotes from testimony contained in the Restricted WDT of Daniel L. Rubinfeld.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 95, Fn. 144	Quotes from testimony contained in the Restricted Deposition of Charles Walk, February 20, 2015. Restricted designation made by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 96	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 98, fn. 149	Quotes from testimony contained in the Restricted Deposition of Charles Walk, February 20, 2015. Restricted designation made by SoundExchange. Characterizations of, and quotes from, testimony contained in the Restricted

<u>Document</u>	<u>Paragraph / Page</u>	<u>Description</u>
		Deposition of Aaron Harrison, December 5, 2014. Restricted designation made by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 99	Proprietary survey data of Nielsen produced by NAB under confidentiality.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 100, fn. 154	Characterizations of and quotes from testimony contained in the Restricted Deposition of Daniel L. Rubinfeld, December 11, 2014 and information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 102, fn. 157	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 103	Restricted financial information received in confidence from Pandora Media, Inc.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 104	Restricted financial information received in confidence from Pandora Media, Inc.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 111	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 113	Characterizations of and quotes from testimony contained in the Restricted Deposition of Daniel L. Rubinfeld, December 11, 2014 and information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 125	Characterizations of testimony contained in the Restricted Deposition of Daniel L. Rubinfeld, December 11, 2014. Restricted designation made by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 135	Characterizations of testimony contained in the Restricted Deposition of Daniel L. Rubinfeld, December 11, 2014. Restricted designation made by SoundExchange.

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Amended Written Rebuttal Testimony of Michael L. Katz	¶ 164	Characterizations of testimony contained in the Restricted Deposition of Daniel L. Rubinfeld, December 11, 2014. Restricted designation made by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 172, fns. 215, 216	Characterizations of, and quotes from, testimony contained in the Restricted Deposition of Daniel L. Rubinfeld, December 11, 2014. Restricted designation made by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 177, fn. 219	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 179, fn. 220	Information designated RESTRICTED by SoundExchange.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 180	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 181	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 182	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 185, fn. 224	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 186, fns. 226, 227, 228	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	Header (B)	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 187, fns. 229, 230, 231	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 188	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	Header (C)	Information designated RESTRICTED by SoundExchange and/or third party.

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Amended Written Rebuttal Testimony of Michael L. Katz	¶ 189	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 190, fn. 232	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 191	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 192	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 193, fn. 236-240	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 194, fns. 241	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 195, fn. 242	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 196, fn. 243	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	Header (D)	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 197	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 198	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 199, fns. 245-246	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 200, fns. 247-252	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 201	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 202, fns. 253-255	Information designated RESTRICTED by SoundExchange and/or third party.

<u>Document</u>	<u>Paragraph / Page</u>	<u>Description</u>
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 203	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 204, fns. 258-259	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 205, fn. 260	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 206, fns. 261-262	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 207, fns. 263, 266	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 208	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 209	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 210, fn. 268	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 211, fn. 269-272	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 212	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	Header (E)	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 213	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 214	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	Header (F)	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 215	Information designated RESTRICTED by SoundExchange and/or third party.

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Amended Written Rebuttal Testimony of Michael L. Katz	¶ 216	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 217, fns. 277-278	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 218	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	Header (G)	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 219	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 220	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 221	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 224, fns. 284-285	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 225, fn. 286, 290	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 226, fns. 292, 293, 295-297, 299,	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 228, fns. 303-304	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 229, fn. 305	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 230	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 231	Information designated RESTRICTED by SoundExchange and/or third party.

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Amended Written Rebuttal Testimony of Michael L. Katz	¶ 232, fn. 309	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 233, fns. 311-312	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 234, Table 11	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 235	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 238	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 240, fn. 322, Table 12	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 242, fn. 325	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 243, fn. 327	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 244, fn.	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 246, fn. 331, Table 13	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 247, fn. 333	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 248	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 251, fn. 343	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 252, fns. 345, 346	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 253, fn. 348	Information designated RESTRICTED by SoundExchange and/or third party.

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Amended Written Rebuttal Testimony of Michael L. Katz	¶ 254	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 256, fn. 352	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 257	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 258, fn. 355	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 259, fn.	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 260, Table 15	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 261, fn. 358	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 262, fn. 362364	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 263, fn.	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 264, Table 16	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 265	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 266, fn. 368	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 267	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 268, fn. 371	Information designated RESTRICTED by SoundExchange and/or third party.
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 269, Table 17	Information designated RESTRICTED by SoundExchange and/or third party.

<u>Document</u>	<u>Paragraph / Page</u>	<u>Description</u>
Amended Written Rebuttal Testimony of Michael L. Katz	¶ 270, fn. 373	Information designated RESTRICTED by SoundExchange and/or third party.
NAB Ex. 4015 Amended Written Direct Testimony of Michael L. Katz	See description.	Contains Redactions described above.
NAB Ex. 4201	Full Document.	Information designated RESTRICTED by Apple.
NAB Ex. 4202	Full Document.	Information designated RESTRICTED by SoundExchange.
NAB Ex. 4203	Full Document.	Information designated RESTRICTED by SoundExchange.
NAB Ex. 4204	Full Document.	Information designated RESTRICTED by SoundExchange.
NAB Ex. 4205	Full Document.	Information designated RESTRICTED by SoundExchange.
NAB Ex. 4206	Full Document.	Information designated RESTRICTED by SoundExchange.
NAB Ex. 4207	Full Document.	Information designated RESTRICTED by SoundExchange.

CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2015, I caused copies of the foregoing document to be served via email on the following parties, which have consented to email service:

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<p>Paul Fakler Martin Cunniff Jackson Toof Arent Fox LLP 1675 Broadway New York, NY 10019 Paul.Fakler@arentfox.com Martin.Cunniff@arentfox.com Jackson.Toof@arentfox.com <i>Counsel for Sirius XM Radio Inc.</i></p>	<p>Gary Greenstein Wilson Sonsini Goodrich & Rosati 1700 K Street, NW, 5th Floor Washington, DC 20006 ggreenstein@wsgr.com P: 202-973-8849 F: 202-973-8899 <i>Counsel for Pandora Media, Inc.</i></p>
<p>Christopher Harrison Pandora Media, Inc. 2101 Webster Street, Suite 1650 Oakland, CA 94612 charrison@pandora.com P: 510-858-3049 F: 510-451-4286 <i>Pandora Media, Inc.</i></p>	<p>R. Bruce Rich Todd Larson Weil, Gotshal & Manges LLP 767 Fifth Avenue New York, NY 10153 r.bruce.rich@weil.com todd.larson@weil.com sabrina.perelman@weil.com P: 212-310-8170 F: 212-310-8007 <i>Counsel for Pandora Media, Inc.</i></p>

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