

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

**In the Matter of:  
Determination of Royalty Rates and  
Terms for Making and Distributing  
Phonorecords (Phonorecords III)**

**Docket No. 16-CRB-0003-PR  
(2018-2022)**

**SPOTIFY USA INC.'S SUPPLEMENTAL NOTICE OF  
PROPOSED ADDITIONAL REDACTIONS TO PORTIONS OF THE DISSENT  
AND ACCOMPANYING REDACTION LOG**

Pursuant to the Copyright Royalty Judges' Order dated January 30, 2018 and the requirements of the Protective Order entered by the Judges on July 27, 2016, Spotify USA Inc. ("Spotify"), through its undersigned counsel, respectfully requests to supplement the redaction requests submitted on February 6, 2018 to redact one additional passage of the Dissenting Opinion of Judge David R. Strickler (the "Dissent") in the above-captioned proceeding.

In support of its request, Spotify is concurrently submitting the Declaration of Richard M. Assmus ("Assmus Declaration") and a Supplemental Redaction Log, attached hereto as Exhibit A. A copy of the Dissent page displaying Spotify's original proposed redactions in yellow highlighting and supplemental proposed redactions in green highlighting is attached hereto as Exhibit B. As set forth in the Assmus Declaration, the proposed redaction covers confidential and commercially sensitive business or financial information that meet the definition of "Restricted" contained in the Protective Order. In the Redaction Log, Spotify sets forth the page number of each requested redaction and the nature of the redacted material, as more specifically identified in Exhibits B.

Dated: February 13, 2018

/s/ Richard M. Assmus

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*Counsel for Spotify USA Inc.*

# Exhibit A

Declaration of Richard M. Assmus Regarding Restricted Information,  
with Spotify's Redaction Log in Support of Its Supplemental Notice of  
Proposed Additional Redactions to Portions of the Dissent

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**Docket No. 16-CRB-0003-PR  
(2018-2022)**

**DECLARATION AND CERTIFICATION OF RICHARD M. ASSMUS  
REGARDING RESTRICTED INFORMATION**

1. I am counsel for Spotify USA Inc. (“Spotify”) in Docket No. 16–CRB–0003–PR (2018–2022), and respectfully submit this declaration and accompanying Redaction Log (Attachment 1) to comply with the Order dated January 30, 2018 and the Protective Order, dated July 27, 2016, which direct the parties to propose redactions to the Dissenting Opinion of Judge David R. Strickler (the “Dissent”) and to provide a log of the same redactions. I am authorized by Spotify to submit this declaration on its behalf.

2. I have reviewed the Initial Determination and the Dissent, restricted versions of which were issued on January 27, 2018, and have reviewed the definitions and terms provided in the Protective Order. I have also reviewed the proposed redactions to the Dissent and the attached redaction log, each of which are being submitted in this proceeding on February 13, 2018. After consultation with my client and personnel working under my supervision, I have determined that, to the best of my knowledge, information and belief, portions of the Dissent contain information that is “Protected Material” as defined by the Protective Order and that should be treated as “confidential information” under 17 U.S.C. § 803(c)(5). The attached Supplemental Redaction Log identifies the Protected Material and describes the basis for each redaction. The Protected Material submitted on February 6, 2018 is shaded in yellow, and the additional Protected

material subject to this request is shaded in green in the attached copies of the restricted version of the Dissent, and is further described below.

3. The Protected Material that Spotify is submitting includes, among other things, confidential testimony and exhibits relating to or constituting commercial or financial information that Spotify has reasonably determined in good faith would, if disclosed, either competitively disadvantage Spotify, provide a competitive advantage to another participant, competitor, or entity, or interfere with the ability of Spotify to obtain like information in the future.

4. The public disclosure of the Protected Material that Spotify is submitting would be likely to cause significant harm. The disclosure would provide an unfair competitive advantage to competitors and/or current or future negotiating counterparties of those whose information would be disclosed. Many but not all competitors and counterparties also are parties to this proceeding. Public disclosure of this information also would place Spotify at a significant commercial disadvantage and would pose serious risk to its business interests.

5. The Dissent contains commercial and/or financial information that is proprietary, not known to the public, and commercially sensitive. Spotify's specific proposed redactions are described in more detail in Attachment 1 hereto.

6. Spotify respectfully submits that this information can and should be treated as "Protected Material" in order to prevent business and competitive harm that would result from the disclosure of such information.

Pursuant to 28 U.S.C. § 1746 and 37 C.F.R. § 350.6(e)(1), I hereby declare under the penalty of perjury that, to the best of my knowledge, information and belief, the foregoing is true and correct.

Executed this 13th day of February 2018 in Chicago, Illinois, USA.

/s/ Richard M. Assmus  
Richard M. Assmus

*Counsel for Spotify USA Inc.*

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**SPOTIFY USA INC.'S SUPPLEMENTAL PROPOSED REDACTION LOG  
TO INITIAL DETERMINATION AND DISSENT**

**Dissenting Opinion of Judge David R. Strickler**

<b>Page(s)</b>	<b>Description</b>
Page 118, fn. 158	Reflects material non-public financial information concerning Spotify's royalty payments.

# Exhibit B

Spotify's Supplemental Redactions to  
Portions of the Dissent

[RESTRICTED DOCUMENT]



# Certificate of Service

I hereby certify that on Tuesday, February 13, 2018 I provided a true and correct copy of the Spotify's Supplemental Notice of Proposed Redactions (PUBLIC) to the following:

Google Inc., represented by Ivana Dukanovic served via Electronic Service at idukanovic@kslaw.com

Johnson, George, represented by George D Johnson served via Electronic Service at george@georgejohnson.com

National Music Publishers Association (NMPA) et al, represented by Donald Zakarin served via Electronic Service at dzakarin@pryorcashman.com

Apple Inc., represented by Mary C Mazzello served via Electronic Service at mary.mazzello@kirkland.com

Amazon Digital Services, LLC, represented by Daniel N Guisbond served via Electronic Service at dguisbond@winston.com

Pandora Media, Inc., represented by Jacob Ebin served via Electronic Service at jacob.ebin@weil.com

Signed: /s/ Richard M Assmus