

UNITED STATES COPYRIGHT ROYALTY JUDGES

In the Matter of

Docket No. 2006-3 CRB DPRA

**Mechanical and Digital Phonorecord
Delivery Rate Determination Proceeding**

ORDER DENYING RIAA MOTION TO STRIKE TERMS

The Recording Industry Association of America ("RIAA") filed a motion to strike terms outside of the Judges jurisdiction on February 22, 2008. No response to the Motion has been filed. The motion asserts that some terms proposed by Copyright Owners and RIAA exceed the authority of the Judges under 17 U.S.C. § 115(c)(3)(C). Of course, all parties should strike any pleading or proposal they believe is not justified. This certainly includes any pleading requesting relief that exceeds that available under statutes. Our regulations, § 350.4 (e)(1), require it. However, the relief requested in the Motion is a matter to be addressed in the Final Determination. The Motion is **DENIED**.

SO ORDERED.



James Scott Sledge
Chief Copyright Royalty Judge

Dated: June 4, 2008