

4. AccuRadio objects to the Requests, including all Definitions and Instructions, to the extent they are oppressive, harassing, overbroad and/or unduly burdensome.

5. AccuRadio objects to the Requests, including all Definitions and Instructions, to the extent they call for information that is already in the possession of the parties propounding these Requests, information that is publicly available and readily accessible, or information already produced in this proceeding. Such requests are overbroad, unduly burdensome, oppressive, and harassing, and would needlessly increase the cost of this proceeding.

6. AccuRadio objects to the Requests, including all Definitions and Instructions, to the extent they seek information or documents protected from discovery under any statute, regulation, agreement, protective order or privilege, including, but not limited to, the attorney-client privilege and work-product immunity doctrine. Any inadvertent disclosure of such information shall not be deemed a waiver of the attorney-client privilege, the attorney work-product immunity doctrine, and any other applicable privilege or doctrine.

7. A statement herein that AccuRadio will produce documents responsive to a Request does not indicate and should not be construed as meaning that AccuRadio agrees, admits or otherwise acknowledges the characterization of fact or law or the factual expressions or assumptions contained in the Request, that the scope of the Request is consistent with the discovery permitted in this proceeding, or that the documents are relevant or admissible.

8. AccuRadio objects to the Requests, including all Definitions and Instructions, to the extent they seek "all" documents of a certain nature, as vague, ambiguous, overbroad and unduly burdensome.
9. AccuRadio objects to the Requests, including all Definitions and Instructions, to the extent they mischaracterize or misquote testimony, or quote or refer to testimony out of context.
10. AccuRadio objects to the Request, including all Definitions and Instructions, to the extent they seek documents in relation to testimony that was based on a Kurt Hanson's knowledge and experience.
11. By agreeing to search for or produce documents responsive to any particular Request, AccuRadio does not represent that such documents exist or that they are in the possession, custody or control of AccuRadio, and entity submitting testimony or a witness, or that all documents responsive to the Request fall within the permissible scope of discovery or will be produced.
12. AccuRadio reserves any and all objections to the use or admissibility in any proceeding of any information, material, documents identified, produced or disclosed in response to the Requests.
13. The responses and objections contained herein are made to the best of AccuRadio's present knowledge, belief and information, and are based on a reasonable and diligent search. AccuRadio reserves the right to amend or supplement its objections and responses based on, among other reasons, its continuing investigation of this matter, further review, or later acquisition of responsive information.

OBJECTIONS TO DEFINITIONS

AccuRadio objects as follows to the Definitions:

1. AccuRadio objects to the definitions of "and" and "or" and "any" and "all" in Definition Numbers 3 and 4 to the extent they are overbroad, vague, ambiguous and unduly burdensome.
2. AccuRadio objects to the definition of "documents" in Definition Number 5 to the extent it purports to impose obligations beyond the scope of the applicable statute and regulations governing discovery in this proceeding, including 17 U.S.C. § 803(b), 37 C.F.R. § 351.5, and any other applicable rule or order governing this proceeding.
3. AccuRadio objects to the definition of "communication" in Definition Number 6 to the extent that it purports to impose obligations beyond the scope of the applicable statute and regulations governing discovery in this proceeding, including 17 U.S.C. §803(b), 37 C.F.R. §351.5, and any other applicable rule or order governing this proceeding.
4. AccuRadio objects to the definition of "including" in Definition Number 7 to the extent that it purports to impose obligations beyond the scope of the applicable statute and regulations governing discovery in this proceeding, including 17 U.S.C. §803(b), 37 C.F.R. § 351.5, and any other applicable rule or order governing this proceeding.
5. AccuRadio objects to the definitions of "reflecting," "referring," "concerning," "relating to," "related to," and "showing" in Definition Number 8 to the extent they purport to impose obligations to seek information not relevant to a claim or defense of any party in this proceeding.

6. AccuRadio objects to the definitions of "AccuRadio," "AccuRadio, LLC," and "you" and "your" in Definition Numbers 9 and 10 as overbroad, oppressive, harassing and unduly burdensome to the extent they seek to impose any obligation on AccuRadio, or any of its owners, employees, division, agents, representatives, its subsidiaries and affiliates, predecessors, successors, principals, officers, directors, employees, partners, associates, agents and representatives, and other persons acting or purporting to act on its behalf who are not participants in this proceeding and who have not provided witnesses or statements in this proceeding.

RESPONSES AND OBJECTIONS TO DOCUMENT REQUESTS

1. All documents that concern or relate to the claim that licensing to webcasters at a lower rate "increase [] consumer enthusiasm for music in a wide variety of genres (which has historically increased sales of both recorded music and attendance at live performances)" as described in paragraph 26 of Kurt Hanson's testimony.

RESPONSE: AccuRadio objects to this request to the extent it seeks documents not "directly related" to Kurt Hanson's direct written testimony. AccuRadio objects to this request as oppressive, harassing and unduly burdensome. Kurt Hanson's testimony cited in this request relied upon his forty-year-long general extensive knowledge and experience as an entrepreneur and executive in various capacities in both the broadcast and Internet radio industry, including founding and managing the world's oldest surviving personalizable webcaster, AccuRadio, editing a daily web-based trade publication written for the Internet radio industry, RAIN: Radio and Internet News, founding and managing a market research firm serving the North American broadcast radio industry, and consulting and advising many of radio's top executives, programmers and group heads in both the United States and Canada. Without waiver and subject to AccuRadio's general and specific objections, AccuRadio will produce responsive, non-privileged documents,

if any, directly related to AccuRadio's written direct testimony that are located after a reasonable search.

2. All documents that concern or relate to any impact that your service has on sales or licenses of music sales or on any other method of distributing music, including CDs, downloads, and interactive streaming services.

RESPONSE: AccuRadio objects to this request to the extent it seeks documents not "directly related" to AccuRadio's written direct statement. AccuRadio objects to this request as oppressive, harassing and unduly burdensome. AccuRadio also objects to this request because the phrase "impact that your service has on sales or licenses of music sales or any other method of distributing music. . ." is ambiguous and vague. AccuRadio also objects to this request to the extent that it is not limited to time periods reasonably related to the matters at issue in this proceeding and that it seeks documents the disclosure of which is prohibited by agreement with a third party not a participant in this proceeding. Without waiver and subject to AccuRadio's general and specific objections, AccuRadio will produce responsive, non-privileged documents, if any, directly related to AccuRadio's written direct statement that are located after a reasonable search.

3. All documents that concern or relate to AccuRadio's revenues or expenses or projections of revenues or expenses, including, for the years 2011 through the present, all audited and unaudited financial statements, at every level of specificity at which they are created or maintained.

RESPONSE: AccuRadio objects to this request to the extent it seeks documents not "directly related" to AccuRadio's written direct statement. Notably, Kurt Hanson's testimony makes no references whatsoever to AccuRadio's financial position, revenues, expenses or any other financial position of AccuRadio. AccuRadio objects to this request because it is oppressive, harassing, overbroad and unduly burdensome. Without waiver

and subject to AccuRadio's general and specific objections, AccuRadio will produce responsive, non-privileged documents, if any, directly related to AccuRadio's written direct statement that are located after a reasonable search.

/s/ Jeffrey J. Jarmuth

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Counsel for AccuRadio LLC

Dated: November 7, 2014

CERTIFICATE OF SERVICE

I, Irene C. Tempka, legal assistant to Jeffrey J. Jarmuth, Esq., do hereby certify that copies of the foregoing **“ACCURADIO'S RESPONSES AND OBJECTIONS TO SOUND EXCHANGE'S FIRST SET OF REQUESTS FOR PRODUCTIONS OF DOCUMENTS”** were sent via electronic email to the following parties, all of whom have previously consented to email service, this 7th day of November, 2014:

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