

keyboards to compose music that sounds as if it were being played on a traditional instrument, such as various types of guitars, drums, and pianos, depending on which preset is selected. A "preset" is not itself a musical composition, but rather a collection of recorded samples of individual notes, which music producers can then use to compose their own music.

3. One such preset that Univers Sons created is entitled "Strat with SM57 Stereo Spread." Along with my colleague, Jean Bernard Celier, I personally recorded the electric guitar sounds that make up the "Strat with SM57 Stereo Spread" preset in Paris, France in February 2001, using a Fender Stratocaster electric guitar plugged into a Fender Amplifier. We played each note of each string of that guitar several times (from very soft to very hard) and recorded each of those notes using a Shure SM57 microphone. We then assigned each recorded note to the corresponding key on a keyboard (a process known as "mapping") so that music producers could use an electronic keyboard to compose their own chords and melodies that sounded as if they were being played on a Fender Stratocaster electric guitar.

4. Because the "Strat with SM57 Stereo Spread" preset did not exist before I personally recorded it in February 2001, it would have been impossible for anyone to have used that preset to create any musical composition before February 2001.

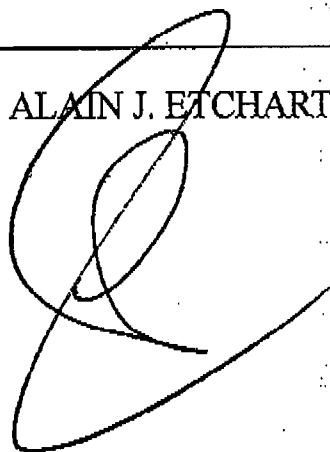
5. After I recorded the sounds that comprise the "Strat with SM57 Stereo Spread" preset in February 2001, that preset was included in a software product named PlugSound Volume 2: Fretted Instruments.¹ Univers Sons released a limited "beta" version of that software in December 2001, and the official version was released in October 2002. In 2004, PlugSound Volume 2: Fretted Instruments, which

¹ In addition to the "Strat with SM57 Stereo Spread" preset, PlugSound Volume 2: Fretted Instruments contained many other similar guitar presets. One such preset was entitled "Strat with SM57 Crunchy," which Mr. Celier and I recorded in February 2001 in a manner similar to the way we recorded "Strat with SM57 Stereo Spread."

included the "Strat with SM57 Stereo Spread," was re-released along with other volumes of PlugSound as part of a new software product named PlugSound Box. A new and expanded version of PlugSound Box was released as PlugSound Pro in March 2006.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in Paris, France, this 4 day of November, 2011.

ALAIN J. ETCHART

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom, positioned below the printed name.