

# EXHIBIT 6

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You are here: LAT Home > Blogs > Bit Player

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- Campaign '08
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## Arts/Entertainment

- Entertainment
- The Guide
- Arts & Culture
- The Envelope

## Living

- Travel
- Health
- Autos
- Home & Garden
- Food
- Image
- Books
- Living Green

- Video
- Photography
- Obituaries
- Crosswords/Sudoku
- Your Scene

- Blogs
- Columnists
- Print Edition
- Readers Rep
- Corrections
- All Sections

## Buy, Sell & More

- Jobs
- Cars
- Real Estate
- Foreclosure Sale NEW
- Apartments
- Personals
- Deals at Local Stores
- Coupons
- Newspaper Ads

## Place an Ad

- In the Newspaper
- Online

## Settings/Services

- Sign In
- Register

# BIT PLAYER

HOLLYWOOD'S LOVE-HATE RELATIONSHIP WITH TECHNOLOGY  
« Warner Music, innovation and Zune | Main | Wippit: Good »

## Napster and Rhapsody compete for headlines

I am a music glutton, so I have no trouble seeing how insanely great it is to get unlimited access to an online jukebox with millions of songs for \$10 a month. And as I said in the **last post**, this kind of subscription service makes even more sense when you're always connected to the Internet. But most people still seem to share Steve Jobs' don't-rent-when-you-can-buy viewpoint, which obsesses on what happens when you stop subscribing (i.e., you have no music to play) and ignores how much you're entertained in the meantime. That attitude has made subscriptions a tough sell, and consequently they've have been much slower to take off than a la carte offerings like the iTunes Store.



This week, two subscription services made announcements that are mixed, at best, for the cause of subscription services. First, the potentially bad but not terribly surprising news:

Napster said it had hired UBS to help find a buyer. The company has lost millions on its slick, feature-rich subscription service, and has stayed alive by selling more and more shares. But it's not starved for cash yet, and remains healthy enough to field the market's boldest customer-acquisition strategy: a free but lower-fidelity, non-portable version of its service. Here's hoping that Napster finds a way to stick this strategy for a while longer because an advertiser-supported online music service is a compelling proposition for music fans. The catch is, it may not be compelling for advertisers until Napster attracts a larger audience.

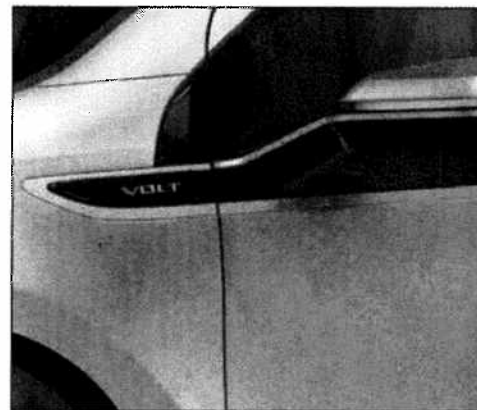
The other announcement was from RealNetworks, and it addresses the portability issue. The early versions of Real's Rhapsody service, like Napster and competing offerings, didn't let you move the songs you rent off of a computer. In other words, it didn't work in the car, in the gym, on the train, or any other place frequented by people with white iPod earbuds. That changed in 2004, when a new version of Microsoft's security software -- branded "PlaysForSure" by Redmond -- enabled subscription tracks to be moved to portable devices on a temporary basis. If the user stopped paying the monthly subscription fees, the tracks would stop playing. Naturally, the labels demanded higher royalties for this service, so Rhapsody et al charged a higher price for it (typically, \$15 a month, although Yahoo charges about \$10). But PlaysForSure **didn't live up to its moniker**, and the portable services were plagued by glitches. Songs wouldn't transfer, players would freeze, tracks would stop playing inexplicably, software would have to be uninstalled and reinstalled repeatedly -- stuff like that. Critics said it was just too difficult for Microsoft's software to work with so many different services and players.



So Real is attempting the kind of hardware-software integration that helped make Apple so dominant in digital music. On Monday, Real said **SanDisk is optimizing one of its Sansa portable music players** to work with Real's Rhapsody subscription service,

using security software from Real instead of Microsoft. That means Real will control the software both on the PC and inside the Sansa, a la Apple's iTunes and iPod. Microsoft is taking a similar approach with its new Zune players, which don't use PlaysForSure. either. Making portability work the way it's supposed to is important, but I don't think that will persuade the masses to embrace subscription services or abandon iPods. Sony has been controlling both hardware and software for some time, and yet giant Sony's MP3 players can't outsell (comparatively) tiny SanDisk's. I think there are two problems here. One is that people are daunted by the compatibility problems caused by the various flavors of security software. If your downloads are wrapped in Microsoft's DRM, for example, you can't transfer them to an iPod or a Sony MP3 player. The latest announcements about Rhapsody and Zune threaten to exacerbate those problems and increase consumer confusion. That leads rational consumers either to stay on the sidelines or to follow the largest pack, which would be Apple's. And second, even if you get past the compatibility hurdle, you still have to persuade people to shift from collecting music (that is, buying tracks) to experiencing it (buying access to a jukebox).

That to me is a marketing issue, and none of the services has been able or willing to



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Times editorial writer **Jon Healey** pens opinion pieces about a variety of business issues, and blogs about technologies that are changing the entertainment industry's business model.

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- July 2008
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- April 2008
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- August 2007
- July 2007
- June 2007
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market subscriptions the way Apple markets iTunes. But I give Real credit for doing some things with SanDisk that will help make the sale. The players will come filled with rented tracks, which with some luck will be chosen by the tuneful people who write **Rhapsody's blog**. That's one way to get the point across immediately about the value of subscriptions: look at all the songs you get, and you don't have to pay 99 cents per track! (As long as you pay \$15 a month.) More important, IMHO, is that Rhapsody will automatically load new music onto the player based on the subscriber's preferences. This capability could trump one of iTunes' best features, which is to load iPods automatically with an assortment of songs from your collection. Imagine if your collection was unlimited, stretching from the week's new releases in your favorite genres to chestnuts buried deep in the labels' vaults? Doesn't that make you want to ditch the iPod for a Sansa? Now if only the tracks play for sure....

Posted by Jon Healey on September 20, 2006 in DRM , Music | Permalink

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**Comments**

I don't understand why media writers keep discussing portability as if it is an obstacle. There are so many programs out there, including Real's RealJukebox that allow a PC user to record mp3's using "What U Hear" as the source. When I purchase a song from iTunes or any other service, the first thing I do is play the song on my computer while running Blaze Audio's RipEditBurn in record mode. I set the recording source to "What U Hear". RipEditBurn then records the song I'm playing on the computer in MP3, WAVE or whatever format I choose. I now have a MP3 version of my song. I end up deleting the proprietary version and playing the MP3 version anywhere I feel like playing it. This is so easy. Why isn't this every discussed in articles like these?

Posted by: Adreana | September 20, 2006 at 03:54 PM

To answer Adreana's question -- using "streamripping" programs such as RipEditBurn to create permanent copies (MP3s) of rented tracks (a.k.a. "tethered downloads," the kind provided by subscription services) violates the terms as well as the spirit of the deal. Unlike the songs sold at iTunes for 99 cents each, the ones supplied by Rhapsody, Napster and similar services come with no rights of ownership. You stop subscribing, you no longer have the right to play those songs. The major labels (and many indies, I suspect) insist that the temporary nature of the downloads be enforced technologically, which is why the tracks come wrapped in security software such as Microsoft's or Real's DRM. Unfortunately for all concerned, those DRMs have caused problems for many subscribers who've tried to move rented tracks to PlaysForSure devices. It may be tempting to solve these problems by using streamrippers to convert the tracks to WAV or MP3 files, but subscribers don't have the right to do so.

Posted by: Jon Healey | September 20, 2006 at 04:20 PM

I really dont understand the writer's view point of late all the so called writers are always praising or indirectly prefer ipod Vs any of the competition These writers go at great lengths to explain over and over again about the DISADVANTAGES of non apple product.

All this proves to me that these media writers have lost objectivity. They are always prompting IPOD.

Posted by: Av | September 21, 2006 at 12:21 AM


To Av: I'm a big fan of subscription-music services, as this post indicates, and such things do NOT work with iPods. So while I appreciate how well iPods work, I don't think you can view this installment of the blog as an advertisement for Apple.

Posted by: Jon Healey | September 21, 2006 at 06:01 AM

Adreana's rip-burning comment raises something I've always wondered about. I get intellectually that the music crammed into my hard drive is not mine, that it's an nth generation digital copy of an original creative moment and that the benefits of ownership are not just to consumers but to artists, producers, promoters and the rest of the

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entourage economy. But because I've committed treasure--and a little blood--to my iPod infrastructure (video iPod, portable Altec speakers, Monster cable) I've bought into virtual ownership. And like a lot of listeners, I have my own hybrid digital rights management system with complex rules about when I buy, borrow and steal. So Adreana's feeling that if she pays something to somebody she has the right to modify the form to fit her own listening practices makes a lot of sense to me.

Posted by: Michael Soller | September 22, 2006 at 10:09 AM

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BUSINESS

Monday, September 18, 2006

Software Notebook: Microsoft Zune doesn't do 'PlaysForSure'

New device diverges from the company's partners

By TODD BISHOP P-I REPORTER

Unveiling its Zune portable media player last week, Microsoft Corp. sought to focus attention on all the whiz-bang capabilities of the new device.

But just as notable is something the Zune doesn't do.

Microsoft says the device won't play tracks or albums bought through existing music services affiliated with its own Windows Media "PlaysForSure" initiative. Those services -- such as Napster, MTV's Urge and Yahoo Music Unlimited -- have been partnering with Microsoft and device makers to try to challenge Apple Computer's iPod and iTunes juggernaut.



zoom Zune. Microsoft

The PlaysForSure program and music services will continue even with the Zune's launch, Microsoft says. But analysts say the rise of the Zune, and the device's incompatibility with the PlaysForSure services, promise to further reduce the potential market for those Microsoft partners.

The situation could be "very, very disruptive" for the existing PlaysForSure services, said analyst Michael Gartenberg of Jupiter Research.

"While Microsoft says that PlaysForSure is still a viable strategy going forward, it's hard to see how viable it is given their reluctance to put it in their own device," Gartenberg said. "It would probably not appear that PlaysForSure has a very bright future."

The PlaysForSure strategy is to counter Apple by offering consumers a range of devices and services from different companies, with a common logo signaling compatibility.

It hasn't worked, at least not in terms of market share. Apple remains the dominant force in digital music. That's why Microsoft has decided to go out on its own with the Zune, related PC software, and the Zune Marketplace for buying music to play on the device.

The effects may also be felt inside other parts of Microsoft. For example, the company's Windows Mobile team has aligned itself closely with the PlaysForSure initiative, for playing music on Windows-based smart phones and other mobile devices.

Microsoft's Zune team says its strategy -- focusing tightly on Zune devices, related PC software and the online service -- is meant to ensure a quality end-to-end experience. In that regard, the company is essentially adopting Apple's longstanding approach.

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Bryan Lee, a Microsoft corporate vice president involved in the Zune initiative, said he believes Zune will maintain a "peaceful co-existence" with the PlaysForSure partners.

"I haven't heard any partners express their vision in the same way we're doing it," he said.

But some analysts say the Zune initiative poses a bigger competitive threat to the PlaysForSure offerings than to that of iPod and iTunes, at least initially. Van Baker, an analyst with Gartner Inc., estimates that the Zune could capture 15 percent to 18 percent of the portable music device market, particularly as the Zune lineup expands beyond the 30-gigabyte model that Microsoft unveiled last week.

Coupled with the iPod's roughly 75 percent share of the market, that doesn't leave much for other devices and services.

"The rest will be relegated to everybody else," Baker said.

Then again, the competition is still playing out, and others don't appear content to stand still. In July, after the Zune project was announced, RealNetworks Chief Executive Rob Glaser spoke out against Microsoft's decision to follow Apple's lead by offering its own music software, service and device.

Seattle-based RealNetworks runs the Rhapsody music service, which is affiliated with PlaysForSure and uses the related technology. Glaser vowed a response to Microsoft's move.

"Later this year, we plan to deliver consumer products and services that prove that a world-class, end-to-end music solution can be delivered without one company doing everything," Glaser said. He promised "to work with our partners to market those services aggressively and creatively to consumers."

Software Notebook is a Monday feature by P-I reporter Todd Bishop. He can be reached at 206-448-8221 or toddbishop@seattlepi.com.

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## Zune launch sparks DRM fallout

November 20, 2006 at 04:50:00 PM



**Microsoft's move away from its PlaysForSure DRM format has many of its longtime partners scrambling.**

Microsoft unveiled its Zune digital music device and service to great fanfare November 14, and already the fallout is being felt.

Few analysts expect the Zune, which has received tepid reviews, to have a significant impact in the near term. But by launching its own closed digital music system, Microsoft has eroded what little confidence was left in its ability to support PlaysForSure--its interoperable "ecosystem" of devices and services that uses



**Zune, in three colors.**

Windows Media Audio digital rights management (DRM) software.

Already, both existing and incoming digital music providers are looking for alternate technologies to bring their services to market.

Sources say Amazon, which initially planned to launch a digital music subscription service and Amazon-branded portable music device likely based on Microsoft's DRM technology, has abandoned that model in favor of a DRM-free download service featuring unprotected MP3-formatted music. This is the third time the company was poised to launch a digital music service only to back away at the last minute.

Before Zune's launch, MySpace--which announced plans to launch a music service in early September--became another newcomer to the digital music space that has opted to do without DRM. And Yahoo Music chief David Goldberg has championed the need for DRM-free downloading for months.

### MAJORS HANG TOUGH

Yet the major record labels continue to resist licensing their music to

services that don't feature DRM protection, limiting these services to lesser-known tracks from independent labels.

Meanwhile, last month, Rhapsody partnered with SanDisk to install its own DRM technology--called Rhapsody DNA--into the new Sansa Rhapsody device. The Rhapsody service still supports other PlaysForSure devices, and the Sansa Rhapsody device is compatible with competing subscription music services. But the two work best together, enabling faster music transfer speeds and the addition of music recommendations from Rhapsody editors.

Rhapsody plans to include the DNA software in additional devices, and could eventually eliminate Microsoft technology altogether.

Even Microsoft's own PlaysForSure service, the MSN Music Store, is being phased out in favor of Zune. While the service remains operational, purchases are redirected to either Rhapsody or the Zune store, and eventually will be shut down completely.

Microsoft's decision to launch Zune as a closed service and the industry's reaction to it are symptoms of the PlaysForSure strategy's inability by itself to get the job done.

"Making the consumer experience the best it can be is our priority," Zune general manager of marketing Chris Stephenson says. "The consumer needs to know that their product is going to work. It's a buy-with-confidence scenario."

## TECH TROUBLES

Stephenson admits the PlaysForSure system was supposed to do exactly this, but that the community has not yet "found its full footing." While PlaysForSure devices and services should work together in theory, frustrating integration problems often arise between them.

PlaysForSure partners blame Microsoft for providing faulty technology, with one executive calling its support program "awful." Napster, Urge, and Yahoo--like Rhapsody--are all working more closely with device manufacturers to provide better integration with their services.

"We don't think closed systems are the solution," Yahoo's Goldberg says. "We are working to solve all of users' needs, not just those with a particular piece of hardware."

Some partners hope that Microsoft will fix the bugs in its DRM technology now that it has to use the software itself for Zune. But there is also a good chance that new music services in the future will launch using a closed model similar to Zune and iTunes. Samsung, for instance, is prepping a music service designed specifically for its devices, and already wireless operators like Sprint and Verizon Wireless have introduced closed systems.

The music industry, however, has expressed concern about more closed systems at the expense of interoperability.

"We are no happier about the closed environment that Microsoft just

announced than we are about Apple's," one major label executive says.

For the most part, though, Microsoft's customers are taking a wait-and-see, business-as-usual approach. Much of their reaction will depend on the Zune's success.

Microsoft would not reveal how many units it has shipped or its sales goals. The most aggressive forecast comes from ABI Research, which predicts Microsoft will sell about 500,000 devices by the end of the year.

But Microsoft's goal is to gain second position behind Apple Computer for both market share and mind share in the digital music race. According to data from the NPD Group, today's MP3-device market share race features Apple in the lead with 75 percent of the market, followed by SanDisk with 10 percent, Creative Labs and Sony at 2 percent each, and all others combined for 7 percent.

According to Jupiter Research analyst Michael Gartenberg, any success Microsoft has in reaching its goal will come at the expense of its existing partners.

"Whatever Microsoft gains is not going to come from Apple's (market share), but it's going to come from the other guys," he says.

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# EXHIBIT 9

## iTunes 3: How to Convert Song to a Different Format

Last Modified: August 05, 2008

Old Article: 61000

Article: HT2427

### Summary

This document explains how to use iTunes to convert a song to a different format.

### Products Affected

iTunes

iTunes can convert a song from one format to another. For example, you can convert a song from a WAV file format to an MP3 file format.

### How to convert a song

1. From the **iTunes** menu, choose **Preferences**.
2. Click the Importing icon.
3. Choose the encoding format that you want to convert the song(s) to from the Import Using pop-up menu. (See the "About compression" section below.)
4. Click OK to save the settings.
5. From the **Advanced** menu, choose **Convert To** (AIFF, MP3, or WAV depending on the preference you chose in step 3).
6. Choose the song, folder, or disk that contains the songs you want to convert. If you choose a folder or disk, all the songs it contains will be converted.

### About compression

When you convert a song, some data may be lost due to the way certain formats compress data. For this reason these formats are sometimes called "lossy" formats. The advantage of using a "lossy" format is that the file sizes are much smaller, which means you can store more songs in the same amount of disk space. The disadvantage is that the sound quality may not be as good as the original, uncompressed format. Depending on the song, the speakers or headphones, and the player you use to play the song, you may not be able to tell the difference between a compressed "lossy" song and a song that is not compressed.

Once a song is compressed (meaning some of its data is lost) you cannot retrieve the data by uncompressing it. If you convert a song from a "lossy" format to an uncompressed format, the quality of the song will not improve and the file will only take up more disk space. For example, if you convert a song in MP3 format (a compressed format) to AIFF (an uncompressed format) the song will take up much more space on the hard disk, but it will still sound the same as the compressed file. In order to take advantage of uncompressed formats you should only import songs using these formats.



# EXHIBIT 10

## iTunes for Windows 7.6 Help



### Creating your own audio CDs

To make your own CD, you need:

- A computer with an internal disc drive that can burn CDs (CD-RW or SuperDrive), or a compatible external drive. (To see if your drive is compatible, choose Edit > Preferences, click Advanced, and click Burning. If your drive is listed, it's compatible.)

- A blank CD. If you plan to play the CD on a consumer CD player (not only on a computer), you need to use a blank CD-R disc, not a CD-RW disc.

- An iTunes playlist containing the songs you want on the CD. You can fit about 74 minutes of music (about 20 songs) on a 650 MB CD-R disc. Some discs can contain 80 minutes (700 MB) of music. (You can see the size of the selected playlist at the bottom of the iTunes window.) For instructions on creating a playlist, search help for "creating lists of songs."

#### To create an audio CD:



Choose Edit > Preferences, click Advanced, and click Burning.



Select Audio CD as the Disc Format.



To have all the songs on the CD play at the same volume, select Use Sound Check.



Click OK.



Select the playlist containing the songs you want to burn to the CD, and make sure all the songs you want to include on the CD have a checkmark beside them.



Click Burn CD (at the bottom of the iTunes window) and insert a blank disk.

If the playlist contains more songs than will fit on the CD, iTunes burns only the number of songs that fit on one disc, and then asks you to insert another disc to continue burning the remaining songs.

If the playlist includes Audible spoken programs with chapter markers, the chapters are burned as separate tracks.

It might take several minutes to burn an audio CD. You can cancel the burn by clicking the X next to the progress bar (but if you're using a CD-R disc, you won't be able to use it again).

If the playlist contains iTunes Store purchases that are not iTunes Plus songs, you can burn the playlist to a CD up to seven times.

#### Open

Apple Support article: "Additional troubleshooting for burning issues"

**Keywords:** khelp kituneswin

**Did this article help you?**

**It solved my issue...**

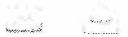
Tell us what works for you.

**It's good, but...**

Report typos, inaccuracies, etc.

**It wasn't helpful...**

Tell us what would have helped.



## Adding Content to iTunes

Last Modified: October 10, 2009  
Article: HT1473

Old Article: 304707

### Summary

Adding audio and video content to iTunes is easy. iTunes lets you import audio CDs, add digital audio and video content already on your computer and even purchase new content from the iTunes Store. To learn more about adding content to iTunes, select a topic below. If you already have content in your iTunes library and want to learn more about playing and managing content, see article HT1399.

- Adding songs from audio CDs
- Adding content on your computer to iTunes
- Purchasing content from the iTunes Store

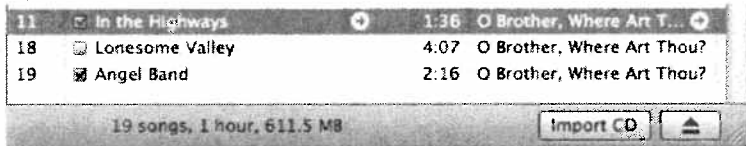
### Products Affected

iTunes Store, iTunes 7 for Mac, iTunes 7 for Windows, iTunes 8 for Windows, iTunes 8 for Mac

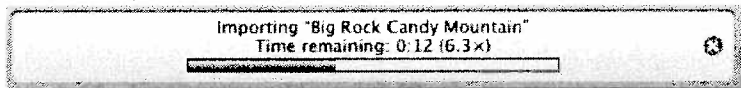
### Add songs from audio CDs

Using iTunes, you can add music to iTunes from your audio CD collection in few easy steps. Follow these steps to learn more.

1. Open iTunes and insert an audio CD into your computer's CD or DVD drive.
2. If your computer is connected to the Internet, iTunes will automatically look up information for the CD such as song name, album and artist. This feature will work with most commercially produced audio CDs.
3. To import all songs from the CD into your iTunes library, simply click the "Import CD" button in the lower right hand corner of the iTunes windows. If you prefer to import only a few songs, uncheck the checkbox next to the songs you don't want to import and then click "Import CD".



4. iTunes will show the progress of the import for each song selected. iTunes encodes content imported from audio CDs in AAC format at 128 kbps. This format provides high quality sound at small file sizes. If you prefer to encode content from audio CDs in MP3, WAV, AIFF, or Apple Lossless format or you want to convert a song you've already imported to a different format, see article HT1550.



### Adding content to your computer to iTunes

iTunes lets you add digital audio and video files on your computer directly to your iTunes library. You can add audio files that are in AAC, MP3, WAV, AIFF, Apple Lossless, or Audible.com (.aa) format. If you have unprotected WMA content, iTunes for Windows can convert these files to one of these formats. Video content in QuickTime or MPEG-4 format can also be added to iTunes. To learn how to add these files to iTunes follow the steps below.

1. Open iTunes
2. From the **File** menu, choose one of the following choices:
  - Mac

- Add to Library
  
- Windows
  - Add File to Library
  - Add Folder to Library

3. Navigate to and select the file or folder that you want to add

If iTunes is set to "Copy files to the iTunes Music folder when adding to library", iTunes will copy all content that is added to the iTunes library to the iTunes Music folder. To adjust this setting or change the location of this folder, go to the Advanced tab in iTunes preferences.

### **Purchasing content from the iTunes Store**

The iTunes Store has a large selection of music, movies, TV shows, audiobooks, iPod games, and free podcasts. To learn more about purchasing and downloading content from the iTunes Store, see article 304673.