

EXHIBIT A-6

October 2, 2008 Letter from Defendants

Case No. 2:07-cv-13164: Eight Mile Style, LLC, et al. v. Apple Computer Inc., et al.

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Re: Eight Mile Style LLC v. Apple, Inc. and Aftermath Records

Dear Richard:

We write to you to raise a very serious issue. We have recently discovered a document that not only shows that plaintiffs Eight Mile Style LLC and Martin Affiliated LLC ("Plaintiffs") have not fulfilled important discovery obligations, but also strongly suggests that Plaintiffs have not been candid with the Court.

Let me put the matter in context. As you know, in any copyright infringement case, the question of Plaintiffs' ownership of the copyrights at issue is critical. Indeed, Plaintiffs' establishment of their ownership of valid copyrights is part of their prima facie case. Defendants' ability to defend themselves in this lawsuit has been frustrated by your refusal to produce all documents related to Plaintiffs' purported ownership of the copyrights at issue in this lawsuit. Until two weeks ago, you had utterly failed to acknowledge that Ensign Music Corporation ("Ensign") held an interest in the copyrights to compositions at issue in this action. Now, we have learned of yet another relationship with another music publisher that Plaintiffs have never disclosed.

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The document we recently discovered is a notice from Music Resources, Inc. on behalf of itself and Kobalt Music Publishing America ("Kobalt"). The document is signed by Joel Martin, and gives notice that Plaintiffs have "granted all of [their] right title and interest" to Music Resources, Inc. in the compositions set forth on an attached Schedule A (the "Notice"). According to the Schedule A, this grant of rights applies to at least 75 of the compositions at issue in this case, for which Plaintiffs have claimed to be the "exclusive owners." See Plaintiffs' Responses to First Set of Interrogatories Nos. 5, 10. The grant of rights also applies to most of the compositions that Joel Martin has sworn he exclusively controls in a declaration recently filed with the Court. See e.g. Pl's Opp'n to Revised Mot. for Summary Judgment, Exhibit B ¶ 14 and Ex. 16 (corrected) and Ex. 17.

At best, the Notice reveals Plaintiffs' continuing failure to comply with their discovery obligations. Plaintiffs have never disclosed or produced this document or the underlying agreement it describes, and have never in any way identified Music Resources, Inc. or Kobalt as entities with any interest in the compositions at issue in this case. At worst, if this Notice reflects an underlying grant of "all of [Plaintiffs'] right, title and interest" in the compositions at issue in this case (as the Notice appears to clearly indicate), that is in direct contradiction to sworn statements that you and Mr. Martin have made in court filings. See e.g. Pl's Opp'n to Revised Mot. for Summary Judgment at 3, Exhibit B ¶ 14 and Ex. 16 (corrected) and 17; Tr. of Dep. of Joel Martin v. 1, 114:1-116:15.

This is not the first time you have failed to disclose another publisher or administrator's interest in the compositions. As set forth in Defendants' Opposition to Plaintiffs' Motion to Exclude Defendants' "Late Produced" Documents, you produced documents *as late as August 28 and September 15* whereby Plaintiffs revealed for the first time in this lawsuit the ownership interests of Ensign or Famous Music Corporation ("Famous") in many of the compositions at issue in this case. Just as with Music Resources and Kobalt, you did not disclose Ensign or Famous in your previous responses to Defendants' first set of discovery requests. Even to this date, you have produced only the Copyright Assignment and Co-Publishing Agreement between Jeff Bass and Mark Bass "doing business as" F.B.T. and Eight Mile Style and Ensign (the "Ensign Agreement"), and a small collection of copyright registrations reflecting Ensign's interest.

Plaintiffs' discovery failure here is clear. As we have repeatedly told you, in my letters to you on August 19 and August 22, and again in Defendants' recent Opposition to Plaintiffs' Motion to Exclude: ownership information is a critical issue in this case and is called for by Defendants' numerous discovery requests. Defendants have requested, and Plaintiffs have agreed to provide, ownership and publisher information for all of the compositions at issue in this case. See Plaintiffs' Responses to First Set of Interrogatories Nos. 1, 2, 5, 10; Tr. of Dep. of Joel Martin v. 1, 114:1-116:15. In their responses to Defendants' first set of document requests, Plaintiffs agreed to produce documents relating to their claims of "exclusive ownership" of the compositions, and to produce documents relating to ownership more generally. See, e.g., Request Nos. 1, 6, 8, 13, 14 and 18 in Plaintiffs' Responses to Defendants' First Set of Requests for Production. Moreover, Defendants' Second Sets of Requests for Production and

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Interrogatories specifically requested information regarding any publishers and/or administrators for the compositions at issue. After ignoring these requests for months, Plaintiffs finally agreed to produce responsive documents, and served interrogatory responses purporting to give all of the necessary information. *See* Request No. 21-23, Plaintiffs' Responses to Defendants' Second Set of Requests for Production, Interrogatory No. [24], Plaintiffs' Responses to Defendants' Second Set of Interrogatories. Plaintiffs' responses again failed to identify Music Resources or Kobalt as entities having any interest in the compositions at issue in this case.

As a preliminary matter, in addition to receiving all of the discovery which Defendants requested months ago regarding Plaintiffs' rights in the compositions, Defendants expect to be given the right to conduct any and all necessary follow-up discovery (including, without limitation, additional party and third party depositions). In addition, as noted above, we are seriously concerned that this issue may be more than just a discovery dispute. It may raise serious questions about statements made under oath to the Court. To enable us to decide how to pursue this issue, we demand that you provide us with the following information and documents:

First, within four days of the date of this letter, respond to this letter and explain how Mr. Martin has truthfully signed a declaration claiming exclusive control of certain compositions, including those for which Plaintiffs' "right, title and interest" appear to have been exclusively granted to Kobalt and/or Ensign. Further, please explain how Mr. Martin has truthfully signed a declaration stating that Plaintiffs' ownership of the remaining compositions is shared with other, listed publishers—but that list does not include Music Resources, Inc., Kobalt, Ensign or Famous. We also ask you to explain how your Opposition can truthfully claim, in light of the Ensign Agreement and the agreement with Music Resources/Kobalt referred to in the Notice, that Plaintiffs have "the exclusive right to license their interests in the compositions."

Second, within one week, produce to us the underlying agreement(s) with Music Resources and/or Kobalt that is referred to in the Notice, any amendments to such agreement(s), any correspondence between your clients and Music Resources and/or Kobalt (including any correspondence relating to this lawsuit and the digital distribution of the compositions), and all other responsive documents relating to Music Resources and/or Kobalt's interest in any of the compositions at issue in this case. Those categories of documents are called for by our requests, and you have agreed to produce them.

Third, within one week, produce to us all amendments to the Ensign Agreement, including any options or extensions, all documents sufficient to show Ensign and/or Famous's interest in any of the compositions at issue in this lawsuit, and any correspondence with Ensign or Famous relating to the compositions in this case (including but not limited to any communications with Ensign or Famous about this lawsuit, as contemplated in Paragraph 21 of the Ensign Agreement).

Finally, within one week, supplement your Interrogatory responses (including Schedule One) to accurately reflect the interests held by any and all companies or individuals in the compositions for which Plaintiffs claim infringement. If there are still other publishers or

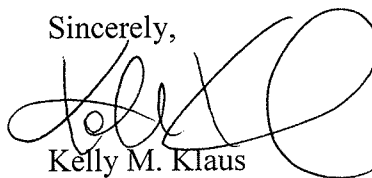
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administrators with whom Plaintiffs or F.B.T. Productions have relationships that you have not disclosed in your Interrogatory responses, disclose those relationships immediately.

We reserve all rights to take any and all appropriate action in response to these serious discovery failures, including but not limited to seeking appropriate sanctions under Rule 37. We also reserve our right to seek the Court's leave to file an additional motion for summary judgment based on the newly disclosed ownership interests. We also reserve our rights to seek other sanctions if knowingly false statements have been made to the Court.

I await your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly M. Klaus", with a large, stylized flourish extending to the right.

Kelly M. Klaus