

Declaration of Richard S. Busch

Exhibit B.

MUNGER, TOLLES & OLSON LLP

355 SOUTH GRAND AVENUE
THIRTY-FIFTH FLOOR
LOS ANGELES, CALIFORNIA 90071-1560
TELEPHONE (213) 683-9100
FACSIMILE (213) 687-3702

560 MISSION STREET
SAN FRANCISCO, CALIFORNIA 94105-2907
TELEPHONE (415) 512-4000
FACSIMILE (415) 512-4077

May 8, 2009

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GREGORY P. STONE
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BRAD D. BRIAN
BRADLEY S. PHILLIPS
GEORGE M. GARVEY
WILLIAM D. TEMKO
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STEPHEN M. KRISTOVICH
JOHN W. SPIEGEL
TERRY E. SANCHEZ
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MARK B. HELM
JOSEPH D. LEE
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MICHAEL E. SOLOFF
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LAWRENCE C. BARTH
KATHLEEN M. MCDOWELL
GLENN D. POMERANTZ
RONALD C. HAUSMANN
PATRICK J. CAFFERTY, JR.
JAY M. FUJITANI
O'MALLEY M. MILLER
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MARC T.G. DWORSKY
JEROME C. ROTH
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GARTH T. VINCENT

TED DANE
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MANUEL F. CACHAN
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ROSEMARY W. TRING
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KATE K. ANDERSON
ALISON J. MARKOVITZ
E. DORSEY KLEGER
JAY M. GHITA
SUSAN TRAVIS BOLE
JENNIFER L. POLSE
TODD J. ROSEN
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GRANT A. DAVIS-DENNY
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REBECCA GOSE LYNCH
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JOHN R. GRIFFIN
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J. RAZA LAWRENCE
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MELINDA EADES LEMOINE
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YOHANACE C. EDWARDS
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SETH GOLDMAN
FADIA RAFIEDIE KHOURY
JOSHUA P. GROBAN
VICTORIA L. BOESCH
HAILYN J. CHEN
BRAD SCHNEIDER
ALEXANDRA LANG SUSMAN
GENEVIEVE A. COX
MIRIAM KIM
MISTY M. SANFORD
BRIAN P. DUFF
AIMEE FEINBERG
JOEL D. WHITLEY
KATHARINE L. HALL
KATHERINE KU
KIMBERLY A. CHI
SHOSHANA E. BANNETT
TINA CHAROENPONG
LEE S. TAYLOR
DEREK D. KAUFMAN
KIMBERLY D. ENCINAS
MARCUS J. SPIEGEL
GABRIEL P. SANCHEZ
BETHANY C. WOODARD
PAULA R. LEVY
CONNIE Y. CHIANG
DAVID C. YANG
JAMES CANO
LILY PAN
LILY WARD
HENRY E. ORREN
BENJAMIN W. HOWELL
WESLEY SHIH
JACOB S. KREIKAMP
PAUL J. KATZ
TYLER A. ROOZEN
JONATHAN M. WEISS
ZACHARY KATZ
DANIEL A. LYONS
ELISABETH J. NEUBAUER
TREVOR D. DRYER
ERIC P. TUTTLE
HEATHER E. TAKAHASHI
KRISTINA L. WILSON
KEVIN A. GOLDMAN
ROBYN KALI BACON
BERNARD A. ESKANDARI
JENNY M. JIANG
KEITH R.D. HAMILTON, II
SORAYA C. KELLY
PATRICK ANDERSON
MARK R. YOHALEM
JEFFREY Y. WU
YUVAL MILLER
MARK R. CONRAD
DANIEL R. MCCARTHY
RICHARD D. ESBENSHADE
ALLISON B. STEIN
PETER R. TAFT
OF COUNSEL
E. LEROY TOLLES
(1922-2008)

*A PROFESSIONAL CORPORATION

VIA FEDERAL EXPRESS

Richard Busch
King & Ballow
1100 Union Street Plaza
315 Union Street
Nashville, Tennessee 37201

WRITER'S DIRECT LINE
(213) 683-9171
(213) 683-4071 FAX
Melinda.LeMoine@mto.com

Re: Eight Mile Style, LLC v. Apple Computer, Inc., No. 07-13164

Dear Counsel:

This letter supplements Defendant Apple Inc.'s March 20, 2008 Responses ("Apple's Responses") and Aftermath Records d/b/a Aftermath Entertainment's March 20, 2008 Responses ("Aftermath's Responses") to Plaintiffs' First Sets of Requests for Production and First Sets of Interrogatories.

Apple Inc. ("Apple") supplements Apple's Responses, specifically to Interrogatories 11, 12, 13, and to Document Requests No. 4, 14, 15, 16, 17 and 19, as follows:

Subject to and without waiving the General Objections and Specific Objections incorporated and set forth in each of Apple's Responses, Apple further agrees to produce an updated version of the download report previously produced at APPLE00133 through APPLE00439, reflecting the same information through the most current time period reasonably available. Apple also agrees to produce certain financial statements showing the profit and loss results of the iTunes Store that are attributable to the works that Plaintiffs claim have been

Richard Busch

May 8, 2009

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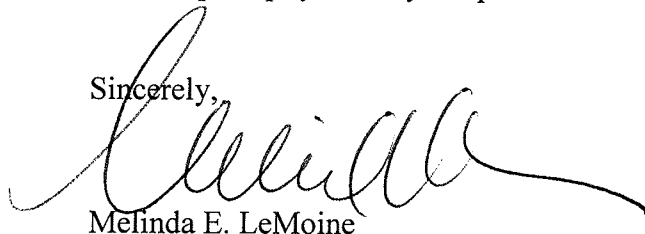
infringed. Apple is preparing and will produce these materials promptly, as they are prepared, processed and bates-labeled for identification.

Aftermath Records d/b/a Aftermath Entertainment (“Aftermath”) objects to producing any material relating to damages. Aftermath is not under any obligation to produce material relating to damages from Plaintiffs’ claims of infringement because there is no claim of infringement against Aftermath in this lawsuit. The only claim of infringement is against *Apple*, and the only prayer for damages in the Complaint is directed at *Apple*. Without a claim of infringement against Aftermath, there can be no damages award for infringement from Aftermath. Aftermath does not waive, and instead reserves all rights as to this claim.

Nevertheless, as an accommodation, and in an effort to avoid a dispute, Aftermath agrees to supplement Aftermath’s Responses, specifically to Interrogatory No. 13 and to Requests for Production No’s 3, 4, 14, 15, 16, and 17, as follows:

Subject to and without waiving the General Objections and Specific Objections incorporated and set forth in each of Aftermath’s Responses, Aftermath further agrees to produce financial statements and other materials detailing the revenues and expenses attributable to Aftermath’s sales through Apple’s iTunes Store of sound recordings in the form of permanent downloads that embody musical compositions at issue in this lawsuit. These financial statements and materials will include detailed profit and loss reports and corresponding back-up schedules. Aftermath has prepared and will produce these materials promptly, as they are processed and bates-labeled for identification.

Sincerely,

A handwritten signature in black ink, appearing to read "Melinda E. LeMoine". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Melinda E. LeMoine

cc: Glenn D. Pomerantz
Kelly M. Klaus