

REDACTED VERSION
-COMPLETE VERSION FILED UNDER SEAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARISTA RECORDS LLC; ATLANTIC
RECORDING CORPORATION; ARISTA
MUSIC, fka BMG MUSIC; CAPITOL
RECORDS, LLC, fka CAPITOL RECORDS,
INC.; ELEKTRA ENTERTAINMENT
GROUP INC.; INTERSCOPE RECORDS;
LAFACE RECORDS LLC; MOTOWN
RECORD COMPANY, L.P.; PRIORITY
RECORDS LLC; SONY MUSIC
ENTERTAINMENT, fka SONY BMG
MUSIC ENTERTAINMENT; UMG
RECORDINGS, INC.; VIRGIN RECORDS
AMERICA, INC.; and WARNER BROS.
RECORDS INC.,

Plaintiffs,

v.

LIME WIRE LLC; LIME GROUP LLC;
MARK GORTON; GREG BILDSON; and
M.J.G. LIME WIRE FAMILY LIMITED
PARTNERSHIP,

Defendants.

06 Civ. 05936 (KMW)
ECF CASE

**PLAINTIFFS' REPLY TO DEFENDANTS' RESPONSES TO RULE 56.1
STATEMENT IN SUPPORT OF PLAINTIFFS' MOTION FOR PARTIAL
SUMMARY JUDGMENT REGARDING OWNERSHIP**

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Pursuant to Local Rule 56.1, plaintiffs Arista Records LLC; Atlantic Recording Corporation; Arista Music, fka BMG Music; Capitol Records, LLC, fka Capitol Records, Inc.; Elektra Entertainment Group Inc.; Interscope Records; LaFace Records LLC; Motown Record Company, L.P.; Priority Records LLC; Sony Music Entertainment, fka Sony BMG Music Entertainment; UMG Recordings, Inc.; Virgin Records America, Inc.; and Warner Bros. Records Inc. (collectively, “plaintiffs” or the “Record Companies”) set forth in support of their motion for partial summary judgment filed concurrently herewith, the following reply to Defendants’ Responses to Plaintiffs’ Rule 56. 1 statement of the material facts as to which there is no genuine issue to be tried:

I. PLAINTIFFS

1. Plaintiff Arista Records LLC is a limited liability company duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York. Plaintiffs’ Reply to Defendants’ Response to Plaintiffs’ SUF (Doc. No. 178), paragraph 1.

Defendants’ Response: Undisputed.

2. Plaintiff Atlantic Recording Corporation is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York. Plaintiffs’ Reply to Defendants’ Response to Plaintiffs’ SUF (Doc. No. 178), paragraph 2.

Defendants’ Response: Undisputed.

3. Plaintiff Arista Music, fka BMG Music, is a general partnership duly organized and existing under the laws of the State of New York, with its principal place of business in the State of New York. Plaintiffs’ Reply to Defendants’ Response to Plaintiffs’ SUF (Doc. No. 178), paragraph 3; Leak Decl. paragraph 13.

Defendants' Response: Undisputed.

4. Plaintiff Capitol Records, LLC, fka Capitol Records, Inc., is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York. Plaintiffs' Reply to Defendants' Response to Plaintiffs' SUF (Doc. No. 178), paragraph 4.

Defendants' Response: Undisputed.

5. Plaintiff Elektra Entertainment Group Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York Plaintiffs' Reply to Defendants' Response to Plaintiffs' SUF (Doc. No. 178), paragraph 5.

Defendants' Response: Undisputed.

6. Plaintiff Interscope Records is a general partnership duly organized and existing under the laws of the State of California, with its principal place of business in the State of California. Plaintiffs' Reply to Defendants' Response to Plaintiffs' SUF (Doc. No. 178), paragraph 6.

Defendants' Response: Undisputed.

7. Plaintiff LaFace Records LLC is a limited liability corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York. Plaintiffs' Reply to Defendants' Response to Plaintiffs' SUF (Doc. No. 178), paragraph 7.

Defendants' Response: Undisputed.

8. Plaintiff Motown Record Company, L.P. is a limited partnership duly organized and existing under the laws of the State of California, with its principal place of business in the State of New York. Plaintiffs' Reply to Defendants' Response to

Plaintiffs' SUF (Doc. No. 178), paragraph 8.

Defendants' Response: Undisputed.

9. Plaintiff Priority Records LLC is a limited liability company with its principal place of business in the State of California. Plaintiffs' Reply to Defendants' Response to Plaintiffs' SUF (Doc. No. 178), paragraph 9.

Defendants' Response: Undisputed.

10. Plaintiff Sony Music Entertainment, fka Sony BMG Music Entertainment, is a general partnership duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York. Plaintiffs' Reply to Defendants' Response to Plaintiffs' SUF (Doc. No. 178), paragraph 01; Leak Decl. paragraph 38.

Defendants' Response: Undisputed.

11. Plaintiff UMG Recordings, Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of California. Plaintiffs' Reply to Defendants' Response to Plaintiffs' SUF (Doc. No. 178), paragraph 11.

Defendants' Response: Undisputed.

12. Plaintiff Virgin Records America, Inc. is a corporation duly organized and existing under the laws of the State of California, with its principal place of business in the State of New York. Plaintiffs' Reply to Defendants' Response to Plaintiffs' SUF (Doc. No. 178), paragraph 12.

Defendants' Response: Undisputed.

13. Plaintiff Warner Bros. Records Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business

in the State of California. Plaintiffs' Reply to Defendants' Response to Plaintiffs' SUF (Doc. No. 178), paragraph 13.

Defendants' Response: Undisputed.

II. CAPITOL RECORDS, LLC

A. Copyrighted Recordings

14. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 5 Certificates of Registration which identify Capitol Nashville, Div. of Capitol Records, Inc. as the “copyright claimant.” *See* McMullan Decl. at paragraph 12 & Exhibit 1.

Defendants’ Response: Undisputed.

15. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 135 Certificates of Registration which identify Capitol Records, Inc. as the “copyright claimant.” *See* McMullan Decl. at paragraph 12 & Exhibit 1.

Defendants’ Response: Undisputed.

16. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 16 Certificates of Registration which identify Capitol Records, LLC as the “copyright claimant.” *See* McMullan Decl. at paragraph 12 & Exhibit 1.

Defendants’ Response: Undisputed.

17. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies EMI Latin, div. of Capitol Records, Inc. as the “copyright claimant.” *See* McMullan Decl. at paragraph 12 & Exhibit 1.

Defendants’ Response: Undisputed.

18. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of

Registration which identifies Liberty Records, div. of Capitol Records, Inc. as the “copyright claimant.” See McMullan Decl. at paragraph 12 & Exhibit 1.

Defendants’ Response: Undisputed.

19. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Blue Note Records as the “copyright claimant.” See McMullan Decl. at paragraph 13 & Exhibit 1.

Defendants’ Response: Undisputed.

20. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify EMI Latin as the “copyright claimant.” See McMullan Decl. at paragraph 13 & Exhibit 1.

Defendants’ Response: Undisputed.

21. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 4 Certificates of Registration which identify EMI Records as the “copyright claimant.” See McMullan Decl. at paragraph 13 & Exhibit 1.

Defendants’ Response: Undisputed.

22. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies EMI Records Group North America as the “copyright claimant.” See McMullan Decl. at paragraph 13 & Exhibit 1.

Defendants’ Response: Undisputed.

23. Plaintiff Capitol Records, LLC owns or controls exclusive rights

under copyright in the copyrighted sound recordings listed on the 5 Certificates of Registration which identify EMI Televisa Music as the “copyright claimant.” *See* McMullan Decl. at paragraph 13 & Exhibit 1.

Defendants’ Response: Undisputed.

24. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Liberty Records, div. of EMI Records Group, North America as the “copyright claimant.” *See* McMullan Decl. at paragraph 13 & Exhibit 1.

Defendants’ Response: Undisputed.

25. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify SBK Records as the “copyright claimant.” *See* McMullan Decl. at paragraph 13 & Exhibit 1.

Defendants’ Response: Undisputed.

26. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Asterisco Record SDAD. LTDA. as the “copyright claimant.” *See* McMullan Decl. at paragraph 14(a) & Exhibit 1.

Defendants’ Response: Undisputed.

27. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Astralwerks, a division of Caroline Records, Inc. as the “copyright claimant.” *See* McMullan Decl. at paragraph 14(b) & Exhibit 1.

Defendants’ Response: Undisputed.

28. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Carlito Records, S.L. as the “copyright claimant.” *See* McMullan Decl. at paragraph 14(c) & Exhibit 1.

Defendants’ Response: Undisputed.

29. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Chrysalis Records as the “copyright claimant.” *See* McMullan Decl. at paragraph 14(d) & Exhibit 1.

Defendants’ Response: Undisputed.

30. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 3 Certificates of Registration which identify Chrysalis Records Ltd. as the “copyright claimant.” *See* McMullan Decl. at paragraph 14(d) & Exhibit 1.

Defendants’ Response: Undisputed.

31. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 5 Certificates of Registration which identify Chrysalis Records, Inc. as the “copyright claimant.” *See* McMullan Decl. at paragraph 14(d) & Exhibit 1.

Defendants’ Response: Undisputed.

32. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies DFA, LLC as the “copyright claimant.” *See* McMullan Decl. at paragraph 14(e) & Exhibit 1.

Defendants' Response: Undisputed.

33. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Dot Point Period, Inc. as the “copyright claimant.” *See* McMullan Decl. at paragraph 14(f) & Exhibit 1.

Defendants' Response:

[REDACTED]

Plaintiffs' Reply:

[REDACTED]

34. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Echo Label Ltd. as the “copyright claimant.” *See* McMullan Decl. at paragraph 14(g) & Exhibit 1.

Defendants' Response: Undisputed.

35. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies El Hueso Fosforescente S.A. de C.V. as the “copyright claimant.” *See* McMullan Decl. at paragraph 14(h) & Exhibit 1.

Defendants' Response: Undisputed.

36. Plaintiff Capitol Records, LLC owns or controls exclusive rights

under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies EMI Music Mexico as the “copyright claimant.” *See* McMullan Decl. at paragraph 14(i) & Exhibit 1.

Defendants’ Response: Undisputed.

37. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify EMI Music Mexico, S.A. de C.V. as the “copyright claimant.” *See* McMullan Decl. at paragraph 14(j) & Exhibit 1.

Defendants’ Response: Undisputed.

38. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify EMI Music Spain as the “copyright claimant.” *See* McMullan Decl. at paragraph 14(k) & Exhibit 1.

Defendants’ Response: Undisputed.

39. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies EMI Music Spain, S.A. as the “copyright claimant.” *See* McMullan Decl. at paragraph 14(l) & Exhibit 1.

Defendants’ Response:

[REDACTED]

Plaintiffs’ Reply:

[REDACTED]

[REDACTED]

40. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify EMI Records (Referring to EMI Records LTD.) as the “copyright claimant.” *See* McMullan Decl. at paragraph 14(m) & Exhibit 1.

Defendants’ Response: Undisputed.

41. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 28 Certificates of Registration which identify EMI Records Ltd. as the “copyright claimant.” *See* McMullan Decl. at paragraph 14(m) & Exhibit 1.

Defendants’ Response: Undisputed.

42. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Forefront Records as the “copyright claimant.” *See* McMullan Decl. at paragraph 14(n) & Exhibit 1.

Defendants’ Response: Undisputed.

43. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies The Gramophone Company Ltd as the “copyright claimant.” *See* McMullan Decl. at paragraph 14(o) & Exhibit 1.

Defendants’ Response:

[REDACTED]

[REDACTED]

Plaintiffs' Reply: [REDACTED]

44. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 4 Certificates of Registration which identify International Record Syndicate, Inc. as the “copyright claimant.” *See* McMullan Decl. at paragraph 14(p) & Exhibit 1.

Defendants' Response: Undisputed.

45. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Kraftwerk as the “copyright claimant.” *See* McMullan Decl. at paragraph 14(q) & Exhibit 1.

Defendants' Response: Undisputed.

46. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of

Registration which identifies Les Disques Du Catalogues as the “copyright claimant.”
See McMullan Decl. at paragraph 14(r) & Exhibit 1.

Defendants’ Response: Undisputed.

47. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Moshi Moshi Music Ltd. as the “copyright claimant.” See McMullan Decl. at paragraph 14(s) & Exhibit 1.

Defendants’ Response: Undisputed.

48. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 3 Certificates of Registration which identify Music Line Group, LLC as the “copyright claimant.” See McMullan Decl. at paragraph 14(t) & Exhibit 1.

Defendants’ Response: Undisputed.

49. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Narada Productions, Inc. as the “copyright claimant.” See McMullan Decl. at paragraph 14(u) & Exhibit 1.

Defendants’ Response: Undisputed.

50. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Narada Productions, Inc. d/b/a Back Porch Records as the “copyright claimant.” See McMullan Decl. at paragraph 14(u) & Exhibit 1.

Defendants’ Response: Undisputed.

51. Plaintiff Capitol Records, LLC owns or controls exclusive rights

under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Nemo Studios as the “copyright claimant.” See McMullan Decl. at paragraph 14(v) & Exhibit 1.

Defendants’ Response: Undisputed.

52. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Pink Floyd Music Ltd. as the “copyright claimant.” See McMullan Decl. at paragraph 14(w) & Exhibit 1.

Defendants’ Response:

[REDACTED]

Plaintiffs’ Reply:

[REDACTED]

53. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies RAK Records Ltd. as the “copyright claimant.” See McMullan Decl. at paragraph 14(x) & Exhibit 1.

Defendants’ Response: Undisputed.

54. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Sailor Productions as the “copyright claimant.” See McMullan Decl. at paragraph 14(y) & Exhibit 1.

Defendants’ Response: Undisputed.

55. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Skint Records as the “copyright claimant.” See McMullan Decl. at paragraph 14(z) & Exhibit 1.

Defendants’ Response: Undisputed.

56. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 4 Certificates of Registration which identify Tritec Music Ltd. as the “copyright claimant.” See McMullan Decl. at paragraph 14(zaa) & Exhibit 1.

Defendants’ Response: Undisputed.

57. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Venusnote Limited as the “copyright claimant.” See McMullan Decl. at paragraph 14(zbb) & Exhibit 1.

Defendants' Response: Undisputed.

58. Plaintiff Capitol Records, LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies XL Recordings Ltd. / Twisted Nerve as the “copyright claimant.” See McMullan Decl. at paragraph 14(zcc) & Exhibit 1.

Defendants' Response: Undisputed.

B. Pre-72 Recordings

59. Plaintiff Capitol Records, LLC owns or controls exclusive rights in the 151 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Capitol Records, Inc. and The Gramophone Company, Ltd. See McMullan Decl. at paragraph(s) 12, 14(o), 16 & Exhibit 2.

Defendants' Response: Undisputed.

60. Plaintiff Capitol Records, LLC owns or controls exclusive rights in 1 sound recording, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Imperial Records, Inc., Liberty Records, Inc., and Capitol Records, Inc. See McMullan Decl. at paragraph(s) 12, 17 & Exhibit 2.

Defendants' Response: Undisputed.

61. Plaintiff Capitol Records, LLC owns or controls exclusive rights in the 4 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and EMI Records Limited. See McMullan Decl. at paragraph(s) 14(m), 16 & Exhibit 2.

Defendants' Response: Undisputed.

62. Plaintiff Capitol Records, LLC owns or controls exclusive rights in 1 sound recording, the rights to which are set forth in agreement(s) between the artist(s)

(or furnishing company) and Aladdin Records. See McMullan Decl. at paragraph(s) 17 & Exhibit 2.

Defendants' Response: Undisputed.

63. Plaintiff Capitol Records, LLC owns or controls exclusive rights in 1 sound recording, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Imperial Record Co., Inc. and Imperial Records, Inc. See McMullan Decl. at paragraph(s) 17 & Exhibit 2.

Defendants' Response: Undisputed.

64. Plaintiff Capitol Records, LLC owns or controls exclusive rights in the 27 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Imperial Records, Inc. See McMullan Decl. at paragraph(s) 17 & Exhibit 2.

Defendants' Response: Undisputed.

65. Plaintiff Capitol Records, LLC owns or controls exclusive rights in the 18 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Imperial Records, Inc. and Liberty Records, Inc. See McMullan Decl. at paragraph(s) 17 & Exhibit 2.

Defendants' Response: Undisputed.

66. Plaintiff Capitol Records, LLC owns or controls exclusive rights in the 60 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Liberty Records, Inc. See McMullan Decl. at paragraph(s) 17 & Exhibit 2.

Defendants' Response: Undisputed.

67. Plaintiff Capitol Records, LLC owns or controls exclusive rights in

the 2 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Liberty/UA, Inc. See McMullan Decl. at paragraph(s) 17 & Exhibit 2.

Defendants' Response: Undisputed.

68. Plaintiff Capitol Records, LLC owns or controls exclusive rights in the 28 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and United Artists Records, Inc. See McMullan Decl. at paragraph(s) 17 & Exhibit 2.

Defendants' Response: Undisputed.

69. Plaintiff Capitol Records, LLC owns or controls exclusive rights in 1 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and World Pacific, a division of Liberty Records, Inc. See McMullan Decl. at paragraph(s) 17 & Exhibit 2.

Defendants' Response: Undisputed.

70. Plaintiff Capitol Records, LLC owns or controls exclusive rights in the 5 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Dolton Records; Liberty Records, Inc. See McMullan Decl. at paragraph(s) 17(b, i) & Exhibit 2.

Defendants' Response: Undisputed.

71. Plaintiff Capitol Records, LLC owns or controls exclusive rights in the 3 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Sue Records, Inc., United Artists Records, Inc., and Liberty/UA, Inc. See McMullan Decl. at paragraph(s) 17, 18 & Exhibit 2.

Defendants' Response: Undisputed.

72. Plaintiff Capitol Records, LLC owns or controls exclusive rights in 1 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Sue Records, Inc. See McMullan Decl. at paragraph(s) 18 & Exhibit 2.

Defendants' Response: Undisputed.

III. PRIORITY RECORDS LLC

73. Plaintiff Priority Records LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Best Side LLC as the “copyright claimant.” See McMullan Decl. at paragraph 23 & Exhibit 1.

Defendants' Response: Undisputed.

74. Plaintiff Priority Records LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 5 Certificates of Registration which identify Priority Records as the “copyright claimant.” See McMullan Decl. at paragraph 20 & Exhibit 1.

Defendants' Response: Undisputed.

75. Plaintiff Priority Records LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 8 Certificates of Registration which identify Priority Records LLC as the “copyright claimant.” See McMullan Decl. at paragraph 20 & Exhibit 1.

Defendants' Response: Undisputed.

76. Plaintiff Priority Records LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 5 Certificates of Registration which identify Priority Records Inc. as the “copyright claimant.” See

McMullan Decl. at paragraph 21 & Exhibit 1.

Defendants' Response: Undisputed.

77. Plaintiff Priority Records LLC owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies No Limit Records as the “copyright claimant.” See McMullan Decl. at paragraph 22 & Exhibit 1.

Defendants' Response: Undisputed.

IV. VIRGIN RECORDS AMERICA, INC.

A. Copyrighted Recordings

78. Plaintiff Virgin Records America, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 52 Certificates of Registration which identify Virgin Records America, Inc. as the “copyright claimant.” See McMullan Decl. at paragraph 25 & Exhibit 1.

Defendants' Response:

[REDACTED]

Plaintiffs' Reply:

[REDACTED]



79. Plaintiff Virgin Records America, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies EMI Music France as the “copyright claimant.” *See* McMullan Decl. at paragraph 26(a) & Exhibit 1.

Defendants’ Response: Undisputed.

80. Plaintiff Virgin Records America, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 5 Certificates of Registration which identify EMI Records Ltd. as the “copyright claimant.” *See* McMullan Decl. at paragraph 26(a) & Exhibit 1.

Defendants’ Response: Undisputed.

81. Plaintiff Virgin Records America, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 15 Certificates of Registration which identify Virgin Records Ltd. as the “copyright claimant.” *See* McMullan Decl. at paragraph 26(a) & Exhibit 1.

Defendants’ Response: Undisputed.

82. Plaintiff Virgin Records America, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Virgin Schallplatten GmbH as the “copyright claimant.” *See* McMullan Decl. at paragraph 26(a) & Exhibit 1.

Defendants’ Response: Undisputed.

83. Plaintiff Virgin Records America, Inc. owns or controls exclusive

rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies EMI Music Netherlands B.V. as the “copyright claimant.” *See* McMullan Decl. at paragraph 26(b) & Exhibit 1.

Defendants’ Response:

[REDACTED]

Plaintiffs’ Reply:

[REDACTED]

84. Plaintiff Virgin Records America, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 3 Certificates of Registration which identify Promotone BV as the “copyright claimant.” *See* McMullan Decl. at paragraph 26(b) & Exhibit 1.

Defendants’ Response:

[REDACTED]

Plaintiffs’ Reply:

[REDACTED]

85. Plaintiff Virgin Records America, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Virgin Benelux B.V. as the “copyright claimant.” *See* McMullan Decl. at paragraph 26(b) & Exhibit 1.

Defendants’ Response:

[REDACTED]

Plaintiffs’ Reply:

[REDACTED]

86. Plaintiff Virgin Records America, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Yanni Inc. as the “copyright claimant.” *See* McMullan Decl. at paragraph 26(c) & Exhibit 1.

Defendants’ Response: Undisputed.

87. Plaintiff Virgin Records America, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Jaydone Ltd. as the “copyright claimant.” *See* McMullan Decl. at paragraph 26(d) & Exhibit 1.

Defendants’ Response: Undisputed.

88. Plaintiff Virgin Records America, Inc. owns or controls exclusive

rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Teamwork Productions Inc. as the “copyright claimant.” See McMullan Decl. at paragraph 26(e) & Exhibit 1.

Defendants’ Response: Undisputed.

89. Plaintiff Virgin Records America, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Circa Records Ltd. as the “copyright claimant.” See McMullan Decl. at paragraph 26(f) & Exhibit 1.

Defendants’ Response: Undisputed.

90. Plaintiff Virgin Records America, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Daft Life Limited as the “copyright claimant.” See McMullan Decl. at paragraph 26(g) & Exhibit 1.

Defendants’ Response: Undisputed.

V. INTERSCOPE RECORDS

A. Copyrighted Recordings

91. Plaintiff Interscope Records owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Booga Basement / Interscope Records as the “copyright claimant.” See Cho Decl. at paragraph 12 & Exhibit 1.

Defendants’ Response: Undisputed.

92. Plaintiff Interscope Records owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify FLIP / INTERSCOPE RECORDS as the “copyright

claimant.” See Cho Decl. at paragraph 12 & Exhibit 1.

Defendants’ Response: Undisputed.

93. Plaintiff Interscope Records owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies FLIP RECORDS INC A NEW YORK CORPORATION / INTERSCOPE RECORDS A CALIFORNIA GENERAL PARTNERSHIP as the “copyright claimant.” See Cho Decl. at paragraph 12 & Exhibit 1.

Defendants’ Response: Undisputed.

94. Plaintiff Interscope Records owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 28 Certificates of Registration which identify Interscope Records as the “copyright claimant.” See Cho Decl. at paragraph 12 & Exhibit 1.

Defendants’ Response: Undisputed.

95. Plaintiff Interscope Records owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Lil’ Man / Interscope Records as the “copyright claimant.” See Cho Decl. at paragraph 12 & Exhibit 1.

Defendants’ Response: Undisputed.

96. Plaintiff Interscope Records owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Nothing / Interscope Records as the “copyright claimant.” See Cho Decl. at paragraph 12 & Exhibit 1.

Defendants’ Response: Undisputed.

97. Plaintiff Interscope Records owns or controls exclusive rights

under copyright in the copyrighted sound recordings listed on the 3 Certificates of Registration which identify Nothing / TVT / Interscope Records as the “copyright claimant.” See Cho Decl. at paragraph 12 & Exhibit 1.

Defendants’ Response: Undisputed.

98. Plaintiff Interscope Records owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies OverBrook Music / Interscope Records as the “copyright claimant.” See Cho Decl. at paragraph 12 & Exhibit 1.

Defendants’ Response: Undisputed.

99. Plaintiff Interscope Records owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Rockland / Interscope Records as the “copyright claimant.” See Cho Decl. at paragraph 12 & Exhibit 1.

Defendants’ Response: Undisputed.

100. Plaintiff Interscope Records owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 6 Certificates of Registration which identify Ruff Ryders / Interscope Records as the “copyright claimant.” See Cho Decl. at paragraph 12 & Exhibit 1.

Defendants’ Response: Undisputed.

101. Plaintiff Interscope Records owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies TVT / Interscope Records as the “copyright claimant.” See Cho Decl. at paragraph 12 & Exhibit 1.

Defendants’ Response: Undisputed.

102. Plaintiff Interscope Records owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 7 Certificates of Registration which identify Aftermath Entertainment / Interscope Records as the “copyright claimant.” See Cho Decl. at paragraph 12 & Exhibit 1.

Defendants’ Response: Undisputed.

103. Plaintiff Interscope Records owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 4 Certificates of Registration which identify Aftermath Records as the “copyright claimant.” See Cho Decl. at paragraph 13 & Exhibit 1.

Defendants’ Response: Undisputed.

104. Plaintiff Interscope Records owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Ruff Ryder Records as the “copyright claimant.” See Cho Decl. at paragraph 14 & Exhibit 1.

Defendants’ Response: Undisputed.

VI. MOTOWN RECORDS

A. Copyrighted Recordings

105. Plaintiff Motown Record Company, L.P. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Motown Record Company as the “copyright claimant.” See Cho Decl. at paragraph 16 & Exhibit 1.

Defendants’ Response: Undisputed.

106. Plaintiff Motown Record Company, L.P. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 15

Certificates of Registration which identify Motown Record Company, L.P. as the “copyright claimant.” See Cho Decl. at paragraph 16 & Exhibit 1.

Defendants’ Response: Undisputed.

107. Plaintiff Motown Record Company, L.P. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 18 Certificates of Registration which identify Motown Record Corporation as the “copyright claimant.” See Cho Decl. at paragraph 16 & Exhibit 1.

Defendants’ Response: Undisputed.

108. Plaintiff Motown Record Company, L.P. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Motown Records as the “copyright claimant.” See Cho Decl. at paragraph 16 & Exhibit 1.

Defendants’ Response: Undisputed.

B. Pre-72 Recordings

109. Plaintiff Motown Record Company, L.P. owns or controls exclusive rights in 179 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Motown Record Corporation. See Cho Decl. at paragraph(s) 16, 17 & Exhibit 2.

Defendants’ Response: Undisputed.

110. Plaintiff Motown Record Company, L.P. owns or controls exclusive rights in 1 sound recording, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Motown Record Corporation of California, Inc. See Cho Decl. at paragraph(s) 20 & Exhibit 2.

Defendants’ Response: Undisputed.

111. Plaintiff Motown Record Company, L.P. owns or controls exclusive rights in 7 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Motown Record Corporation of California, Inc.; Motown Record Corporation. *See* Cho Decl. at paragraph(s) 16-17, 19-20 & Exhibit 2.

Defendants' Response: Undisputed.

VII. UMG RECORDINGS, INC.

A. Copyrighted Recordings

112. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 6 Certificates of Registration which identify A&M Records, Div. of UMG Recordings, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants' Response: Undisputed.

113. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Badman Ltd / A&M Records div. of UMG Recordings, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants' Response: Undisputed.

114. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Collipark Music / Interscope Records, Div. of UMG Recordings, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants' Response: Undisputed.

115. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights

under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies DGC / Interscope Records, Div. of UMG Recordings, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

116. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify DGC Records div. of UMG Recordings, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

117. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Dreamworks Records Nashville div. of UMG Recordings, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

118. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Flip / A&M Records, Div. of UMG Recordings, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

119. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Flip / Geffen Records, Div. of UMG Recordings, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

120. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies GEFLEN RECORDS A DIV OF UMG RECORDINGS INC / MOSLEY MUSIC LLC as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

121. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 40 Certificates of Registration which identify Geffen Records, Div. of UMG Recordings, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

122. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 29 Certificates of Registration which identify Interscope Records, Div. of UMG Recordings, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

123. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 5 Certificates of Registration which identify Interscope Records, Div. of UMG Recordings, Inc. / G-Unit Records, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

124. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Interscope Records, Div. of UMG Recordings, Inc. / Ruff Ryders as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants' Response: Undisputed.

125. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Interscope Records, Div. of UMG Recordings, Inc. /G Unit Records Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants' Response: Undisputed.

126. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 23 Certificates of Registration which identify MCA Nashville, Div. of UMG Recordings, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants' Response: Undisputed.

127. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 18 Certificates of Registration which identify MCA Records, Div. of UMG Recordings, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants' Response: Undisputed.

128. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Mercury Nashville Records div. of UMG Recordings, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants' Response: Undisputed.

129. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 9 Certificates of Registration which identify Mercury Records, Div. of UMG Recordings, Inc. as the

“copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

130. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 6 Certificates of Registration which identify Motown Records, Div. of UMG Recordings, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

131. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 7 Certificates of Registration which identify Shady / Aftermath / Interscope Records, Div. of UMG Recordings, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

132. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 4 Certificates of Registration which identify Shady Records / Interscope Records, Div. of UMG Recordings, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

133. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 66 Certificates of Registration which identify The Island Def Jam Music Group, Div. of UMG Recordings, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

134. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of

Registration which identifies The Island Def Jam Music Group, Div. of UMG Recordings, Inc. and Mariah Carey as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

135. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 5 Certificates of Registration which identify The Verve Music Group, Div. of UMG Recordings, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

136. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Universal Motown Records Group, Div. of UMG Recordings, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

137. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Universal Motown Records, Div. of UMG Recordings, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

138. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 44 Certificates of Registration which identify Universal Records, Div. of UMG Recordings, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

139. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 8 Certificates of Registration which identify Universal Records, Div. of UMG Recordings, Inc. / SRC Records, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

140. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Universal Records, Div. of UMG Recordings, Inc. and Straight Face Records, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

141. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Universal Republic Records, Div. of UMG Recordings, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

142. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Zomba Recording Corp / The Island Def Jam Music Group div. of UMG Recordings, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

143. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 55 Certificates of Registration which identify A&M Records, Inc. as the “copyright claimant.” *See* Cho

Decl. at paragraph 23 & Exhibit 1.

Defendants' Response: Undisputed.

144. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Flip / A&M Records as the “copyright claimant.” *See* Cho Decl. at paragraph 23 & Exhibit 1.

Defendants' Response: Undisputed.

145. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies ABC Records, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 24 & Exhibit 1.

Defendants' Response: Undisputed.

146. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Cargo / MCA Records, J.V. as the “copyright claimant.” *See* Cho Decl. at paragraph 25 & Exhibit 1.

Defendants' Response: Undisputed.

147. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 3 Certificates of Registration which identify Casablanca Music, LLC as the “copyright claimant.” *See* Cho Decl. at paragraph 26 & Exhibit 1.

Defendants' Response: Undisputed.

148. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 3 Certificates of

Registration which identify Casablanca Record and Filmworks, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 27 & Exhibit 1.

Defendants’ Response: Undisputed.

149. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies GEFLEN RECORDS as the “copyright claimant.” *See* Cho Decl. at paragraph 28 & Exhibit 1.

Defendants’ Response: Undisputed.

150. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 27 Certificates of Registration which identify Geffen Records, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 28 & Exhibit 1.

Defendants’ Response: Undisputed, except as to Sonic Youth Sister Album – Geffen Records, Inc. does not appear in paragraph 28 until 1992 and this work was created in 1987.

Plaintiffs’ Reply: As to 26 of the 27 Certificates of Registration which identify Geffen Records, Inc. as the “copyright claimant,” Defendants acknowledge that there is no dispute. Thus, Defendants accept that Plaintiff UMG Recordings, Inc. owns or controls works registered to Geffen Records, Inc. As to the Sonic Youth *Sister* Album, SR - 200-069, Defendants do not contest the accuracy of the assertion that Geffen Records, Inc. owns or controls the exclusive rights under copyright in the sound recordings. In any event, Defendants’ assertion that “this work was created in 1987” is irrelevant. Geffen Records, Inc. registered the copyright in 1994, two years after the date Defendants concede Geffen Records, Inc. came into existence. During the meet and

confer process, counsel for Defendants stated that there was no longer any dispute regarding these sound recordings. *See* Meloro Decl. Ex. 5 at p.3. Accordingly, this fact must be deemed undisputed.

151. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 30 Certificates of Registration which identify The David Geffen Company as the “copyright claimant.” *See* Cho Decl. at paragraph 28 & Exhibit 1.

Defendants’ Response: Undisputed.

152. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Def Jam Records, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 29 & Exhibit 1.

Defendants’ Response: Undisputed.

153. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify DTP Records, LLC as the “copyright claimant.” *See* Cho Decl. at paragraph 30 & Exhibit 1.

Defendants’ Response: Undisputed.

154. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 8 Certificates of Registration which identify GRP Records, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 31 & Exhibit 1.

Defendants’ Response: Undisputed.

155. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights

under copyright in the copyrighted sound recordings listed on the 3 Certificates of Registration which identify Happenstance Ltd. as the “copyright claimant.” *See* Cho Decl. at paragraph 32 & Exhibit 1.

Defendants’ Response: Undisputed as to Mercury Records Ltd.’s ownership or control of the exclusive rights under copyright in the copyrighted sound recordings listed on the 3 Certificates of Registration which identify Happenstance Ltd. as the “copyright claimant.” Otherwise disputed for the reason that, the inter-company license agreements discussed in Cho Decl. ¶ 54 do not establish that UMG Recordings, Inc. is the exclusive licensee of Mercury Records, Ltd. *See* Cho Decl. Exhibits 46-52; Meloro Decl. Exhibit 5 at 4.

Plaintiffs’ Reply: Defendants do not contest the accuracy of the material fact – specifically, that Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 3 Certificates of Registration which identify Happenstance Ltd. as the “copyright claimant.” Plaintiffs have submitted competent evidence so establishing (*see* Cho Decl. ¶¶ 32, 54 (and exhibits)), which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables, Inc. v. De-Mar Food Services Inc.* 2007 WL 4302514, 4 (S.D.N.Y. Dec. 7, 2007) (Defendants’ attempt to deny facts in 56.1 statement based on assertion that “[t]here is no evidence in the record” was improper; nonmovant must “cite evidence” in order to create an issue of fact). *See also* Reply Cho Decl. ¶¶ 3-4

156. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Beat Club Records / Interscope Records as the “copyright claimant.” *See* Cho Decl. at paragraph 33 & Exhibit 1.

Defendants’ Response: Undisputed.

157. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Interscope Records as the “copyright claimant.” *See* Cho Decl. at paragraph 33 & Exhibit 1.

Defendants’ Response: Undisputed.

158. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 5 Certificates of Registration which identify Island Records as the “copyright claimant.” *See* Cho Decl. at paragraph 54 & Exhibit 1.

Defendants’ Response: Undisputed.

159. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 25 Certificates of Registration which identify Island Records, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 34 & Exhibit 1.

Defendants’ Response: Undisputed.

160. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 10 Certificates of Registration which identify MCA Records Nashville, Div. of MCA Records, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 35 & Exhibit 1.

Defendants’ Response: Undisputed.

161. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 3 Certificates of Registration which identify BACKSTREET RECORDS, A DIVISION OF MCA RECORDS, INC. as the “copyright claimant.” *See* Cho Decl. at paragraph 35 & Exhibit 1.

Defendants' Response: Undisputed.

162. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 99 Certificates of Registration which identify MCA Records, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 35 & Exhibit 1.

Defendants' Response: Undisputed.

163. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies MCA Records, Inc. / Arista Records Inc as the “copyright claimant.” *See* Cho Decl. at paragraph 35 & Exhibit 1.

Defendants' Response: Undisputed.

164. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 16 Certificates of Registration which identify Mercury Records as the “copyright claimant.” *See* Cho Decl. at paragraph 36 & Exhibit 1.

Defendants' Response: Undisputed.

165. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Next Plateau Records, Inc as the “copyright claimant.” *See* Cho Decl. at paragraph 37 & Exhibit 1.

Defendants' Response: Undisputed.

166. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Octoscope Music, LLC as the “copyright claimant.” *See*

Cho Decl. at paragraph 38 & Exhibit 1.

Defendants' Response: Undisputed.

167. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Phonogram, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 39 & Exhibit 1.

Defendants' Response: Undisputed.

168. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Polydor Incorporated as the “copyright claimant.” *See* Cho Decl. at paragraph 40 & Exhibit 1.

Defendants' Response: Undisputed.

169. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Polygram Records as the “copyright claimant.” *See* Cho Decl. at paragraph 41 & Exhibit 1.

Defendants' Response: Undisputed.

170. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 29 Certificates of Registration which identify Polygram Records, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 41 & Exhibit 1.

Defendants' Response: Undisputed.

171. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of

Registration which identifies Pussycat Dolls LLC as the “copyright claimant.” *See* Cho Decl. at paragraph 42 & Exhibit 1.

Defendants’ Response: Undisputed.

172. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 5 Certificates of Registration which identify Radioactive Records, JV as the “copyright claimant.” *See* Cho Decl. at paragraph 43 & Exhibit 1.

Defendants’ Response: Undisputed.

173. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 19 Certificates of Registration which identify Roc-A-Fella Records, LLC as the “copyright claimant.” *See* Cho Decl. at paragraph 44 & Exhibit 1.

Defendants’ Response: Undisputed.

174. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Roc-A-Fella, LLC as the “copyright claimant.” *See* Cho Decl. at paragraph 44 & Exhibit 1.

Defendants’ Response: Undisputed.

175. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 6 Certificates of Registration which identify Rush Associated Labels Recordings as the “copyright claimant.” *See* Cho Decl. at paragraph 45 & Exhibit 1.

Defendants’ Response: Undisputed.

176. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights

under copyright in the copyrighted sound recordings listed on the 10 Certificates of Registration which identify SKG MUSIC LLC as the “copyright claimant.” *See* Cho Decl. at paragraph 46 & Exhibit 1.

Defendants’ Response: Undisputed.

177. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify SKG Music Nashville LLC d/b/a DreamWorks Records Nashville as the “copyright claimant.” *See* Cho Decl. at paragraph 46 & Exhibit 1.

Defendants’ Response: Undisputed.

178. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Sackville Productions Ltd. as the “copyright claimant.” *See* Cho Decl. at paragraph 47 & Exhibit 1.

Defendants’ Response: Undisputed.

179. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Surco Records JV as the “copyright claimant.” *See* Cho Decl. at paragraph 48 & Exhibit 1.

Defendants’ Response: Undisputed.

180. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 32 Certificates of Registration which identify The Island Def Jam Music Group as the “copyright claimant.” *See* Cho Decl. at paragraph 49 & Exhibit 1.

Defendants’ Response: Undisputed.

181. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify This Record Company, Ltd. as the “copyright claimant.” *See* Cho Decl. at paragraph 50 & Exhibit 1.

Defendants’ Response: Undisputed as to This Record Company, Ltd.’s ownership or control of the exclusive rights under copyright in the copyrighted sound recordings. Otherwise disputed to the extent that, Plaintiffs have fail to produce written evidence that would establish Universal Music Leisure Limited’s ownership of This Record Co. Ltd. *See* Meloro Decl. Exhibit 5 at 4. Otherwise disputed to the extent that, no inter-company license agreements are discussed in Cho Decl. at paragraph 53, the inter-company license agreements discussed in Cho Decl. at paragraph 54 do not establish that UMG Recordings, Inc. is the exclusive licensee of Universal Music Leisure Limited and Cho Decl. at paragraph 54 does not establish that UMG Recordings, Inc. is the exclusive licensee of Universal Music Leisure Limited. *See* Cho Dec. Exhibits 46-52. *See also* Meloro Decl. Exhibit 5 at 4.

Plaintiffs’ Reply: Defendants do not contest the accuracy of the material fact – specifically, that Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify This Record Company, Ltd. as the “copyright claimant.” Plaintiffs have submitted competent evidence so establishing (*see* Cho Decl. ¶¶ 50, 54 (and exhibits)), which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4. *See also* Reply Cho Decl. ¶¶ 3-4.

182. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies UNI Records, Inc as the “copyright claimant.” *See* Cho

Decl. at paragraph 51 & Exhibit 1.

Defendants' Response: Undisputed.

183. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Universal Records as the “copyright claimant.” *See* Cho Decl. at paragraph 52 & Exhibit 1.

Defendants' Response: Undisputed.

184. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 13 Certificates of Registration which identify Universal Records, Inc. as the “copyright claimant.” *See* Cho Decl. at paragraph 52 & Exhibit 1.

Defendants' Response: Undisputed.

185. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 4 Certificates of Registration which identify William A. Bong Ltd. as the “copyright claimant.” *See* Cho Decl. at paragraph 53 & Exhibit 1.

Defendants' Response: Undisputed.

186. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Decca Music Group Limited as the “copyright claimant.” *See* Cho Decl. at paragraph 54 & Exhibit 1.

Defendants' Response: Undisputed as to Decca Music Group Limited's ownership or control of the exclusive rights under copyright in the copyrighted sound recordings. Otherwise disputed for the reason that, the inter-company license agreements

discussed in Cho Decl. at paragraph 54 do not establish that UMG Recordings, Inc. is the exclusive licensee of Decca Music Group Limited. *See* Cho Decl. Exhibits 46-52; Cho Decl. at paragraph 54; Meloro Decl. Exhibit 2 & Exhibit 5 at 4.

Plaintiffs' Reply: Defendants do not contest the accuracy of the material fact – specifically, that Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Decca Music Group Limited as the “copyright claimant.” Plaintiffs have submitted competent evidence so establishing (*see* Cho Decl. ¶ 54 (and exhibits)), which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4. *See also* Reply Cho Decl. ¶ 5.

187. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 12 Certificates of Registration which identify Island Records, Ltd. as the “copyright claimant.” *See* Cho Decl. at paragraph 54 & Exhibit 1.

Defendants' Response: Undisputed as to Island Records, Ltd.'s ownership or control of the exclusive rights under copyright in the copyrighted sound recordings. Otherwise disputed for the reason that, the inter-company license agreements discussed in Cho Decl. at paragraph 54 do not establish that UMG Recordings, Inc. is the exclusive licensee of Island Records, Ltd. *See* Cho Decl. Exhibits 46-52; Cho Decl. at paragraph 54; Meloro Decl. Exhibit 2 & Exhibit 5 at 4-5.

Plaintiffs' Reply: Defendants do not contest the accuracy of the material fact – specifically, that Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 12 Certificates of Registration which identify Island Records, Ltd. as the “copyright claimant.” Plaintiffs have submitted competent evidence so establishing (*see* Cho Decl. ¶ 54 (and exhibits)),

which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4. *See also* Reply Cho Decl. ¶¶ 3-4.

188. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Mercury Records, Ltd. as the “copyright claimant.” *See* Cho Decl. at paragraph 54 & Exhibit 1.

Defendants’ Response: Undisputed as to Mercury Records, Ltd.’s ownership or control of the exclusive rights under copyright in the copyrighted sound recordings. Otherwise disputed for the reason that, the inter-company license agreements discussed in Cho Decl. at paragraph 54 do not establish that UMG Recordings, Inc. is the exclusive licensee of Mercury Records, Ltd. *See* Cho Decl. Exhibits 46-52; Cho Decl. at paragraph 54; Meloro Decl. Exhibit 2 & Exhibit 5 at 5.

Plaintiffs’ Reply: Defendants do not contest the accuracy of the material fact – specifically, that Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Mercury Records, Ltd. as the “copyright claimant.” Plaintiffs have submitted competent evidence so establishing (*see* Cho Decl. ¶ 54 (and exhibits)), which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4. *See also* Reply Cho Decl. ¶¶ 3-4.

189. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Mercury Records, Ltd. (London) as the “copyright claimant.” *See* Cho Decl. at paragraph 54 & Exhibit 1.

Defendants' Response: Undisputed as to Mercury Records, Ltd.

(London)'s ownership or control of the exclusive rights under copyright in the copyrighted sound recordings. Otherwise disputed for the reason that, the inter-company license agreements discussed in Cho Decl. at paragraph 54 do not establish that UMG Recordings, Inc. is the exclusive licensee of Mercury Records, Ltd. (London). *See* Cho Decl. Exhibits 46-52; Cho Decl. at paragraph 54; Meloro Decl. Exhibit 2 & Exhibit 5 at 5.

Plaintiffs' Reply: Defendants do not contest the accuracy of the material fact – specifically, that Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Mercury Records, Ltd. (London) as the “copyright claimant.” Plaintiffs have submitted competent evidence so establishing (*see* Cho Decl. ¶ 54 (and exhibits)), which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4. *See also* Reply Cho Decl. ¶¶ 3-4.

190. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Phonogram International B.V. as the “copyright claimant.” *See* Cho Decl. at paragraph 54 & Exhibit 1.

Defendants' Response: Undisputed as to Phonogram International B.V.'s ownership or control of the exclusive rights under copyright in the copyrighted sound recordings. Otherwise disputed for the reason that, the inter-company license agreements discussed in Cho Decl. at paragraph 54 do not establish that UMG Recordings, Inc. is the exclusive licensee of Phonogram International B.V. *See* Cho Decl. Exhibits 46-52; Cho Decl. at paragraph 54; Meloro Decl. Exhibit 2 & Exhibit 5 at 5.

Plaintiffs' Reply: Defendants do not contest the accuracy of the material fact – specifically, that Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Phonogram International B.V. as the “copyright claimant.” Plaintiffs have submitted competent evidence so establishing (*see* Cho Decl. ¶ 54 (and exhibits)), which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4. *See also* Reply Cho Decl. ¶¶ 3-4.

191. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 5 Certificates of Registration which identify Phonogram, Ltd. as the “copyright claimant.” *See* Cho Decl. at paragraph 54 & Exhibit 1.

Defendants' Response: Undisputed as to Phonogram, Ltd.’s ownership or control of the exclusive rights under copyright in the copyrighted sound recordings. Otherwise disputed for the reason that, the inter-company license agreements discussed in Cho Decl. at paragraph 54 do not establish that UMG Recordings, Inc. is the exclusive licensee of Phonogram, Ltd. *See* Cho Decl. Exhibits 46-52; Cho Decl. at paragraph 54; Meloro Decl. Exhibit 2 & Exhibit 5 at 5.

Plaintiffs' Reply: Defendants do not contest the accuracy of the material fact – specifically, that Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 5 Certificates of Registration which identify Phonogram, Ltd. as the “copyright claimant.” Plaintiffs have submitted competent evidence so establishing (*see* Cho Decl. ¶ 54 (and exhibits)), which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4. *See also* Reply Cho Decl. ¶¶ 3-4.

192. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 3 Certificates of Registration which identify Polydor Ltd. (UK) as the “copyright claimant.” *See* Cho Decl. at paragraph 54 & Exhibit 1.

Defendants’ Response: Undisputed as to Polydor Ltd. (UK)’s ownership or control of the exclusive rights under copyright in the copyrighted sound recordings. Otherwise disputed for the reason that, the inter-company license agreements discussed in Cho Decl. at paragraph 54 do not establish that UMG Recordings, Inc. is the exclusive licensee of Polydor Ltd. (UK). *See* Cho Decl. Exhibits 46-52; Cho Decl. at paragraph 54; Meloro Decl. Exhibit 2 & Exhibit 5 at 5-6.

Plaintiffs’ Reply: Defendants do not contest the accuracy of the material fact – specifically, that Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 3 Certificates of Registration which identify Polydor Ltd. (UK) as the “copyright claimant.” Plaintiffs have submitted competent evidence so establishing (*see* Cho Decl. ¶ 54 (and exhibits)), which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4. *See also* Reply Cho Decl. ¶¶ 3-4.

193. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Polydor Records Ltd. (UK) as the “copyright claimant.” *See* Cho Decl. at paragraph 54 & Exhibit 1.

Defendants’ Response: Undisputed as to Polydor Records Ltd. (UK)’s ownership or control of the exclusive rights under copyright in the copyrighted sound recordings. Otherwise disputed for the reason that, the inter-company license agreements discussed in Cho Decl. at paragraph 54 do not establish that UMG Recordings, Inc. is the

exclusive licensee of Polydor Records Ltd. (UK). *See* Cho Decl. Exhibits 46-52; Cho Decl. at paragraph 54; Meloro Decl. Exhibit 2 & Exhibit 5 at 6.

Plaintiffs' Reply: Defendants do not contest the accuracy of the material fact – specifically, that Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Polydor Records Ltd. (UK) as the “copyright claimant.” Plaintiffs have submitted competent evidence so establishing (*see* Cho Decl. ¶ 54 (and exhibits)), which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4. *See also* Reply Cho Decl. ¶¶ 3-4.

194. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Polygram International Music, B.V. as the “copyright claimant.” *See* Cho Decl. at paragraph 54 & Exhibit 1.

Defendants' Response: Undisputed as to Polygram International Music, B.V.'s ownership or control of the exclusive rights under copyright in the copyrighted sound recordings. Otherwise disputed for the reason that, the inter-company license agreements discussed in Cho Decl. at paragraph 54 do not establish that UMG Recordings, Inc. is the exclusive licensee of Polygram International Music, B.V. *See* Cho Decl. Exhibits 46-52; Cho Decl. at paragraph 54; Meloro Decl. Exhibit 2 & Exhibit 5 at 6.

Plaintiffs' Reply: Defendants do not contest the accuracy of the material fact – specifically, that Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Polygram International Music, B.V. as the “copyright claimant.” Plaintiffs have submitted competent evidence so establishing (*see* Cho Decl.

¶ 54 (and exhibits)), which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4. *See also* Reply Cho Decl. ¶¶ 3-4.

195. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Polygram Ireland, Ltd. as the “copyright claimant.” *See* Cho Decl. at paragraph 54 & Exhibit 1.

Defendants’ Response: Undisputed as to Polygram Ireland, Ltd.’s ownership or control of the exclusive rights under copyright in the copyrighted sound recordings. Otherwise disputed for the reason that, the inter-company license agreements discussed in Cho Decl. at paragraph 54 do not establish that UMG Recordings, Inc. is the exclusive licensee of Polygram Ireland, Ltd. *See* Cho Decl. Exhibits 46-52; Cho Decl. at paragraph 54; Meloro Decl. Exhibit 2 & Exhibit 5 at 6.

Plaintiffs’ Reply: Defendants do not contest the accuracy of the material fact – specifically, that Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Polygram Ireland, Ltd. as the “copyright claimant.” Plaintiffs have submitted competent evidence so establishing (*see* Cho Decl. ¶ 54 (and exhibits)), which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4. *See also* Reply Cho Decl. ¶¶ 3-4.

196. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 3 Certificates of Registration which identify Universal International Music B.V. as the “copyright claimant.” *See* Cho Decl. at paragraph 54 & Exhibit 1.

Defendants' Response: Undisputed as to Universal International Music B.V.'s ownership or control of the exclusive rights under copyright in the copyrighted sound recordings. Otherwise disputed for the reason that, the inter-company license agreements discussed in Cho Decl. at paragraph 54 do not establish that UMG Recordings, Inc. is the exclusive licensee of Universal International Music B.V. *See* Cho Decl. Exhibits 46-52; Cho Decl. at paragraph 54; Meloro Decl. Exhibit 2 & Exhibit 5 at 6.

Plaintiffs' Reply: Defendants do not contest the accuracy of the material fact – specifically, that Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 3 Certificates of Registration which identify Universal International Music B.V. as the “copyright claimant.” Plaintiffs have submitted competent evidence so establishing (*see* Cho Decl. ¶ 54 (and exhibits)), which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4. *See also* Reply Cho Decl. ¶¶ 3-4.

197. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Universal Island Records, Ltd. as the “copyright claimant.” *See* Cho Decl. at paragraph 54 & Exhibit 1.

Defendants' Response: Undisputed as to Universal Island Records, Ltd.'s ownership or control of the exclusive rights under copyright in the copyrighted sound recordings. Otherwise disputed for the reason that, the inter-company license agreements discussed in Cho Decl. at paragraph 54 do not establish that UMG Recordings, Inc. is the exclusive licensee of Universal Island Records, Ltd. *See* Cho Decl. Exhibits 46-52; Cho Decl. at paragraph 54; Meloro Decl. Exhibit 2 & Exhibit 5 at 6-7.

Plaintiffs’ Reply: Defendants do not contest the accuracy of the material fact – specifically, that Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Universal Island Records, Ltd. as the “copyright claimant.” Plaintiffs have submitted competent evidence so establishing (*see* Cho Decl. ¶ 54 (and exhibits)), which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4. *See also* Reply Cho Decl. ¶¶ 3-4.

198. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Universal Music (Denmark) as the “copyright claimant.” *See* Cho Decl. at paragraph 54 & Exhibit 1.

Defendants’ Response: Undisputed as to Universal Music (Denmark)’s ownership or control of the exclusive rights under copyright in the copyrighted sound recordings. Otherwise disputed for the reason that, the inter-company license agreements discussed in Cho Decl. at paragraph 54 do not establish that UMG Recordings, Inc. is the exclusive licensee of Universal Music (Denmark). *See* Cho Decl. Exhibits 46-52; Cho Decl. at paragraph 54; Meloro Decl. Exhibit 2 & Exhibit 5 at 7.

Plaintiffs’ Reply: Defendants do not contest the accuracy of the material fact – specifically, that Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Universal Music (Denmark) as the “copyright claimant.” Plaintiffs have submitted competent evidence so establishing (*see* Cho Decl. ¶ 54 (and exhibits)), which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4. *See also* Reply Cho Decl. ¶¶ 3-4.

199. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Universal Music International as the “copyright claimant.” *See* Cho Decl. at paragraph 54 & Exhibit 1.

Defendants’ Response: Undisputed as to Universal Music International’s ownership or control of the exclusive rights under copyright in the copyrighted sound recordings. Otherwise disputed for the reason that, the inter-company license agreements discussed in Cho Decl. at paragraph 54 do not establish that UMG Recordings, Inc. is the exclusive licensee of Universal Music International. *See* Cho Decl. Exhibits 46-52; Cho Decl. at paragraph 54; Meloro Decl. Exhibit 2 & Exhibit 5 at 7.

Plaintiffs’ Reply: Defendants do not contest the accuracy of the material fact – specifically, that Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Universal Music International as the “copyright claimant.” Plaintiffs have submitted competent evidence so establishing (*see* Cho Decl. ¶ 54 (and exhibits)), which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4. *See also* Reply Cho Decl. ¶¶ 3-4.

200. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Universal Music S.A. as the “copyright claimant.” *See* Cho Decl. at paragraph 54 & Exhibit 1.

Defendants’ Response: Undisputed as to Universal Music S.A.’s ownership or control of the exclusive rights under copyright in the copyrighted sound recordings. Otherwise disputed for the reason that, the inter-company license agreements discussed in Cho Decl. at paragraph 54 do not establish that UMG Recordings, Inc. is the

exclusive licensee of Universal Music S.A. *See* Cho Decl. Exhibits 46-52; Cho Decl. at paragraph 54; Meloro Decl. Exhibit 2 & Exhibit 5 at 7.

Plaintiffs' Reply: Defendants do not contest the accuracy of the material fact – specifically, that Plaintiff UMG Recordings, Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Universal Music S.A. as the “copyright claimant.”

Plaintiffs have submitted competent evidence so establishing (*see* Cho Decl. ¶ 54 (and exhibits)), which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4. *See also* Reply Cho Decl. ¶¶ 3-4.

B. Pre-72 Recordings

201. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in 1 sound recording, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and A&M Record Co., a div of Irving Music, Inc. *See* Cho Decl. at paragraph(s) 23 & Exhibit 2.

Defendants' Response: Undisputed.

202. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in 5 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and A&M Records *See* Cho Decl. at paragraph(s) 23 & Exhibit 2.

Defendants' Response: Undisputed.

203. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in 8 sound recording, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and ABC Records, Inc. *See* Cho Decl. at paragraph(s) 24 & Exhibit 2.

Defendants' Response: Undisputed.

204. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in 1 sound recording, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and ABC Records, Inc.; MCA, Inc. *See* Cho Decl. at paragraph(s) 24, 35 & Exhibit 2.

Defendants' Response: Undisputed.

205. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in 2 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and ABC-Paramount Records, Inc. *See* Cho Decl. at paragraph(s) 57 & Exhibit 2.

Defendants' Response: Undisputed.

206. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in 8 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and ABC-Paramount Records, Inc.; ABC Records, Inc. *See* Cho Decl. at paragraph(s) 24, 57 & Exhibit 2.

Defendants' Response: Undisputed.

207. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in 6 sound recording, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Am-Par Record Corp. *See* Cho Decl. at paragraph(s) 58 & Exhibit 2.

Defendants' Response: Undisputed.

208. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in 1 sound recording, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Argo Records; MCA Records, Inc. *See* Cho Decl.

at paragraph(s) 35, 78 (b, c) & Exhibit 2.

Defendants' Response: Undisputed.

209. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in 3 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Aristocrat Recording Corporation. *See* Cho Decl. at paragraph(s) 59 & Exhibit 2.

Defendants' Response: Undisputed.

210. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in 1 sound recording, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and AVI Entertainment Group, Inc. *See* Cho Decl. at paragraph(s) 78(e) & Exhibit 2.

Defendants' Response: Undisputed.

211. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in 1 sound recording, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Brunswick Record Corp. *See* Cho Decl. at paragraph(s) 60 & Exhibit 2.

Defendants' Response: Undisputed.

212. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in 1 sound recording, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Casa Grande Records / MCA Records, Inc. *See* Cho Decl. at paragraph(s) 35 & Exhibit 2.

Defendants' Response: Undisputed.

213. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in 1 sound recording, the rights to which are set forth in agreement(s) between the

artist(s) (or furnishing company) and Checker Records. *See* Cho Decl. at paragraph(s) 61, 78(a) & Exhibit 2.

Defendants' Response: Undisputed.

214. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 4 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Chess Records; MCA Records, Inc. *See* Cho Decl. at paragraph(s) 35, 61 & Exhibit 2.

Defendants' Response: Undisputed.

215. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 12 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Chess Record Corp. *See* Cho Decl. at paragraph(s) 61 & Exhibit 2.

Defendants' Response: Undisputed.

216. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 3 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Chess Records. *See* Cho Decl. at paragraph(s) 61, 78(d) & Exhibit 2.

Defendants' Response: Undisputed.

217. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 15 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Coral Records, Inc. *See* Cho Decl. at paragraph(s) 62 & Exhibit 2.

Defendants' Response: Undisputed.

218. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights

in the 6 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Decca Record Company Limited. *See* Cho Decl. at paragraph(s) 54 & Exhibit 2.

Defendants' Response: Undisputed as to Decca Record Company Limited's ownership or control of the exclusive rights under copyright in the copyrighted sound recordings. Otherwise disputed for the reason that, the inter-company license agreements discussed in Cho Decl. at paragraph 54 do not establish that UMG Recordings, Inc. is the exclusive licensee of Decca Record Company Limited. Further, Cho Decl. at paragraph 54 does not state that UMG Recordings, Inc. is the exclusive licensee of Decca Record Company Limited. *See* Cho Decl. Exhibits 46-52; Cho Decl. at paragraph 54; Meloro Decl. Exhibit 5 at 8.

Plaintiffs' Reply: Defendants do not contest the accuracy of the material fact – specifically, that Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 6 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Decca Record Company Limited. Plaintiffs have submitted competent evidence so establishing (*see* Cho Decl. ¶ 54 (and exhibits); Reply Cho Decl. ¶ 5) which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4.

219. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 10 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Decca Records, Div. of MCA, Inc. *See* Cho Decl. at paragraph(s) 63 & Exhibit 2.

Defendants' Response: Undisputed.

220. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights

in the 53 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Decca Records, Inc. *See* Cho Decl. at paragraph(s) 63 & Exhibit 2.

Defendants' Response: Undisputed.

221. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 9 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Dot Records, Inc. *See* Cho Decl. at paragraph(s) 64 & Exhibit 2.

Defendants' Response: Undisputed.

222. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in 1 sound recording, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Dot Records, Inc.; MCA, Inc. *See* Cho Decl. at paragraph(s) 64 & Exhibit 2.

Defendants' Response: Undisputed.

223. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 23 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Dunhill Records, Inc. *See* Cho Decl. at paragraph(s) 66 & Exhibit 2.

Defendants' Response: Undisputed.

224. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 10 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Dunhill Records, Ltd. and Dunhill Records, Inc. *See* Cho Decl. at paragraph(s) 66, 67 & Exhibit 2.

Defendants' Response: Undisputed.

225. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 2 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Dunhill Records, Ltd. *See* Cho Decl. at paragraph(s) 67 & Exhibit 2.

Defendants' Response: Undisputed.

226. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in 1 sound recording, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Duke Records, Inc. *See* Cho Decl. at paragraph(s) 65 & Exhibit 2.

Defendants' Response: Undisputed.

227. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 3 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Island Records, Ltd. *See* Cho Decl. at paragraph(s) 64 & Exhibit 2.

Defendants' Response: Undisputed.

228. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 2 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and 'Kapp Records, Div. of MCA, Inc. *See* Cho Decl. at paragraph(s) 68 & Exhibit 2.

Defendants' Response: Undisputed.

229. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 13 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Kapp Records, Inc. *See* Cho Decl. at paragraph(s) 68 & Exhibit 2.

Defendants' Response: Undisputed.

230. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 3 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and King Records. *See* Cho Decl. at paragraph(s) 69 & Exhibit 2.

Defendants' Response: Undisputed.

231. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 10 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and King Records, Inc. *See* Cho Decl. at paragraph(s) 69 & Exhibit 2.

Defendants' Response: Undisputed.

232. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 5 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Loew's Inc. (MGM Records Division). *See* Cho Decl. at paragraph(s) 70 & Exhibit 2.

Defendants' Response: Undisputed.

233. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 17 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Loew's Inc. (MGM Records Division); Metro-Goldwyn-Mayer, Inc. (MGM Records Division). *See* Cho Decl. at paragraph(s) 70, 72 & Exhibit 2.

Defendants' Response: Undisputed.

234. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 14 sound recordings, the rights to which are set forth in agreement(s) between the

artist(s) (or furnishing company) and MCA Records, Inc. *See* Cho Decl. at paragraph(s) 35 & Exhibit 2.

Defendants' Response: Undisputed.

235. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in 1 sound recording, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and MCA Records, Inc. s/i/i to Chess Records. *See* Cho Decl. at paragraph(s) 35 & Exhibit 2.

Defendants' Response: Undisputed.

236. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 7 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and MGM Record Corporation. *See* Cho Decl. at paragraph(s) 73 & Exhibit 2.

Defendants' Response: Undisputed.

237. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 53 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Mercury Record Corporation. *See* Cho Decl. at paragraph(s) 71 & Exhibit 2.

Defendants' Response: Undisputed as to name change from Mercury Record Corporation to Mercury Record Productions and from Phonogram, Inc. to Polygram Records, Inc., and UMG Recordings, Inc.'s ownership or control in the sound recordings of Polygram Records, Inc. Otherwise disputed to the extent that Plaintiffs have failed to produce reliable evidence establishing that Mercury Records Productions, Inc. changed its name to Phonogram, Inc in 1972. *See* Meloro Decl. Exhibit 3 at 7.

Plaintiffs' Reply: Defendants do not contest the accuracy of the name change from Mercury Records Production, Inc. to Phonogram Inc. Plaintiffs have

submitted competent evidence so establishing (*see* Cho Decl. ¶ 71), which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4.

238. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in 1 sound recording, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Mercury Record Corporation / Fair Deal Records, Inc. *See* Cho Decl. at paragraph(s) 71 & Exhibit 2.

Defendants' Response: Undisputed as to name change from Mercury Record Corporation to Mercury Record Productions and from Phonogram, Inc. to Polygram Records, Inc., and UMG Recordings, Inc.'s ownership or control in the sound recordings of Polygram Records, Inc. Otherwise disputed to the extent that Plaintiffs have failed to produce reliable evidence establishing that Mercury Records Productions, Inc. changed its name to Phonogram, Inc in 1972. *See* Meloro Decl. Exhibit 3 at 7.

Plaintiffs' Reply: Defendants do not contest the accuracy of the name change from Mercury Records Production, Inc. to Phonogram Inc. Plaintiffs have submitted competent evidence so establishing (*see* Cho Decl. ¶ 71), which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4.

239. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in 1 sound recording, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Mercury Record Corporation / Wing Record Corp. *See* Cho Decl. at paragraph(s) 71 & Exhibit 2.

Defendants' Response: Undisputed as to name change from Mercury Record Corporation to Mercury Record Productions and from Phonogram, Inc. to Polygram Records, Inc., and UMG Recordings, Inc.'s ownership or control in the sound recordings of Polygram Records, Inc. Otherwise disputed to the extent that Plaintiffs have failed to produce reliable evidence establishing that Mercury Records Productions, Inc. changed its name to Phonogram, Inc in 1972. *See Meloro Decl. Exhibit 3 at 7.*

Plaintiffs' Reply: Defendants do not contest the accuracy of the name change from Mercury Records Production, Inc. to Phonogram Inc. Plaintiffs have submitted competent evidence so establishing (*see Cho Decl. ¶ 71*), which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4.

240. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 41 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Mercury Record Productions, Inc. *See Cho Decl. at paragraph(s) 71 & Exhibit 2.*

Defendants' Response: Undisputed as to name change from Phonogram, Inc. to Polygram Records, Inc., and UMG Recordings, Inc.'s ownership or control in the sound recordings of Polygram Records, Inc. Otherwise disputed to the extent that Plaintiffs have failed to produce reliable evidence establishing that Mercury Records Productions, Inc. changed its name to Phonogram, Inc. in 1972. *See Meloro Decl. Exhibit 3 at 7.*

Plaintiffs' Reply: Defendants do not contest the accuracy of the name change from Mercury Records Production, Inc. to Phonogram Inc. Plaintiffs have submitted competent evidence so establishing (*see Cho Decl. ¶ 71*), which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be

deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4.

241. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 2 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Mercury Records, Inc. *See Cho Decl.* at paragraph(s) 71 & Exhibit 2.

Defendants' Response: Undisputed as to the rights set forth in the agreement(s) between the artist(s) (or furnishing company) and Mercury Record Corporation. Undisputed as to name change from Mercury Record Corporation to Mercury Record Productions and from Phonogram, Inc. to Polygram Records, Inc., and UMG Recordings, Inc.'s ownership or control in the sound recordings of Polygram Records, Inc. Otherwise disputed to the extent that, the statement identifies Mercury Records, Inc. as being party to the applicable agreements and that Plaintiffs have failed to produce reliable evidence establishing that Mercury Records Productions, Inc. changed its name to Phonogram, Inc. in 1972. *See Meloro Decl. Exhibit 3 at 7.*

Plaintiffs' Reply: Defendants do not contest the accuracy of the name change from Mercury Records Production, Inc. to Phonogram Inc. Plaintiffs have submitted competent evidence so establishing (*see Cho Decl.* ¶ 71), which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4.

242. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 25 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Metro-Goldwyn-Mayer, Inc. (MGM Records Div.). *See Cho Decl.* at paragraph(s) 72 & Exhibit 2.

Defendants' Response: Undisputed.

243. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 3 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Metro-Goldwyn-Mayer, Inc. and MGM Records, a Division of Metro-Goldwyn-Mayer, Inc. *See* Cho Decl. at paragraph(s) 72 & Exhibit 2.

Defendants' Response: Undisputed.

244. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in 1 sound recording, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Peacock Records, Inc. *See* Cho Decl. at paragraph(s) 73 & Exhibit 2.

Defendants' Response: Undisputed.

245. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 6 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Philips Records Limited. *See* Cho Decl. at paragraph(s) 77 & Exhibit 2.

Defendants' Response: Undisputed as to Philips Records Limited's ownership or control of the exclusive rights under copyright in the copyrighted sound recordings. Otherwise disputed for the reason that, the inter-company license agreements discussed in Cho Decl. at paragraph 77 do not establish that UMG Recordings, Inc. is the exclusive licensee of Philips Records Limited. *See* Cho Decl. Exhibits 46-52; Cho Decl. at paragraph 77; Meloro Decl. Exhibit 5 at 9.

Plaintiffs' Reply: Defendants do not contest the accuracy of the material fact – specifically, that Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 6 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Philips Records Limited (now known as Mercury

Records Limited). Plaintiffs have submitted competent evidence so establishing (*see* Cho Decl. ¶¶ 54, 77 (and exhibits)), which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4. *See also* Reply Cho Decl. ¶ 6.

246. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 3 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Polydor, Inc. *See* Cho Decl. at paragraph(s) 40 & Exhibit 2.

Defendants' Response: Undisputed.

247. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 1 sound recording, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Polydor Records Limited. *See* Cho Decl. at paragraph(s) 54 & Exhibit 2.

Defendants' Response: Undisputed as to Polydor Records Limited's ownership or control of the exclusive rights under copyright in the copyrighted sound recordings. Otherwise disputed for the reason that, the inter-company license agreements discussed in Cho Decl. at paragraph 54 do not establish that UMG Recordings, Inc. is the exclusive licensee of Polydor Records Limited. *See* Cho Decl. Exhibits 46-52; Cho Decl. at paragraph 54; Meloro Decl. Exhibit 5 at 9.

Plaintiffs' Reply: Defendants do not contest the accuracy of the material fact – specifically, that Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 1 sound recording, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Polydor Records Limited. (now known as Makeback Limited). Plaintiffs have submitted competent evidence so establishing (*see* Cho Decl. ¶ 54 (and exhibits)), which Defendants have neither contradicted nor moved to

strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4. *See also* Reply Cho Decl. ¶ 7.

248. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in 1 sound recording, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Polydor Records Canada, Limited. *See* Cho Decl. at paragraph(s) 77 & Exhibit 2.

Defendants' Response: Undisputed as to Polydor Records Limited's ownership or control of the exclusive rights under copyright in the copyrighted sound recordings. Otherwise disputed for the reason that, the inter-company license agreements discussed in Cho Decl. at paragraph 77 do not establish that UMG Recordings, Inc. is the exclusive licensee of Polydor Records Limited. *See* Cho Decl. Exhibits 46-52; Cho Decl. at paragraph 77; Meloro Decl. Exhibit 5 at 9.

Plaintiffs' Reply: Defendants do not contest the accuracy of the material fact – specifically, that Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 1 sound recording, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Polydor Records Canada Limited (now known as Polygram Canada Inc.). Plaintiffs have submitted competent evidence so establishing (*see* Cho Decl. ¶¶ 54, 77 (and exhibits)), which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4. *See also* Reply Cho Decl. ¶ 8.

249. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in the 13 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Universal City Records, Div. of MCA, Inc. *See* Cho Decl. at paragraph(s) 51 & Exhibit 2.

Defendants' Response: Undisputed.

250. Plaintiff UMG Recordings, Inc. owns or controls exclusive rights in 1 sound recording, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Verve Records, Inc. *See* Cho Decl. at paragraph(s) 76 & Exhibit 2.

Defendants' Response: Undisputed.

VIII. ATLANTIC RECORDING CORPORATION

A. Copyrighted Recordings

251. Plaintiff Atlantic Recording Corporation owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 134 Certificates of Registration which identify Atlantic Recording Corporation as the “copyright claimant.” *See* Palerm Decl. at paragraph 13 & Exhibit 1.

Defendants' Response: Undisputed.

252. Plaintiff Atlantic Recording Corporation owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Cotillion Records, Div. of Atlantic Recording Corporation as the “copyright claimant.” *See* Palerm Decl. at paragraph 13 & Exhibit 1.

Defendants' Response: Undisputed.

253. Plaintiff Atlantic Recording Corporation owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on 1 Certificate of Registration which identifies Warner Bros. Records Inc. o/b/o Atlantic Recording Corporation as the “copyright claimant.” *See* Palerm Decl. at paragraph 13 & Exhibit 1.

Defendants' Response: Undisputed.

254. Plaintiff Atlantic Recording Corporation owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 3 Certificates of Registration which identify Warner Music Group o/b/o Atlantic Recording Corporation as the “copyright claimant.” *See* Palerm Decl. at paragraph 13 & Exhibit 1.

Defendants’ Response: Undisputed.

255. Plaintiff Atlantic Recording Corporation owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on 1 Certificate of Registration which identifies Anthony Banks, Phil Collins and Mike Rutherford Ltd. as the “copyright claimant.” *See* Palerm Decl. at paragraph 14 & Exhibit 1.

Defendants’ Response: Undisputed.

256. Plaintiff Atlantic Recording Corporation owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 5 Certificates of Registration which identify Phil Collins Ltd./Mike Rutherford Ltd./Tony Banks Ltd. as the “copyright claimant.” *See* Palerm Decl. at paragraph 14 & Exhibit 1.

Defendants’ Response: Undisputed.

257. Plaintiff Atlantic Recording Corporation owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on 1 Certificate of Registration which identifies Phillip Collins Ltd. as the “copyright claimant.” *See* Palerm Decl. at paragraph 14 & Exhibit 1.

Defendants’ Response: Undisputed.

258. Plaintiff Atlantic Recording Corporation owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on 1 Certificate of Registration which identifies Tony Banks Ltd./Mike Rutherford Ltd. as the “copyright claimant.” *See* Palerm Decl. at paragraph 14 & Exhibit 1.

Defendants' Response: Undisputed.

259. Plaintiff Atlantic Recording Corporation owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Lava Records as the “copyright claimant.” *See* Palerm Decl. at paragraph 15 & Exhibit 1.

Defendants' Response: Undisputed.

260. Plaintiff Atlantic Recording Corporation owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on 1 Certificate of Registration which identifies Lava Records LLC as the “copyright claimant.” *See* Palerm Decl. at paragraph 15 & Exhibit 1.

Defendants' Response: Undisputed.

261. Plaintiff Atlantic Recording Corporation owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on 1 Certificate of Registration which identifies Downtown Music LLC as the “copyright claimant.” *See* Palerm Decl. at paragraph 16 & Exhibit 1.

Defendants' Response: Undisputed.

262. Plaintiff Atlantic Recording Corporation owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on 1 Certificate of Registration which identifies Slip-N-Slide Records as the “copyright claimant.” *See* Palerm Decl. at paragraph 17 & Exhibit 1.

Defendants' Response: Undisputed.

263. Plaintiff Atlantic Recording Corporation owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on 1 Certificate of Registration which identifies Slip-N-Slide Records, Inc. as the “copyright

claimant.” *See* Palerm Decl. at paragraph 17 & Exhibit 1.

Defendants’ Response: Undisputed.

264. Plaintiff Atlantic Recording Corporation owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on 1 Certificate of Registration which identifies Wildstar Records Ltd. as the “copyright claimant.” *See* Palerm Decl. at paragraph 18 & Exhibit 1.

Defendants’ Response: Undisputed.

B. Pre-72 Recordings

265. Plaintiff Atlantic Recording Corporation owns or controls exclusive rights in the 92 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Atlantic Recording Corporation. *See* Palerm Decl. at paragraph(s) 13, 20 & Exhibit 2.

Defendants’ Response: Undisputed.

IX. ELEKTRA ENTERTAINMENT GROUP

266. Plaintiff Elektra Entertainment Group Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 14 Certificates of Registration which identify Elektra Entertainment as the “copyright claimant.” *See* Palerm Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

267. Plaintiff Elektra Entertainment Group Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 50 Certificates of Registration which identify Elektra Entertainment Group as the “copyright claimant.” *See* Palerm Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

268. Plaintiff Elektra Entertainment Group Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 7 Certificates of Registration which identify Elektra Entertainment Group Inc. as the “copyright claimant.” *See* Palerm Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

269. Plaintiff Elektra Entertainment Group Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 4 Certificates of Registration which identify Elektra Entertainment, Div. of WCI as the “copyright claimant.” *See* Palerm Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

270. Plaintiff Elektra Entertainment Group Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on 1 Certificate of Registration which identifies Warner Music Group o/b/o Elektra Entertainment Group as the “copyright claimant.” *See* Palerm Decl. at paragraph 22 & Exhibit 1.

Defendants’ Response: Undisputed.

271. Plaintiff Elektra Entertainment Group Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on 1 Certificate of Registration which identifies Elektra Records (alt. of Elektra/Asylum Records) as the “copyright claimant.” *See* Palerm Decl. at paragraph 23 & Exhibit 1.

Defendants’ Response: Undisputed as to Elektra Records (alt. of Elektra/Asylum Records)’s rights in the copyrighted sound recordings and Elektra/Asylum Records Inc.’s name change to Eleksylum Music Inc. Otherwise disputed to the extent that, Plaintiffs do not offer any proof of an assignment or exclusive

license grant to Plaintiff Elektra Entertainment Group Inc. from Eleksylum Music Inc.
See Meloro Decl. Exhibit 8.

Plaintiffs' Reply: The Elektra/Asylum Records assets were formerly held by the Elektra Entertainment Group as a division of Warner Communications, Inc. In a formal consent dated December 31, 1998, Warner Communications, Inc. transferred all of the assets formerly held within the unincorporated division to the formal entity, Plaintiff Elektra Entertainment Group, Inc. *See Exhibit 1 to Reply Declaration of Silda Palerm.* Plaintiff Elektra Entertainment Group, Inc. thus owns the copyrights registered in the name of Elektra/Asylum Records.

272. Plaintiff Elektra Entertainment Group Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Elektra Records (alt. of Elektra/Asylum/Nonesuch Records) as the "copyright claimant." *See Palerm Decl. at paragraph 23 & Exhibit 1.*

Defendants' Response: Undisputed.

273. Plaintiff Elektra Entertainment Group Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 31 Certificate of Registration which identifies Elektra/Asylum Records as the "copyright claimant." *See Palerm Decl. at paragraph 23 & Exhibit 1.*

Defendants' Response: Undisputed as to Elektra/Asylum Records' rights in the copyrighted sound recordings and Elektra/Asylum Records Inc.'s name change to Eleksylum Music Inc. Otherwise disputed to the extent that Plaintiffs do not offer any proof of and assignment or exclusive license grant to Plaintiff Elektra Entertainment Group Inc. from Eleksylum Music Inc. *See Meloro Decl. Exhibit 8.*

Plaintiffs' Reply: The Elektra/Asylum Records assets were formerly held by the Elektra Entertainment Group as a division of Warner Communications, Inc. In a formal consent dated December 31, 1998, Warner Communications, Inc. transferred all of the assets formerly held within the unincorporated division to the formal entity, Plaintiff Elektra Entertainment Group, Inc. *See* Exhibit 1 to Reply Declaration of Silda Palerm. Plaintiff Elektra Entertainment Group, Inc. thus owns the copyrights registered in the name of Elektra/Asylum Records.

274. Plaintiff Elektra Entertainment Group Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on 1 Certificate of Registration which identifies Elektra/Asylum/Nonesuch Records as the “copyright claimant.” *See* Palerm Decl. at paragraph 23 & Exhibit 1.

Defendants' Response: Undisputed.

275. Plaintiff Elektra Entertainment Group Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on 1 Certificate of Registration which identifies Elektra/Asylum/Nonesuch Records, div. of Warner Communications Inc. as the “copyright claimant.” *See* Palerm Decl. at paragraph 23 & Exhibit 1.

Defendants' Response: Undisputed.

X. WARNER BROS. RECORDS INC.

A. Copyrighted Recordings

276. Plaintiff Warner Bros. Records Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 7 Certificates of Registration which identify Reprise Records, Div. of Warner Bros. Records Inc. as the “copyright claimant.” *See* Palerm Decl. at paragraph 25 & Exhibit 1.

Defendants' Response: Undisputed.

277. Plaintiff Warner Bros. Records Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 179 Certificates of Registration which identify Warner Bros. Records Inc. as the “copyright claimant.” *See* Palerm Decl. at paragraph 25 & Exhibit 1.

Defendants’ Response: Undisputed.

278. Plaintiff Warner Bros. Records Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 53 Certificates of Registration which identify Reprise Records as the “copyright claimant.” *See* Palerm Decl. at paragraph 26 & Exhibit 1.

Defendants’ Response: Undisputed.

279. Plaintiff Warner Bros. Records Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 2 Certificates of Registration which identify Sire Records as the “copyright claimant.” *See* Palerm Decl. at paragraph 27 & Exhibit 1.

Defendants’ Response: Undisputed.

280. Plaintiff Warner Bros. Records Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 33 Certificates of Registration which identify Sire Records Company as the “copyright claimant.” *See* Palerm Decl. at paragraph 27 & Exhibit 1.

Defendants’ Response: Undisputed.

281. Plaintiff Warner Bros. Records Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 3 Certificates of Registration which identify R.E.M./Athens, LLC as the “copyright claimant.” *See* Palerm Decl. at paragraph 28 & Exhibit 1.

Defendants' Response: Undisputed.

282. Plaintiff Warner Bros. Records Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 4 Certificates of Registration which identify R.E.M./Athens, Ltd. as the “copyright claimant.” *See* Palerm Decl. at paragraph 28 & Exhibit 1.

Defendants' Response: Undisputed.

283. Plaintiff Warner Bros. Records Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on the 3 Certificates of Registration which identify Phonogram Limited as the “copyright claimant.” *See* Palerm Decl. at paragraph 29 & Exhibit 1.

Defendants' Response: Undisputed.

284. Plaintiff Warner Bros. Records Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on 1 Certificate of Registration which identifies WEA International Inc. as the “copyright claimant.” *See* Palerm Decl. at paragraph 30 & Exhibit 1.

Defendants' Response: Undisputed as WEA International Inc.’s rights as the copyright claimant. Otherwise disputed to the extent that, Plaintiffs have failed to produce reliable evidence of the “various intercompany agreements” described in Palerm Decl. at 30. *See* Meloro Decl. Exhibit 5 at 10 (Per Plaintiffs’ counsel “The inter-company licensing practices between Warner Bros. Inc and its foreign affiliates (including WEA International Inc., Warner Music UK Ltd., and WEA Records Ltd.) are not memorialized in an inter-company licensing agreement.”)

Plaintiffs' Reply: Defendants do not contest the accuracy of the material fact – specifically, that Plaintiff Warner Bros. Records Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on 1 Certificate of

Registration which identifies WEA International Inc. as the “copyright claimant.” Plaintiffs have submitted competent evidence so establishing(*see* Palerm Decl. at paragraph 30 & Exhibit 1), which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4.

285. Plaintiff Warner Bros. Records Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on 1 Certificate of Registration which identifies Warner Music UK Ltd. as the “copyright claimant.” *See* Palerm Decl. at paragraph 30 & Exhibit 1.

Defendants’ Response: Undisputed as Warner Music UK Ltd.’s rights as the copyright claimant. Otherwise disputed to the extent that, Plaintiffs have failed to produce reliable evidence of the “various intercompany agreements” described in Palerm Decl. at 30. *See* Meloro Decl. Exhibit 5 at 10 (Per Plaintiffs’ counsel “The inter-company licensing practices between Warner Bros. Inc and its foreign affiliates (including WEA International Inc., Warner Music UK Ltd., and WEA Records Ltd.) are not memorialized in an inter-company licensing agreement.”)

Plaintiffs’ Reply: Defendants do not contest the accuracy of the material fact – specifically, that Plaintiff Warner Bros. Records Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on 1 Certificate of Registration which identifies Warner Music UK Ltd. as the “copyright claimant.” Plaintiffs have submitted competent evidence so establishing (*see* Palerm Decl. at paragraph 30 & Exhibit 1) which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4.

286. Plaintiff Warner Bros. Records Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on 1 Certificate of

Registration which identifies WEA Records Ltd. as the “copyright claimant.” *See* Palerm Decl. at paragraph 30 & Exhibit 1.

Defendants’ Response: Undisputed as WEA Records Ltd.’s rights as the copyright claimant. Otherwise disputed to the extent that, Plaintiffs have failed to produce reliable evidence of the “various intercompany agreements” described in Palerm Decl. at 30. *See* Meloro Decl. Exhibit 5 at 10 (Per Plaintiffs’ counsel “The inter-company licensing practices between Warner Bros. Inc and its foreign affiliates (including WEA International Inc., Warner Music UK Ltd., and WEA Records Ltd.) are not memorialized in an inter-company licensing agreement.”)

Plaintiffs’ Reply: Defendants do not contest the accuracy of the material fact – specifically, that Plaintiff Warner Bros. Records Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on 1 Certificate of Registration which identifies WEA Records Ltd. as the “copyright claimant.” Plaintiffs have submitted competent evidence so establishing (*see* Palerm Decl. paragraph 30 & Exhibit 1) which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4.

287. Plaintiff Warner Bros. Records Inc. owns or controls exclusive rights under copyright in the copyrighted sound recordings listed on 1 Certificate of Registration which identifies ZTT Records Ltd. as the “copyright claimant.” *See* Palerm Decl. at paragraph 31 & Exhibit 1.

Defendants’ Response: Undisputed.

B. Pre-72 Recordings

288. Plaintiff Warner Bros. Records Inc. owns or controls exclusive rights in 1 sound recording, the rights to which are set forth in agreement(s) between the

artist(s) (or furnishing company) and Warner Bros. Records Inc. *See* Palerm Decl. at paragraph(s) 25 & Exhibit 2.

Defendants' Response: Undisputed.

289. Plaintiff Warner Bros. Records Inc. owns or controls exclusive rights in the 18 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Warner Bros. Records, Inc. *See* Palerm Decl. at paragraph(s) 25 & Exhibit 2.

Defendants' Response: Undisputed.

290. Plaintiff Warner Bros. Records Inc. owns or controls exclusive rights in the 9 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Warner Bros.-Seven Arts Records of Canada, Ltd.; WEA Music of Canada, Ltd.; Warner Bros. Records, Inc. *See* Palerm Decl. at paragraph(s) 25, 30 & Exhibit 2.

Defendants' Response: Undisputed.

291. Plaintiff Warner Bros. Records Inc. owns or controls exclusive rights in the 45 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Warner Bros. Records, Inc. and Warner Bros.-Seven Arts Records, Inc. *See* Palerm Decl. at paragraph(s) 25, 34 & Exhibit 2.

Defendants' Response: Undisputed.

292. Plaintiff Warner Bros. Records Inc. owns or controls exclusive rights in the 19 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Warner Bros.-Seven Arts Records, Inc.; Warner Bros. Records, Inc. *See* Palerm Decl. at paragraph(s) 25, 34 & Exhibit 2.

Defendants' Response: Undisputed.

XI. PLAINTIFF ARISTA MUSIC F/K/A BMG MUSIC

A. Copyrighted Recordings

293. Plaintiff Arista Music owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 76 Certificates of Registration which identify BMG Music as the “copyright claimant.” *See* Leak Decl. at paragraph 13 & Exhibit 1.

Defendants’ Response: Undisputed.

294. Plaintiff Arista Music owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 1 Certificate of Registration which identifies BNA Entertainment / BMG Music as the “copyright claimant.” *See* Leak Decl. at paragraph 13 & Exhibit 1.

Defendants’ Response: Undisputed.

295. Plaintiff Arista Music owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 2 Certificates of Registration which identify BNA Records/BMG Music as the “copyright claimant.” *See* Leak Decl. at paragraph 13 & Exhibit 1.

Defendants’ Response: Undisputed.

296. Plaintiff Arista Music owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 51 Certificates of Registration which identify BMG Entertainment as the “copyright claimant.” *See* Leak Decl. at paragraph 14 & Exhibit 1.

Defendants’ Response: Undisputed.

297. Plaintiff Arista Music owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 2 Certificates of Registration which identify BMG Entertainment D/B/A Private Music as the “copyright claimant.”

See Leak Decl. at paragraph 14 & Exhibit 1.

Defendants' Response: Undisputed.

298. Plaintiff Arista Music owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 2 Certificates of Registration which identify BMG Entertainment D/B/A Private Music, a unit of the Windham Hill Group as the “copyright claimant.” *See* Leak Decl. at paragraph 14 & Exhibit 1.

Defendants' Response: Undisputed.

299. Plaintiff Arista Music owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 3 Certificates of Registration which identify BMG Entertainment D/B/A Windham Hill Jazz as the “copyright claimant.” *See* Leak Decl. at paragraph 14 & Exhibit 1.

Defendants' Response: Undisputed.

300. Plaintiff Arista Music owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 1 Certificate of Registration which identifies BMG Entertainment D/B/A Windham Hill Records as the “copyright claimant.” *See* Leak Decl. at paragraph 14 & Exhibit 1.

Defendants' Response: Undisputed.

301. Plaintiff Arista Music owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 4 Certificates of Registration which identify RCA Label Group RLG/Nashville, a Unit of BMG Music as the “copyright claimant.” *See* Leak Decl. at paragraph 15 & Exhibit 1.

Defendants' Response: Undisputed.

302. Plaintiff Arista Music owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 1 Certificate of Registration

which identifies RCA Music Group as the “copyright claimant.” *See* Leak Decl. at paragraph 15 & Exhibit 1.

Defendants’ Response: Undisputed.

303. Plaintiff Arista Music owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 19 Certificates of Registration which identify RCA Records as the “copyright claimant.” *See* Leak Decl. at paragraph 15 & Exhibit 1.

Defendants’ Response: Undisputed.

304. Plaintiff Arista Music owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 3 Certificates of Registration which identify RCA/Ariola International as the “copyright claimant.” *See* Leak Decl. at paragraph 15 & Exhibit 1.

Defendants’ Response: Undisputed.

305. Plaintiff Arista Music owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 9 Certificates of Registration which identify J Records as the “copyright claimant.” *See* Leak Decl. at paragraph 16 & Exhibit 1.

Defendants’ Response: Undisputed.

306. Plaintiff Arista Music owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 3 Certificates of Registration which identify J Records LLC as the “copyright claimant.” *See* Leak Decl. at paragraph 16 & Exhibit 1.

Defendants’ Response: Undisputed.

307. Plaintiff Arista Music owns or controls exclusive rights under

copyright in the Copyrighted sound recordings listed on the 2 Certificates of Registration which identify Private Music, a division of Private, Inc. as the “copyright claimant.” *See* Leak Decl. at paragraph 17 & Exhibit 1.

Defendants’ Response: Undisputed.

308. Plaintiff Arista Music owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 6 Certificates of Registration which identify Private, Inc. as the “copyright claimant.” *See* Leak Decl. at paragraph 17 & Exhibit 1.

Defendants’ Response: Undisputed.

309. Plaintiff Arista Music owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 6 Certificates of Registration which identify BMG as the “copyright claimant.” *See* Leak Decl. at paragraph 18 & Exhibit 1.

Defendants’ Response: Undisputed.

310. Plaintiff Arista Music owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 2 Certificates of Registration which identify Roswell Records, Inc. as the “copyright claimant.” *See* Leak Decl. at paragraph 19 & Exhibit 1.

Defendants’ Response: Undisputed.

311. Plaintiff Arista Music owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Roswell Records, LLC as the “copyright claimant.” *See* Leak Decl. at paragraph 19 & Exhibit 1.

Defendants’ Response: Undisputed.

312. Plaintiff Arista Music owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Windham Hill as the “copyright claimant.” *See* Leak Decl. at paragraph 20 & Exhibit 1.

Defendants’ Response: Undisputed.

313. Plaintiff Arista Music owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Windham Hill Productions, Inc. as the “copyright claimant.” *See* Leak Decl. at paragraph 20 & Exhibit 1.

Defendants’ Response: Undisputed.

314. Plaintiff Arista Music owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Windham Hill Records as the “copyright claimant.” *See* Leak Decl. at paragraph 20 & Exhibit 1.

Defendants’ Response: Undisputed.

315. Plaintiff Arista Music owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 1 Certificate of Registration which identifies BMG Berlin Musik GmbH as the “copyright claimant.” *See* Leak Decl. at paragraph 21 & Exhibit 1.

Defendants’ Response: Undisputed.

316. Plaintiff Arista Music owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 1 Certificate of Registration which identifies BMG Records (UK) Ltd. as the “copyright claimant.” *See* Leak Decl. at paragraph 21 & Exhibit 1.

Defendants' Response: Undisputed.

B. Pre-72 Recordings

317. Plaintiff Arista Music owns or controls exclusive rights in the 72 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and RCA Records, Div. of RCA Corporation. *See* Leak Decl. at paragraph(s) 23 & Exhibit 2.

Defendants' Response: Undisputed.

318. Plaintiff Arista Music owns or controls exclusive rights in the 8 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and CAMY Productions, Inc. - ASSIGNMENT to Radio Corporation of America, RCA Victor Record Division. *See* Leak Decl. at paragraph(s) 24 & Exhibit 2.

Defendants' Response: Undisputed.

319. Plaintiff Arista Music owns or controls exclusive rights in the 12 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Radio Corporation of America, RCA Victor Division. *See* Leak Decl. at paragraph(s) 24 & Exhibit 2.

Defendants' Response: Undisputed.

320. Plaintiff Arista Music owns or controls exclusive rights in the 102 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Radio Corporation of America, RCA Victor Record Division. *See* Leak Decl. at paragraph(s) 24 & Exhibit 2.

Defendants' Response: Undisputed.

321. Plaintiff Arista Music owns or controls exclusive rights in the 15

sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and RCA Records, Div. of National Broadcasting Company, Inc. *See* Leak Decl. at paragraph(s) 25 & Exhibit 2.

Defendants' Response: Undisputed.

322. Plaintiff Arista Music owns or controls exclusive rights in the 1 sound recording, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Koppelman-Rubin Associates, Inc. *See* Leak Decl. at paragraph(s) 26 & Exhibit 2.

Defendants' Response: Undisputed.

323. Plaintiff Arista Music owns or controls exclusive rights in the 6 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Buddah Records, Inc. *See* Leak Decl. at paragraph(s) 26 & Exhibit 2.

Defendants' Response: Undisputed.

324. Plaintiff Arista Music owns or controls exclusive rights in the 1 sound recording, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Buddah Records, Inc. / Kama Sutra Records. *See* Leak Decl. at paragraph(s) 26 & Exhibit 2.

Defendants' Response: Undisputed.

325. Plaintiff Arista Music owns or controls exclusive rights in the 3 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Radio Corporation of America, Record Division; RCA Records, Div. of National Broadcasting Company, Inc. *See* Leak Decl. at paragraph(s) 24, 25 & Exhibit 2.

Defendants' Response: Undisputed.

XII. ARISTA MUSIC LLC

A. Copyrighted Recordings

326. Plaintiff Arista Records LLC owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 4 Certificates of Registration which identify Arista Records LLC as the “copyright claimant.” *See* Leak Decl. at paragraph 28 & Exhibit 1.

Defendants' Response: Undisputed.

327. Plaintiff Arista Records LLC owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 71 Certificate of Registration which identifies Arista Records Inc. as the “copyright claimant.” *See* Leak Decl. at paragraph 29 & Exhibit 1.

Defendants' Response: Undisputed.

328. Plaintiff Arista Records LLC owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 13 Certificates of Registration which identify Arista Records as the “copyright claimant.” *See* Leak Decl. at paragraph 30 & Exhibit 1.

Defendants' Response: Undisputed.

B. Pre-72 Recordings

329. Plaintiff Arista Records LLC owns or controls exclusive rights in the 3 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Bell Records, Div. of Columbia Pictures Industries, Inc. *See* Leak Decl. at paragraph(s) 32 & Exhibit 2.

Defendants' Response: Undisputed as to Bell Records, Div. of Columbia Pictures Industries, Inc.'s exclusive rights. Disputed to the extent that, Plaintiffs have failed to produced reliable evidence substantiating the transfer of the copyrights from Bell Records to Arista Records LLC and Leak's declaration is unreliable. *See* Meloro Dec. Exhibit 5 at 12; Exhibit 9 at 102:18- 103:20.

Plaintiffs' Reply: Defendants do not contest the accuracy of the asserted transfer of copyrights from Bell Records to Arista Records LLC. Plaintiffs have submitted competent evidence so establishing (*see* Leak Decl. at paragraph(s) 32 & Exhibit 2) which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4.

330. Plaintiff Arista Records LLC owns or controls exclusive rights in the 7 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Bell Records, Inc. *See* Leak Decl. at paragraph(s) 32 & Exhibit 2.

Defendants' Response: Undisputed as to Bell Records, Inc.'s exclusive rights. Disputed to the extent that, Plaintiffs have failed to produced reliable evidence substantiating the transfer of the copyrights from Bell Records, Inc. to Arista Records LLC and Leak's declaration is unreliable. *See* Meloro Dec. Exhibit 5 at 12 & Exhibit 9 at 102:18-103:20.

Plaintiffs' Reply: Defendants do not contest the accuracy of the asserted transfer of copyrights from Bell Records, Inc. to Arista Records LLC. Plaintiffs have submitted competent evidence so establishing (*see* Leak Decl. at paragraph(s) 32 & Exhibit 2) which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4.

XIII. LAFACE RECORDS LLC

331. Plaintiff LaFace Records LLC owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 7 Certificates of Registration which identify LaFace Records LLC as the “copyright claimant.” *See* Leak Decl. at paragraph 34 & Exhibit 1.

Defendants’ Response: Undisputed.

332. Plaintiff LaFace Records LLC owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 1 Certificate of Registration which identifies LaFace Records, Inc. as the “copyright claimant.” *See* Leak Decl. at paragraph 34 & Exhibit 1.

Defendants’ Response: Undisputed.

333. Plaintiff LaFace Records LLC owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 12 Certificates of Registration which identify LaFace Records as the “copyright claimant.” *See* Leak Decl. at paragraph 35 & Exhibit 1.

Defendants’ Response: Undisputed.

XIV. SONY MUSIC ENTERTAINMENT

A. Copyrighted Recordings

334. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 37 Certificates of Registration which identify Sony Music Entertainment as the “copyright claimant.” *See* Leak Decl. at paragraph 37 & Exhibit 1.

Defendants’ Response: Undisputed.

335. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 1 Certificate of

Registration which identifies JMBP Inc., INXS Sound & Vision Pty. Ltd., Sony BMG Music Entertainment as the “copyright claimant.” *See* Leak Decl. at paragraph 38 & Exhibit 1.

Defendants’ Response: Undisputed.

336. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 70 Certificates of Registration which identify Sony BMG Music Entertainment as the “copyright claimant.” *See* Leak Decl. at paragraph 38 & Exhibit 1.

Defendants’ Response: Undisputed.

337. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 145 Certificates of Registration which identify Sony Music Entertainment Inc. as the “copyright claimant.” *See* Leak Decl. at paragraph 39 & Exhibit 1.

Defendants’ Response: Undisputed.

338. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Sony Music Entertainment Inc. / Interscope Records as the “copyright claimant.” *See* Leak Decl. at paragraph 39 & Exhibit 1.

Defendants’ Response: Undisputed.

339. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 3 Certificates of Registration which identify Sony Music Entertainment Inc. / So So Def Recordings, Inc. as the “copyright claimant.” *See* Leak Decl. at paragraph 39 & Exhibit 1.

Defendants’ Response: Undisputed.

340. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 76 Certificates of Registration which identify CBS Inc. as the “copyright claimant.” *See* Leak Decl. at paragraph 40 & Exhibit 1.

Defendants’ Response: Undisputed.

341. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 1 Certificate of Registration which identifies CBS Inc.; Neil Diamond as the “copyright claimant.” *See* Leak Decl. at paragraph 40 & Exhibit 1.

Defendants’ Response: Undisputed.

342. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 1 Certificate of Registration which identifies CBS Records as the “copyright claimant.” *See* Leak Decl. at paragraph 40 & Exhibit 1.

Defendants’ Response: Undisputed.

343. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Columbia Broadcasting System, Inc. AKA CBS, Inc. as the “copyright claimant.” *See* Leak Decl. at paragraph 40 & Exhibit 1.

Defendants’ Response: Undisputed.

344. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 10 Certificates of Registration which identify CBS Records (London) as the “copyright claimant.” *See* Leak Decl. at paragraph 41 & Exhibit 1.

Defendants' Response: Undisputed.

345. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 11 Certificate of Registration which identifies Bruce Springsteen as the “copyright claimant.” *See* Leak Decl. at paragraph 42 & Exhibit 1.

Defendants' Response: Undisputed.

346. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 3 Certificates of Registration which identify Aware Records LLC as the “copyright claimant.” *See* Leak Decl. at paragraph 43 & Exhibit 1.

Defendants' Response: Undisputed.

347. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 3 Certificates of Registration which identify Comptown Records Inc., D/B/A Ruthless Records as the “copyright claimant.” *See* Leak Decl. at paragraph 44 & Exhibit 1.

Defendants' Response: Undisputed.

348. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 1 Certificate of Registration which identifies MJJ Music as the “copyright claimant.” *See* Leak Decl. at paragraph 45 & Exhibit 1.

Defendants' Response: Undisputed.

349. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 3 Certificates of Registration which identify MJJ Productions Inc as the “copyright claimant.” *See* Leak

Decl. at paragraph 45 & Exhibit 1.

Defendants' Response: Undisputed.

350. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 2 Certificates of Registration which identify Sony BMG Music Entertainment (UK) Limited as the “copyright claimant.” *See* Leak Decl. at paragraph 46 & Exhibit 1.

Defendants' Response: Undisputed.

351. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Sony BMG Music Entertainment (UK) Limited (previously known as CBS United Kingdom Limited) as the “copyright claimant.” *See* Leak Decl. at paragraph 46 & Exhibit 1.

Defendants' Response: Undisputed.

352. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 8 Certificates of Registration which identify Sony Music Entertainment (UK) Limited as the “copyright claimant.” *See* Leak Decl. at paragraph 46 & Exhibit 1.

Defendants' Response: Undisputed.

353. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 1 Certificate of Registration which identifies (Illegible) Sony Discos Inc. as the “copyright claimant.” *See* Leak Decl. at paragraph 47 & Exhibit 1.

Defendants' Response: Undisputed as to Sony Discos Inc.’s rights. Otherwise disputed to the extent that, Plaintiffs have failed to produce reliable evidence

of the rights granted in the “various intercompany agreements” described in Leak Decl. at 47. *See* Meloro Decl. Exhibit 5 at 12; see also Meloro Decl. Exhibit 9 at 113:12-23.

Plaintiffs’ Reply: Defendants do not contest the accuracy of the material fact — specifically, that Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 1 Certificate of Registration which identifies (Illegible) Sony Discos Inc. as the “copyright claimant.” Plaintiffs have submitted competent evidence so establishing (*see* Leak Decl. at paragraph 47 and Exhibit 1) which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4.

354. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Sony BMG Music Entertainment Netherlands B.V. as the “copyright claimant.” *See* Leak Decl. at paragraph 47 & Exhibit 1.

Defendants’ Response: Undisputed.

355. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 3 Certificates of Registration which identify Sony Discos, Inc. as the “copyright claimant.” *See* Leak Decl. at paragraph 47 & Exhibit 1.

Defendants’ Response: Undisputed as to Sony Discos Inc.’s rights. Otherwise disputed to the extent that, Plaintiffs have failed to produce reliable evidence of the rights granted in the “various intercompany agreements” described in Leak Decl. at 47. *See* Meloro Decl. Exhibit 5 at 12; see also Meloro Decl. Exhibit 9 at 113:12-23.

Plaintiffs’ Reply: Defendants do not contest the accuracy of the material fact — specifically, that Plaintiff Sony Music Entertainment owns or controls exclusive

rights under copyright in the Copyrighted sound recordings listed on the 1 Certificate of Registration which identifies (Illegible) Sony Discos Inc. as the “copyright claimant.” Plaintiffs have submitted competent evidence so establishing (*see* Leak Decl. at paragraph 47 and Exhibit 1) which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4.

356. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Sony Music Entertainment (Germany) GmbH & Co. KG as the “copyright claimant.” *See* Leak Decl. at paragraph 47 & Exhibit 1.

Defendants’ Response: Undisputed.

357. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 4 Certificates of Registration which identify Sony Music Entertainment (Holland) B.V. as the “copyright claimant.” *See* Leak Decl. at paragraph 47 & Exhibit 1.

Defendants’ Response: Undisputed.

358. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 1 Certificate of Registration which identifies Sony Music Entertainment (Norway) A/S as the “copyright claimant.” *See* Leak Decl. at paragraph 47 & Exhibit 1.

Defendants’ Response: Undisputed.

359. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 3 Certificates of Registration which identify Sony Music Canada Inc. as the “copyright claimant.” *See* Leak Decl. at paragraph 48 & Exhibit 1.

Defendants' Response: Undisputed.

360. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 10 Certificates of Registration which identify Sony Music Entertainment (Canada) Inc. as the “copyright claimant.” *See* Leak Decl. at paragraph 48 & Exhibit 1.

Defendants' Response: Undisputed.

361. Plaintiff Sony Music Entertainment owns or controls exclusive rights under copyright in the Copyrighted sound recordings listed on the 2 Certificates of Registration which identify Ruffhouse Records LP as the “copyright claimant.” *See* Leak Decl. at paragraph 49 & Exhibit 1.

Defendants' Response: Undisputed.

B. Pre-72 Recordings

362. Plaintiff Sony Music Entertainment owns or controls exclusive rights in the 10 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and CBS Records, Div. of CBS Inc. *See* Leak Decl. at paragraph(s) 40 & Exhibit 2.

Defendants' Response: Undisputed.

363. Plaintiff Sony Music Entertainment owns or controls exclusive rights in the 50 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and CBS Records, Div. of Columbia Broadcasting System, Inc. *See* Leak Decl. at paragraph(s) 40 & Exhibit 2.

Defendants' Response: Undisputed.

364. Plaintiff Sony Music Entertainment owns or controls exclusive rights in the 6 sound recordings, the rights to which are set forth in agreement(s) between

the artist(s) (or furnishing company) and Columbia Broadcasting System, Inc. *See* Leak Decl. at paragraph(s) 40 & Exhibit 2.

Defendants' Response: Undisputed.

365. Plaintiff Sony Music Entertainment owns or controls exclusive rights in the 2 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Columbia Records Inc., a subsidiary of The Columbia Broadcasting System, Inc. *See* Leak Decl. at paragraph(s) 40 & Exhibit 2.

Defendants' Response: Undisputed.

366. Plaintiff Sony Music Entertainment owns or controls exclusive rights in the 78 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Columbia Records, Div. of Columbia Broadcasting System, Inc. *See* Leak Decl. at paragraph(s) 40 & Exhibit 2.

Defendants' Response: Undisputed.

367. Plaintiff Sony Music Entertainment owns or controls exclusive rights in the 18 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Columbia Records, Div. of Columbia Broadcasting System, Inc.; CBS Records, Div. of Columbia Broadcasting System, Inc. *See* Leak Decl. at paragraph(s) 40 & Exhibit 2.

Defendants' Response: Undisputed.

368. Plaintiff Sony Music Entertainment owns or controls exclusive rights in the 6 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Columbia Records, Inc., a subsidiary of the Columbia Broadcasting System, Inc.; Columbia Records, Div. of Columbia Broadcasting System, Inc.; CBS Records, Div. of Columbia Broadcasting System, Inc. *See* Leak Decl. at paragraph(s) 40 & Exhibit 2.

Defendants' Response: Undisputed.

369. Plaintiff Sony Music Entertainment owns or controls exclusive rights in the 2 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Gregg Alan Corp., d/b/a Aware Records. *See* Leak Decl. at paragraph(s) 43 & Exhibit 2.

Defendants' Response: Undisputed.

370. Plaintiff Sony Music Entertainment owns or controls exclusive rights in the 2 sound recordings, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Gamble Records. *See* Leak Decl. at paragraph(s) 52 & Exhibit 2.

Defendants' Response: Undisputed.

371. Plaintiff Sony Music Entertainment owns or controls exclusive rights in the 1 sound recording, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Ode Records, Inc. *See* Leak Decl. at paragraph(s) 53 & Exhibit 2.

Defendants' Response: Undisputed as to Ode Records, Inc.'s ownership or control of the exclusive rights in the sound recording and the relationship between Sony Music Entertainment and CBS Records. Otherwise disputed to the extent that Plaintiffs have failed to produce reliable evidence establishing the transfer of rights in the sound recordings from Ode Records, Inc. to CBS Records and Leak's declaration is unreliable. *See* Meloro Decl. Exhibit 5 at 13 & Exhibit 9 at 117:5-20.

Plaintiffs' Reply: Defendants do not contest the accuracy of the material fact — specifically, that Plaintiff Sony Music Entertainment owns or controls exclusive rights in the 1 sound recording, the rights to which are set forth in agreement(s) between the artist(s) (or furnishing company) and Ode Records, Inc. Plaintiffs have submitted

competent evidence so establishing (*see* Leak Decl. at paragraph 53 and Exhibit 2) which Defendants have neither contradicted nor moved to strike. Accordingly, this statement must be deemed undisputed. *See AFL Fresh & Frozen Fruits & Vegetables*, 2007 WL 4302514 at *4.

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Respectfully submitted

/s/ Mindy E. LeMoine

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