

**EXHIBIT 3 TO THE DECLARATION OF  
RICHARD S. MANDEL, ESQ.**

**[REDACTED]**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CAPITOL RECORDS, LLC,

Plaintiff,

- against -

Civil Action No.

REDIGI INC.,

12 CIV 0095 (RJS)

Defendant.

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140 East 45th Street  
New York, New York

June 14, 2012  
10:13 A.M.

DEPOSITION of MARK PIIBE, taken  
pursuant to the Federal Rules of Civil  
Procedure, and Notice, held at the  
above-mentioned time and place before Edward  
Leto, a Notary Public of the State of New  
York.

M. Piibe

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(Digital Music Download Agreement  
was marked as Defendant's Exhibit-E for  
identification; 6/14/12, E.L.)

Q. I'm handing you what's been  
marked as Exhibit-E for identification.  
It's the Digital Music Download Agreement  
between EMI and Apple. Are you familiar

1 M. Piibe

2 with this document?

3 A. Yes.

4 Q. Does it look like the true and  
5 correct copy of the agreement between Apple  
6 Computer, Inc. and EMI Recorded Music  
7 Holdings, Inc., including all the amendments  
8 thereto?

9 A. It appears to be that document.  
10 I haven't gone through it in close enough  
11 detail to know whether or not every  
12 amendment is included in here. But it looks  
13 like you've tried to do that.

14 Q. Well, by Counsel, I've simply  
15 printed from the file that was provided me  
16 by the Plaintiffs. Can you just review CAP  
17 429. Is that your signature?

18 A. Yes.

19 Q. Prior to signing this amendment,  
20 did you review the original agreement and  
21 all the previous amendments?

22 A. So at some point prior to having  
23 signed this, I definitely would have read  
24 all of these agreements and all of its  
25 amendments. But I wouldn't have done so in

**REDACTED**

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