

**Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
Washington, D.C.**

In the Matter of:

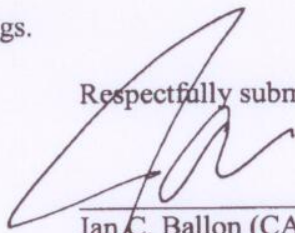
**Digital Performance Right in Sound
Recordings and Ephemeral Recordings**

**Docket No. 2009-1
CRB Webcasting III**

**SLACKER, INC.'S NOTICE RE: HEARING ON MOTIONS FOR ISSUANCE OF
SUBPOENAS TO NONPARTY WITNESSES**

Slacker does not intend to appear at the hearing on RealNetworks' and Live365's Motions for Issuance of Subpoenas to Nonparty Witnesses, but does not want its failure to appear to be misconstrued. Slacker stands by the positions set forth in its Opposition. It does not intend to appear in the interest of avoiding additional costs -- precisely the type of costs it had hoped not to incur by withdrawing from these proceedings.

Respectfully submitted,



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January 8, 2010

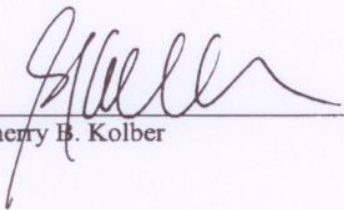
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CERTIFICATE OF SERVICE

I, Sherry B. Kolber, do hereby certify that copies of the foregoing filing were sent via overnight mail this 8th day of January, 2010 to the following:

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