

January 11, 2010

VIA HAND DELIVERY

Copyright Royalty Board
Library of Congress
James Madison Memorial Building
101 Independence Avenue, S.E., Room LM-401
Washington, D.C. 20559-6000

**Re: In the Matter of Digital Performance Right in Sound Recordings and
Ephemeral Recordings, Docket No. 2009-1 CRB Webcasting III**

To the Copyright Royalty Judges:

Pursuant to the Copyright Royalty Judges' November 10, 2009 Order setting the Discovery Schedule ("Discovery Order"), this letter provides notice to the Judges that Live365, Inc. has noticed and scheduled the deposition of Mr. Tucker McCrady for Thursday, January 21, 2010, commencing at 9:30 AM. The deposition will take place at the law offices of Davis Wright Tremaine LLP, 1633 Broadway, 27th Floor, New York, New York.

Below is contact information for counsel for this deposition.

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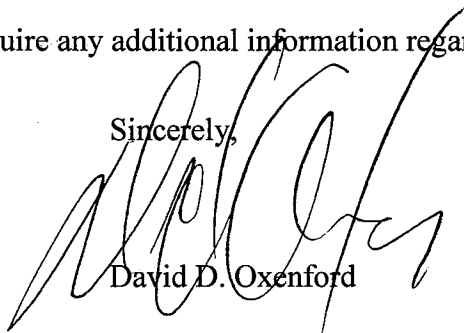
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Live365, Inc. requests, pursuant to the Discovery Order, that a Judge be available by telephone during this deposition to resolve disputes that may arise

Please let us know if you require any additional information regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "David D. Oxenford", is written over the typed name. The signature is fluid and cursive.

David D. Oxenford

cc: Service List
Enclosure

CERTIFICATE OF SERVICE

I, Rhea Lytle, a secretary with the law firm of Davis Wright Tremaine LLP, do hereby certify that copies of the foregoing “**Letter Providing Notice of Deposition of Mr. Tucker McCrady**” were sent via electronic email, this 11th day of January, 2010 to the following:

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