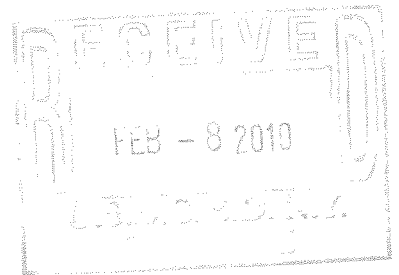


10 CV 1017

Paul M. Fakler (PF-0249)
Ross J. Charap (RJ-2584)
Amanda Schaffer (AS-2004)
MOSES & SINGER LLP
The Chrysler Building
405 Lexington Avenue
New York, New York 10174-1299
Tel.: 212-554-7800
Fax: 212-554-7700
pfakler@mosessinger.com
Attorneys for Defendant



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
UMG RECORDINGS, INC.,	:	ECF CASE
	:	
Plaintiff,	:	
	:	Civ. No. _____
-against-	:	
	:	
ESCAPE MEDIA GROUP, INC.,	:	
	:	
Defendant.	:	
-----	X	

NOTICE OF REMOVAL

TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK:

Please take notice that Defendant, Escape Media Group, Inc., hereby serves this Notice of Removal of Case No. 100152/2010, currently pending in the Supreme Court of the State of New York, County of New York, which is described below.

1. On January 6, 2010, Plaintiff commenced an action in the Supreme Court of the State of New York, County of New York. The action is captioned UMG Recordings, Inc. v. Escape Media Group, Inc. In accordance with 28 U.S.C. § 1446(a), true and correct copies of

the Summons, Complaint and Stipulation to Extend Time to Answer, Move or Otherwise Respond to the Complaint, which constitute all of the process and pleadings served on Defendant thus far, are attached hereto as **Exhibit A**.

2. Defendant Escape Media Group, Inc., a Delaware corporation, received a copy of the Complaint on January 12, 2010 at its offices at 201 SE 2nd Avenue, Suite 209, Gainesville, Florida 32601, but denies that such receipt constituted valid service. This removal is timely.

3. This is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, in that the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between the citizens of different states. The action is therefore removable under 28 U.S.C. § 1332.

4. At all relevant times, including from the filing of the Complaint through the filing of this Notice, Defendant Escape Media Group, Inc. is and has been a Delaware corporation with its headquarters located at 201 SE 2nd Avenue, Suite 209, Gainesville, Florida 32601.

5. Upon information and belief, at all relevant times, including from the filing of the Complaint through the filing of this Notice, Plaintiff UMG Recordings, Inc. is and has been a Delaware corporation with its with its headquarters located at 1755 Broadway, New York, New York 10019 and 2220 Colorado Avenue, Santa Monica, California 90404.

6. In the Complaint, Plaintiff seeks, *inter alia*, compensatory, punitive and exemplary damages for the alleged copyright infringement of an undisclosed number of, but at least 150, sound recordings and additionally seeks an award of attorney's fees. Consequently, if Plaintiff's claims were valid the amount in controversy could easily exceed the sum or value of \$75,000, exclusive of interest and costs.

7. In accordance with 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be filed with the Clerk of the Supreme Court of New York, New York County and served on Plaintiff.

8. Defendant expressly reserves all rights and defenses relating to Plaintiff's claims.

WHEREFORE, Defendant requests that this action be removed to this Court for all purposes.

Dated: February 8, 2010
New York, New York

Respectfully submitted,

MOSES & SINGER LLP

By: 

Paul M. Fakler (PF-0249)
Ross J. Charap (RJ-2584)
Amanda Schaffer (AS-2004)
The Chrysler Building
405 Lexington Avenue
New York, New York 10174-1299
Tel.: 212-554-7800
Fax: 212-554-7700
pfakler@mosessinger.com

Of Counsel:

STEVENS, LITTMAN, BIDDISON,
THARP & WEINBERG, L.L.C.
Andrew C. Littman
Glenn H. Stevens
250 Arapahoe Road, Suite 301
Boulder, Colorado 80302
Tel.: 303-443-6690
Fax: 303-449-9349
littman@slblaw.com

Attorneys for Defendant

EXHIBIT A

NEW YORK
COUNTY CLERK'S OFFICE

JAN 6 2010

NOT COMPARED
WITH COPY FILED

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

----- X
UMG RECORDINGS, INC.,

Plaintiff,

Civil Action No. 10/100152

SUMMONS

- against -

ESCAPE MEDIA GROUP, INC.

Defendant.
----- X

TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve your Answer on the Plaintiff's attorneys within twenty (20) days after the service of this Summons, exclusive of the date of service (or within thirty (30) days after the service is complete if this Summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded therein.

Plaintiffs designate New York County as the place of trial. Venue is based on C.P.L.R. §§ 503 and 509.

Dated: January 6, 2010
New York, New York

JENNER & BLOCK LLP

By: Andrew H. Bart
Andrew H. Bart

Gianni P. Servodidio
919 Third Avenue, 37th Floor
New York, New York 10022
(212) 891-1600

Attorneys for Plaintiff

To: Escape Media, Inc.
201 SE 2nd Ave., Suite 209
Gainesville, FL 32601

NEW YORK
COUNTY CLERK'S OFFICE

JAN 6 2010

NOT COMPARED
WITH COPY FILED

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

----- X
UMG RECORDINGS, INC.,

Plaintiff,

Civil Action No. 10/100152

COMPLAINT

- against -

ESCAPE MEDIA GROUP, INC.

Defendant.
----- X

Plaintiff UMG Recordings, Inc. ("UMG"), by and through its undersigned attorneys,
alleges as follows:

NATURE OF THE ACTION

1. UMG is the owner or exclusive United States licensee of the rights in sound recordings recorded prior to February 15, 1972 ("Pre-1972 Recordings") of some of the most popular and successful recording artists of the 20th Century, such as Buddy Holly, The Carpenters, Cat Stevens, Chuck Berry, The Jackson Five, The Mamas and the Papas, Marvin Gaye, The Supremes, The Temptations, and The Who.¹ The recordings of these artists defined more than their generation as they remain immensely popular and valuable to this day.

2. Defendant Escape Media Inc. owns and operates the website www.grooveshark.com (the "Grooveshark website"). Through this website, defendant infringes UMG's Pre-1972 Recordings by, among other things, reproducing and storing these copyrighted sound recordings on its own servers as part of its extensive catalog of infringing music and then distributing copies of those recordings to the users of that website. Defendant uses the lure of free

¹ Pre-1972 Recordings are subject to protection exclusively under state law (including the law of the State of New York) and are not subject to or governed by the federal Copyright Act. UMG seeks redress in this litigation only for Pre-1972 Recordings.

access to UMG's Pre-1972 Recordings as a draw to its service, thereby increasing the traffic to its website and its revenues. Defendant does this without the approval or permission of UMG and without any payment to UMG. In fact, defendant has boasted that it targets "the very segment of users that are bringing the labels to their knees with illegal downloading," *i.e.*, the users who seek pirated music for free on the Internet.

THE PARTIES

3. UMG is a Delaware corporation with its principal place of business in Santa Monica, California, and transacts business in the state of New York.

4. Defendant is a Delaware corporation with its principal place of business in Gainesville, Florida.

JURISDICTION AND VENUE

5. This Court has personal jurisdiction over defendant. Defendant has chosen to direct its infringing activities at New York, including by entering into contracts and other arrangements with residents of New York and by enabling New York residents to upload copies of copyrighted works and to access infringing files, technical support, and other services through defendant's website. The many acts of infringement for which defendant is liable require a high level of interaction between users, their computers, and defendant's website and servers. Thus, defendant does continuous and systematic business in New York and hence is present in New York, *see* N.Y. C.P.L.R. § 301. Further, Defendant transacts business in New York, and contracts to supply goods and services in New York in connection with the matters giving rise to this suit. *See id.* § 302(a)(1). In addition, upon information and belief, defendant has engaged in paid transactions with New York residents for the provision or sale of goods and services, including infringing materials. Thus, defendant expects or reasonably should expect its

infringing and other illegal conduct to have consequences in New York, and/or derive substantial revenue from interstate commerce. *See id.* § 302(a)(3).

6. Venue for this action is proper in this Court pursuant to N.Y. C.P.L.R. §§ 503 and 509.

UMG'S BUSINESS

7. UMG is among the world's largest and most respected companies in the music business with a diverse collection of record labels, such as Decca, Motown, MCA, Chess, Geffen, and A&M. UMG owns and/or possesses the sole, exclusive, and complete rights to an extensive catalog of Pre-1972 Recordings. (A non-exhaustive list of plaintiff's Pre-1972 Recordings is attached hereto as **Exhibit A** and incorporated herein by reference.).

8. UMG distributes, sells, and/or licenses to others the right to distribute and/or sell the Pre-1972 Recordings in the form of CDs, cassettes, and other tangible media throughout the United States, including in New York. UMG also sells and distributes its sound recordings in the form of digital audio files through legitimate and authorized Internet services, such as iTunes and Amazon, and licenses its sound recordings for on-line streaming in the form of digital audio files to legitimate and authorized Internet services, such as MySpace, and Rhapsody.

9. UMG has invested and continues to invest significant money, time, effort, and creative talent to create, manufacture, advertise, promote, sell, and license the Pre-1972 Recordings.

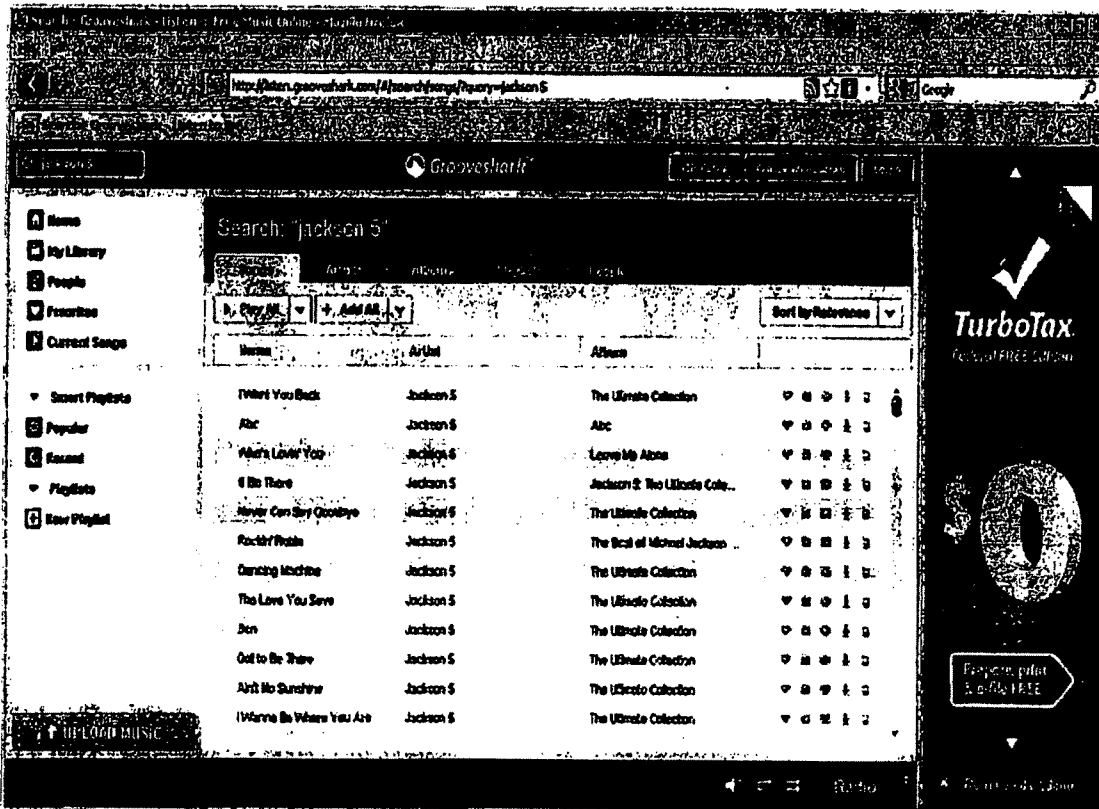
DEFENDANT'S INFRINGING CONDUCT

10. Defendant illegally reproduces and distributes the Pre-1972 Recordings via the Grooveshark website. Using its own proprietary software application known as "Sharklet," defendant enables and encourages its users to upload digital copies of the Pre-1972 Recordings

which defendant then copies to its servers. The process by which this is accomplished begins when a user accesses the Grooveshark website and clicks on the “add music” link. Defendant then prompts the user to upload a particular music file located on the user’s computer.

Defendant scans that file for “song information” including the name of the song and the artist, and then copies the file from the user’s computer and stores it on its own servers.

11. Thereafter, any user of the Grooveshark website who wants to obtain a copy of the Pre-1972 Recording can simply type the name of the song or artist and defendant will provide a list of the music files in the Grooveshark library matching those terms. For example, a user who searches for a popular artist such as the “JACKSON 5” will receive the following search results:



12. When a user clicks on a particular song from the search results provided by

defendant, a digital copy is sent by defendant from its servers to the user's personal computer where a copy is made on that user's computer and streamed for the user to listen to. As a result of defendant's infringing reproduction and distribution, users can obtain a copy of any song in the Grooveshark library on their personal computers almost instantaneously. At the same time that the user receives the infringing copy from defendant, a control bar appears on the user's computer screen that allows the user to pause, forward, rewind or replay the infringing recording at the discretion of the user.

13. Registered users of defendant's service also receive their own personal "library" where they can collect and organize songs available from defendant's servers for easy access and copying without the need to conduct additional searches to locate these songs. Through this library, users may obtain instant and permanent access to thousands of recordings reproduced and distributed by defendant with no compensation to UMG. They can also create personal playlists or a list of favorite songs or instantly access and reproduce the most popular songs reproduced and distributed by defendant to its users.

14. Defendant's website also provides users with tools designed to encourage and enable the distribution of infringing sound recordings virally over the Internet. Users of defendant's website are encouraged to upload sound recordings to defendant's servers and "share" them via email or through specially designed user-interfaces with popular social networking services such as Twitter, MySpace and Facebook.

15. Recently, defendant launched a "VIP" service through which it sells monthly subscriptions to users in exchange for certain enhanced features and benefits specifically designed to foster infringement. For example, defendant distributes copies of copyrighted sound recordings from its servers to the mobile phones of VIP users. Its marketing materials encourage

VIP users to “pick your favorite songs and store them on your phone to listen to even when your coverage drops.” Defendant also provides VIP users with additional storage capacity for their accounts allowing them to add up to “5000 Favorite songs and 50,000 songs” to their Grooveshark libraries for instant and permanent access to copyrighted works with no compensation to the copyright owners. Indeed, defendant specifically entices users to sign up for its VIP service with the promise of “10x More Music” and access to “the world’s music catalog, without interruption.” See webpages printed from www.grooveshark.com on December 29, 2009, attached hereto as **Exhibit B**.

16. Defendant openly promotes its Grooveshark service as providing users the ability to “find any song in the world and listen to it instantly.” Defendant’s website invites users to “sign up for a Grooveshark account and begin listening to millions of tracks for free.” See webpages printed from www.grooveshark.com on December 29, 2009, attached hereto as **Exhibit C**.

17. By copying and distributing thousands of works, the Grooveshark website has been able to attract hundreds of thousands of visitors each month, thereby allowing defendant to profit directly from its unlawful activities by, among other things: (a) selling advertisements that are displayed in conjunction with the sound recordings it unlawfully copies and distributes, and (b) selling monthly subscriptions to users with the promise of greater access to infringing music; and (c) increasing venture capital investment and the value of its company to potential purchasers.

18. Because defendant’s business plan is based on copyright infringement, defendant refuses to implement readily available filtering. This type of filtering is used by various websites in order to avoid unlawful copying and distribution of works owned by others.

19. Defendant’s use and exploitation of the Pre-1972 Recordings has never been

authorized or licensed by UMG and deprives UMG and recording artists of compensation for their unique works. Defendant's use of the Pre-1972 Recordings is a blatant violation of UMG's rights under New York law.

FIRST CAUSE OF ACTION

(Common Law Copyright Infringement)

20. UMG realleges and incorporates herein by reference each and every allegation contained in paragraphs 1 through 19, above.

21. The Pre-1972 Recordings are unique intellectual property subject to common law copyright protection under the law of the State of New York.

22. As the owners of valid common law copyrights or exclusive licensees in and to the Pre-1972 Recordings, UMG possesses the exclusive rights to manufacture, copy, sell, distribute, and otherwise exploit the Pre-1972 Recordings, and license, or refrain from licensing, others to do so.

23. UMG has not authorized or licensed defendant to reproduce or distribute the Pre-1972 Recordings in any manner.

24. The reproduction and distribution by defendant of unauthorized copies of the Pre-1972 Recordings, including but not limited to those listed in Exhibit A, constitute infringement of UMG's common law copyrights in those recordings.

25. Through the conduct described above, defendant is liable for the common law copyright infringement of the Pre-1972 Recordings.

26. As a direct and proximate result of defendant's willful, wanton, and reckless tortious conduct, UMG is entitled to compensatory and punitive damages in such amounts as proven at trial.

27. Defendant's conduct has caused, and unless enjoined by this Court will continue to cause, UMG irreparable injury that cannot be fully compensated or measured in money damages, and for which UMG has no adequate remedy at law, thus entitling it to injunctive relief prohibiting defendant from further violating plaintiff's rights in the Pre-1972 Recordings.

SECOND CAUSE OF ACTION

(Unfair Competition)

28. UMG realleges and incorporates herein by reference each and every allegation contained in paragraphs 1 through 27 above.

29. Defendant has paid nothing to UMG for reproducing or distributing the Pre-1972 Recordings. Without expending any time, labor, or money of its own, defendant has simply appropriated the commercial qualities, reputation, and salable properties of the Pre-1972 Recordings, including but not limited to those recordings listed on Exhibit A, by unfairly and directly competing with UMG's use, sale, distribution, and exploitation of the Pre-1972 Recordings. In so doing, defendant has undermined UMG's substantial creative and financial investment for defendant's own commercial benefit.

30. Defendant has usurped for itself the fruits of UMG's financial and creative investments. Defendant is profiting from the results of UMG's expenditures and skill without having to incur any expense or risk of its own in relation to the Pre-1972 recordings. Furthermore, Defendant's unauthorized use of the Pre-1972 Recordings is likely to cause confusion, mistake or deception as to the source, sponsorship, affiliation or connection between UMG and defendant.

31. Defendant's acts constitute a misappropriation of UMG's rights in and to the Pre-1972 Recordings, and constitute misappropriation and unfair competition under New York law.

32. As a direct and proximate result of defendant's misappropriation and unfair competition, UMG is entitled to recover all proceeds and other compensation received or to be received by defendant arising from its use or exploitation of the Pre-1972 Recordings. UMG is entitled to an accounting to ascertain the amount of such profits and compensation.

33. As a direct and proximate result of defendant's misappropriation and unfair competition, UMG has been damaged, and defendant has been unjustly enriched, in amounts to be proven at trial.

34. As a direct and proximate result of defendant's willful, wanton, and reckless acts of unfair competition, defendant has been unjustly enriched, and UMG is entitled to compensatory and punitive damages in an amount to be proved at trial..

WHEREFORE, UMG prays for judgment against defendant as follows:

1. For a preliminary and a permanent injunction enjoining defendant, and its respective agents, servants, employees, officers, successors, licensees, and assigns, and all persons acting in concert or participation with each or any of them, from; (a) directly or indirectly infringing in any manner any of plaintiff's Pre-1972 Recordings, including but not limited to the Pre-1972 Recordings listed on Exhibit A; (b) from causing, contributing to, enabling, facilitating, inducing or participating in the infringement of any of plaintiff's Pre-1972 Recordings, including but not limited to the Pre-1972 Recordings listed on Exhibit A; and (c) from causing, contributing to, enabling, facilitating, inducing or participating in any acts of unfair competition in relation to plaintiff's Pre-1972 Recordings, including but not limited to the Pre-1972 Recordings listed on Exhibit A.

2. For an accounting, the imposition of a constructive trust, restitution of defendant's unlawful proceeds, and damages according to proof.

3. For punitive and exemplary damages in an amount as may be awarded at trial.
4. For prejudgment interest according to law.
5. For UMG's costs incurred in this action including reasonable attorneys' fees.
6. For such other and further relief as the Court may deem just and proper.

Respectfully submitted,

By:  _____

Andrew H. Bart
Gianni P. Servodidio
JENNER & BLOCK LLP
919 Third Avenue
37th Floor
New York, NY 10022
tel. (212) 891-1690
fax (212) 891-1699

Attorneys for Plaintiff

Dated: New York, New York
January 6, 2010

Exhibit A

Ctrl Seq	Artist	Song Title
1	Barry McGuire	Eve Of Destruction
2	Big Bopper	Chantilly Lace
3	Bill Haley	13 Women
4	Bill Haley	Hot Dog Buddy Buddy
5	Bill Haley	Rock Around The Clock
6	Bill Haley	See You Later Alligator
7	Bill Haley	Shake Rattle & Roll
8	Brook Benton	You Got What It Takes
9	Buddy Holly	Everday
10	Buddy Holly	Heartbeat
11	Buddy Holly	It Doesn't Matter Anymore
12	Buddy Holly	Peggy Sue
13	Buddy Holly	Rave On
14	Buddy Holly	Well All Right
15	Buddy Holly	That'll Be The Day
16	Carpenters	Close to You
17	Carpenters	Hurting Each Other
18	Carpenters	Rainy Days and Mondays
19	Carpenters	Superstar
20	Carpenters	Ticket To Ride
21	Carpenters	We've Only Just Begun
22	Cat Stevens	Father & Son
23	Cat Stevens	Granny
24	Cat Stevens	I'm Gonna Get Me A Gun
25	Cat Stevens	Into White
26	Cat Stevens	Matthew & Son
27	Cat Stevens	Miles From Nowhere
28	Cat Stevens	Morning Has Broken
29	Cat Stevens	The Wind
30	Chuck Berry	Johnny B. Goode
31	Chuck Berry	Maybellene
32	Chuck Berry	No Particular Place To Go
33	Chuck Berry	School Days
34	Chuck Berry	You Can't Catch Me
35	Chuck Berry	Oh Baby Doll
36	Connie Francis	Mama
37	Cream	Crossroads
38	Cream	Strange Brew
39	Cream	Sunshine of Your Love
40	Cream	I Feel Free
42	Dusty Springfield	Losing You
43	Ella Fitzgerald	Cheek to Cheek
44	Ella Fitzgerald	Lover, Come Back to Me
45	Ella Fitzgerald	The Lady Is A Tramp

Ctrl Seq	Artist	Song Title
46	Ella Fitzgerald	My Funny Valentine
47	Ella Fitzgerald	It Don't Mean A Thing
48	Ella Fitzgerald	That Old Black
49	Ella Fitzgerald	They Can't Take That Away From Me
55	Four Tops	Baby I Need Your Lovin
56	Four Tops	It's The Same Old Song
57	Jackson Five	I Want You Back
58	Jackson Five	I'll Be There
59	Jackson Five	ABC
60	James Brown	It's A Mans Mans Mans World
61	James Brown	I Feel Good
62	James Brown	Say It Loud (I'm Black And I'm Proud)
63	Joe Cocker	With A Little Help From My Friends
64	Junior Walker Allstars	Shotgun
65	Louis Armstrong	What A Wonderful World
66	Mama Cass	It's Getting Better
67	Manfred Mann	Mighty Quinn
68	Manfred Mann	My Name Is Jack
69	Martha and the Vandellas	Come and Get These Memories
70	Martha and the Vandellas	Dancing In The Street
71	Martha and the Vandellas	Heat Wave
72	Martha and the Vandellas	Nowhere to Run
73	Marvalettes	Playboy
74	Marvelettes	Please Mr. Postman
75	Marvin Gay & Kim Weston	It Takes Two
76	Marvin Gaye	Ain't That Peculiar
77	Marvin Gaye	Can I Get A Witness
78	Marvin Gaye	How Sweet It Is To Be Loved By You
79	Marvin Gaye	Mercy Mercy Me
80	Marvin Gaye	Take This Heart of Mine
81	Marvin Gaye	What's Going On
82	Marvin Gaye & Tammi Terrell	Ain't No Mountain High Enough
83	Marvin Gaye & Tammi Terrell	Your Precious Love
84	Moody Blues	Go Now
85	Moody Blues	Nights In White Satin
86	Moody Blues	Ride My See Saw
87	Moody Blues	Tuesday Afternoon
88	Patsy Cline	Crazy
89	Platters	Great Pretender
90	Platters	Only You
91	Platters	Magic Touch
92	Righteous Brothers	You've Lost That Lovin Feelin
93	Righteous Brothers	Unchained Melody
94	Righteous Brothers	Just Once In My Life

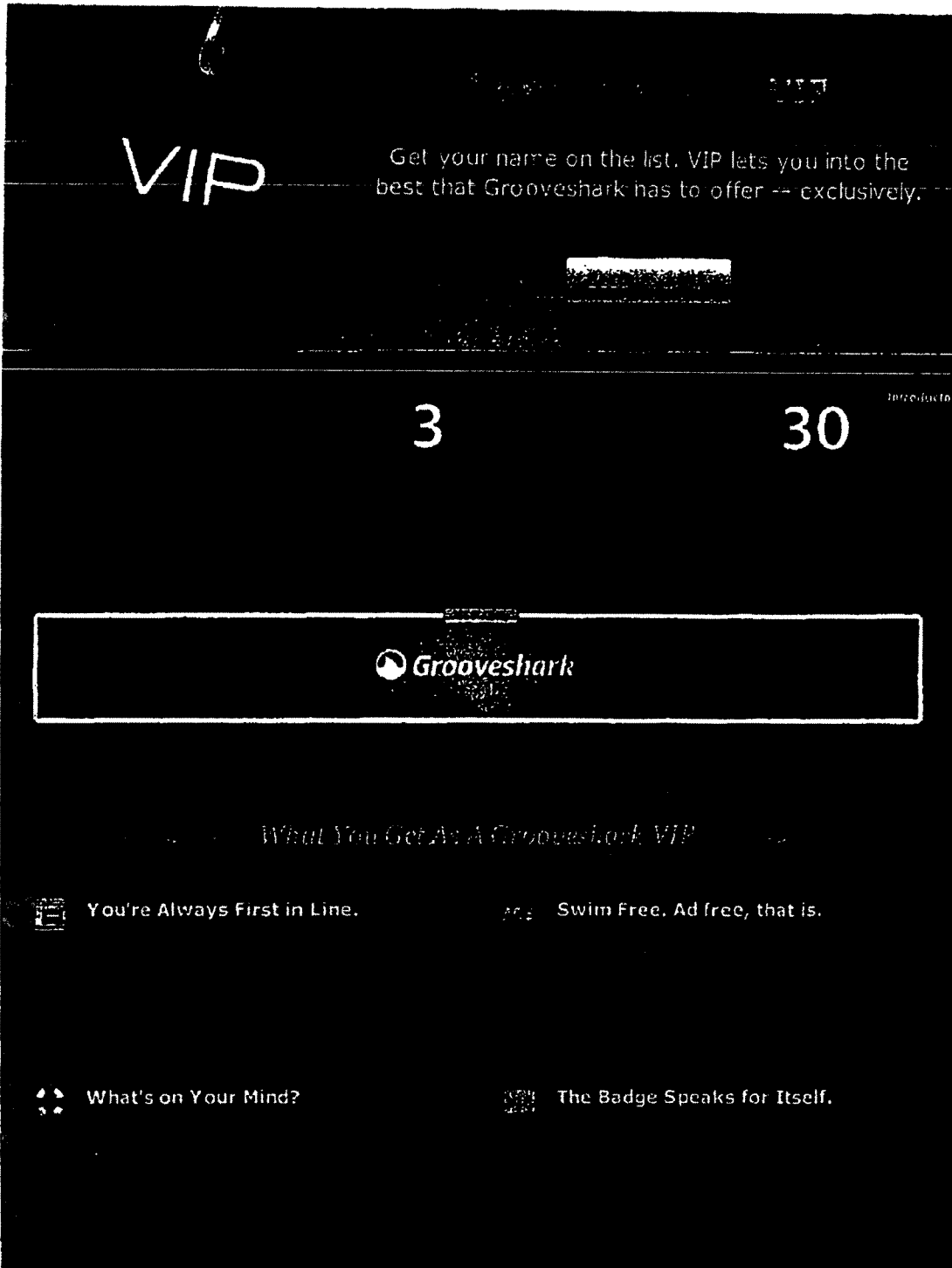
Ctrl Seq	Artist	Song Title
95	Smokey & The Miracles	I Second That Emotion
96	Smokey & The Miracles	Ooh Baby Baby
97	Smokey & The Miracles	Shop Around
98	Smokey & The Miracles	Tracks of My Tears
99	Smokey & The Miracles	You've Really Got a Hold on Me
100	Spinners	It's A Shame
101	Steppenwolf	Born To Be Wild
102	Steppenwolf	Magic Carpet Ride
103	Stevie Wonder	Uptight (Everything's All Right)
104	Stevie Wonder	With A Child's Heart
105	Stevie Wonder	Blowin In The Wind (Dylan Cover)
106	Stevie Wonder	Fingertips
107	Strawberry Alarm Clock	Incense & Peppermints
109	Supremes	Baby Love
110	Supremes	Buttered Popcorn
111	Supremes	I Hear A Symphony
112	Supremes	Love Is Here And Now Your Gone
113	Supremes	Love is Like An Itchin In My Heart
114	Supremes	Where Did Our Love Go
115	Supremes	You Keep Me Hanging On
116	Temptations	Ain't Too Proud to Beg
117	Temptations	Beauty Is Only Skin Deep
118	Temptations	It's Growing
119	Temptations	My Girl
120	Temptations	The Way You Do The Things You Do
121	Temptations	You're My Everything
122	Temptations	Cloud Nine
123	The Mamas and The Papas	California Dreamin
124	The Mamas and The Papas	Creeque Alley
125	The Mamas and The Papas	Dedicated To The One I Love
126	The Mamas and The Papas	Dream A Little Dream of Me
127	The Mamas and The Papas	Go Where You Wanna Go
128	The Mamas and The Papas	Got A Feelin
129	The Mamas and The Papas	I Saw Her Again Last Night
130	The Mamas and The Papas	Monday Monday
131	The Mamas and The Papas	Twelve Thirty
132	The Mamas and The Papas	Words of Love
133	Three Dog Night	One
134	Three Dog Night	Joy to the World
135	Three Dog Night	Mama Told Me (Not to Come)
137	Tom Jones	Green Green Grass of Home
139	Troggs	A Girl Like You
140	Troggs	Anyway That You Want Me
141	Troggs	Give It To Me

Ctrl Seq	Artist	Song Title
142	Troggs	I Can't Control Myself
143	Troggs	Lazy Weekend
144	Troggs	Love Is All Around
145	Troggs	Night of The Long Grass
146	Troggs	Wild Thing
147	Who	Can't Explain
148	Who	I Can See For Miles
149	Who	My Generation
150	Who	Kids Are Aright

Exhibit B


Grooveshark VIP

<https://vip.grooveshark.com/>







VIP Get your name on the list. VIP lets you into the best that Grooveshark has to offer -- exclusively.

3 **30**

 Grooveshark

What You Get As A Grooveshark VIP

-  You're Always First in Line.
-  Swim Free. Ad free, that is.
-  What's on Your Mind?
-  The Badge Speaks for Itself.

Grooveshark VIP

<https://vip.grooveshark.com/>

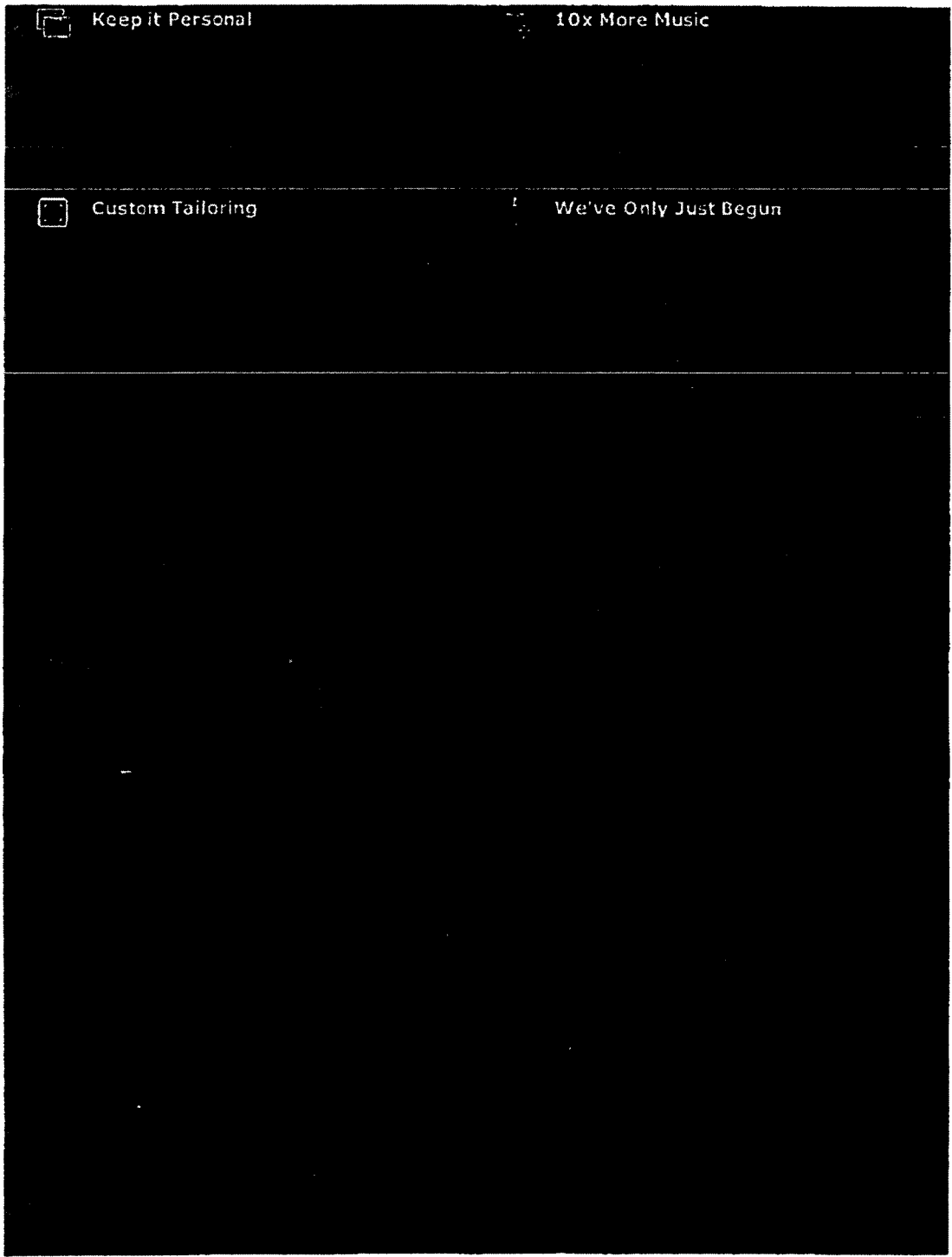
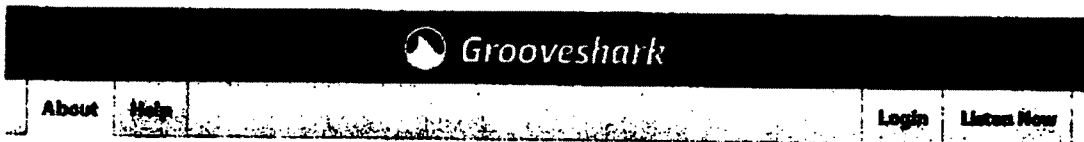


Exhibit C



Advertising

Want to advertise on Grooveshark? Contact us.

Grooveshark is the fastest, easiest way to listen to any song in the world for free.

Each month, Grooveshark receives:

- 3.5 million unique visitors worldwide
- 50 million minutes of streaming
- 45 minutes average time spent per visitor

For advertisers, Grooveshark offers compelling ways to reach and engage with our audience:

- Complete site homepage takeovers
- Static or animated banner ads
- Artist sponsorships
- Geographical, listening habits, gender and age-based targeting

Please contact us to tell us the campaign you would like to run using the form below and we will provide you with a quote and further information.

Note: All fields are required.


Subject:	
Contact Method:	
I Am An:	
Company:	
Title:	
Name:	
Email:	
Phone:	

SUBMIT

Groovesark — Advertising

<http://groovesark.com/advertising>

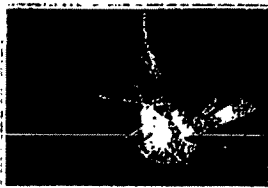




[About](#) [Help](#) [Login](#) [Listen Now](#)

Free Stuff

Everybody likes free stuff



Abstract Wallpaper

Available in the following flavors:

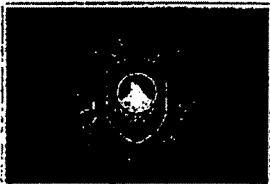
- 480x320
- 1024x768
- 1280x1024
- 1600x1200
- 800x600
- 1280x960
- 1440x900
- 1920x1200



Circle Wallpaper

Available in the following flavors:

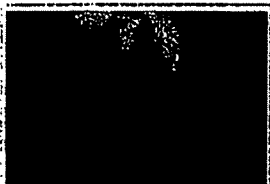
- 480x320
- 1000x700
- 1280x1024
- 1600x1200
- 800x600
- 1280x960
- 1440x900
- 1920x1200



Crest Wallpaper

Available in the following flavors:

- 480x320
- 1024x768
- 1280x1024
- 1600x1200
- 800x600
- 1280x960
- 1440x900
- 1920x1200



Shark Wallpaper

Available in the following flavors:

- 480x320
- 1024x768
- 1280x1024
- 1600x1200
- 800x600
- 1280x960
- 1440x900
- 1920x1200



Wax Wallpaper

Available in the following flavors:

- 480x320
- 1024x768
- 1280x1024
- 1600x1200
- 800x600
- 1280x960
- 1440x900
- 1920x1200

Grooveshark — Free Stuff

<http://grooveshark.com/freestuff>

Interested Yet?

Sign up for a Grooveshark account and begin listening to millions of tracks for free.

[Join Now](#)

[About Us](#)

[Community](#)

[Contact Us](#)

[Free Stuff](#)

[Press](#)

[Advertising](#)

[Employment](#)

[WordPress Plugin](#)

Create Your Free Account.

Already a member? [Login](#)

First Name

Last Name

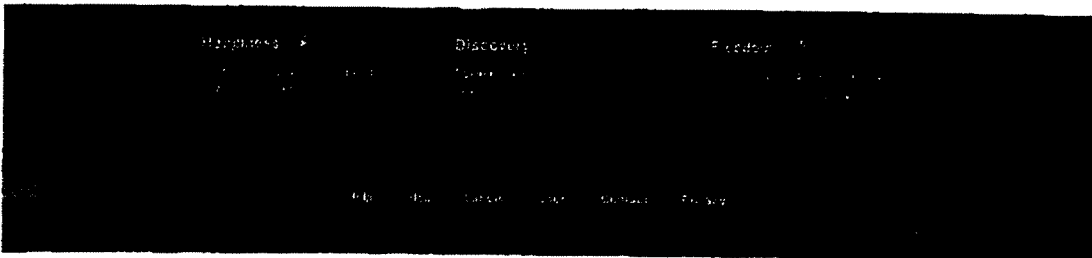
Email

JOIN NOW



“

”



Grooveshark — Free Stuff

<http://grooveshark.com/freestuff>



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

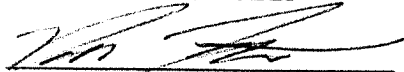
-----	X	
UMG RECORDINGS, INC.,	:	Index No. 100152/2010
	:	
Plaintiff,	:	
	:	STIPULATION
-against-	:	
	:	Assigned Judge:
ESCAPE MEDIA GROUP, INC.,	:	
	:	Hon. Barbara Kapnick, J.S.C.
Defendant.	:	
-----	X	

IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned attorneys of record for all parties, as follows:

1. Defendant's time to answer, move or otherwise respond to the Complaint is hereby extended to February 22, 2010.
2. The foregoing papers shall be served so that they are received, either in hand or via email in PDF format, on or before the date set forth above.
3. For purposes of this Stipulation, facsimile signatures shall be deemed originals for all purposes.

Dated: February 2, 2010
New York, New York

MOSES & SINGER LLP



Paul M. Fakler

405 Lexington Avenue
New York, New York 10174-1299
Telephone: 212-554-7800
Attorneys for Defendant, Escape Media Group, Inc.

JENNER & BLOCK LLP

A handwritten signature in black ink, appearing to read "Andrew H. Bart", is written over a horizontal line.

Andrew H. Bart

919 Third Avenue

37th Floor

New York, NY 10022-3908

Tel: 212-891-1645

Attorneys for Plaintiff, UMG Recordings, Inc.