

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

PRO MUSIC RIGHTS, LLC,

Plaintiff,

v.

APPLE INC., AMAZON.COM, INC.,
GOOGLE, LLC, YOUTUBE, LLC,
SPOTIFY AB, SPOTIFY USA, INC.,
SPOTIFY LIMITED, SPOTIFY
TECHNOLOGY S.A., DIGITAL MEDIA
ASSOCIATION, NATIONAL RELIGIOUS
BROADCASTERS MUSIC LICENSE
COMMITTEE, RADIO MUSIC LICENSE
COMMITTEE, INC., THE NATIONAL
ASSOCIATION OF AMERICAN
WINERIES, TELEVISION MUSIC
LICENSE COMMITTEE, LLC, 7DIGITAL
GROUP, INC., 7DIGITAL, INC., 7DIGITAL
GROUP PLC, 7DIGITAL LIMITED,
DEEZER, S.A., DEEZER INC.,
IHEARTMEDIA, INC., CONNOISSEUR
MEDIA LLC, PANDORA MEDIA, LLC,
RHAPSODY INTERNATIONAL, INC.,
SOUNDCLOUD LIMITED, and
SOUNDCLOUD INC.,

Defendants.

Civil Action No.: 3:20-cv-00309-JAM

August 7, 2020

DEFENDANTS' MOTION TO DISMISS

Defendants Apple Inc., Google LLC, YouTube, LLC, the Television Music License Committee, LLC, Spotify USA, Inc., Deezer Inc., the National Religious Broadcasters Music License Committee, Amazon.com, Inc., WineAmerica, Inc. (sued as the National Association of

ORAL ARGUMENT REQUESTED

American Wineries), Pandora Media Inc., Digital Media Association, and SoundCloud Inc. hereby move to dismiss Plaintiff's complaint in its entirety pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Plaintiff asserts "buyer conspiracy" and monopsonization claims under federal antitrust law and identical claims under the Connecticut Antitrust Act ("CAA") and the Connecticut Unfair Trade Practices Act ("CUTPA"). Plaintiff's complaint should be dismissed for the reasons stated in the accompanying Memorandum of Law.

Dated: August 7, 2020

Respectfully Submitted,

/s/ Vanessa G. Jacobsen

Vanessa G. Jacobsen (PHV-0036)
vjacobsen@eimerstahl.com
Brian Y. Chang (PHV-10728)
bchang@eimerstahl.com
EIMER STAHL LLP
224 South Michigan Avenue, Suite 1100
Chicago, IL 60604
Telephone: (312) 660-7600
Fax: (312) 692-1718

Craig A. Raabe (CT-04116)
craabe@ikrlaw.com
IZARD, KINDALL & RAABE LLP
29 S. Main Street, Suite 305
West Hartford, CT 06107
Tel: (860) 493-6292
Fax: (860) 493-6290

Attorneys for Defendant Apple Inc.

/s/ Jonathan M. Jacobson

Jonathan M. Jacobson (PHV-10696)
jjacobson@wsgr.com
Brian M. Willen (PHV-10697)
bwillen@wsgr.com
Eli B. Richlin (PHV-10775)
erichlin@wsgr.com
Ken Edelson (PHV-10776)
kedelson@wsgr.com
WILSON SONSINI GOODRICH & ROSATI P.C.
1301 Avenue of the Americas 40th Floor
New York, New York 10019
Tel.: (212) 497-7758
Fax: (212) 999-5899

Attorneys for Defendant Spotify USA Inc

/s/ Stephen L. Saxl

Stephen L. Saxl (CT-19446)
saxls@gtlaw.com
Toby S. Soli (CT-18697)
solit@gtlaw.com
MetLife Building
200 Park Avenue, 39th Floor
New York, New York 10166
Tel.: (212) 801-9200
Fax: (212) 801-6400

Attorneys for Defendant Deezer Inc.

/s/ A. John P. Mancini

A. John P. Mancini (CT-04975)
jmancini@mayerbrown.com
Allison L. Stillman (PHV-10794)
astillman@mayerbrown.com
Jacob B. Ebin (PHV-10795)
jebin@mayerbrown.com
Allison Aviki (PHV-10799)
aaviki@mayerbrown.com
1221 Avenue of the Americas
New York, NY 10020-1001
Tel: (212) 506-2500
Fax: (212) 849-5895

Mark W. Ryan (PHV-10797)
mryan@mayerbrown.com
MAYER BROWN LLP
1999 K Street N.W.
Washington, D.C. 20006
Tel: (202) 263-3000
Fax: (202) 263-5338

Attorneys for Defendants Google LLC, YouTube, LLC, and the Television Music License Committee, LLC

/s/ Karyn K. Ablin

Karyn K. Ablin (PHV-10735)
ablin@fhhlaw.com
FLETCHER, HEALD & HILDRETH, PLC
1300 N. 17th St., Suite 1100
Arlington, VA 22209
Tel: (703) 812-0443

Jessica L. Bengels (CT-29396)
jessica.bengels@lw.com
7 Powder Horn Hill
Weston, Connecticut 06883
[not affiliated with Latham & Watkins LLP, but
valid for service of process]
Tel: (212) 906-1200

Attorneys for Defendant the National Religious Broadcasters Music License Committee

/s/ Jedediah Wakefield

Jedediah Wakefield (PHV-10698)
jwakefield@fenwick.com
FENWICK & WEST LLP
555 California Street, #1200
San Francisco, CA 94104
Tel: (415) 875-2300
Fax: (415) 281-1350

Adam Gahtan (PHV-10694)

agahtan@fenwick.com
FENWICK & WEST LLP
902 Broadway, Suite 14
New York, NY 10010
Tel: (212) 430-2600
Fax: (650) 938-5200

Erica R. Sutter (PHV-10153)

esutter@fenwick.com
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Tel: (650) 988-8500
Fax: (650) 938-5200

/s/ James T. Shearin

James T. Shearin (CT-01326)
jtshearin@pullcom.com
PULLMAN & COMLEY, LLC
850 Main Street, P.O. Box 7006
Bridgeport, CT 06601-7006
Tel: (203) 330-2000
Fax: (203) 576-8888

Attorneys for Defendant Amazon.com, Inc.

/s/ Douglas E. Litvack

Douglas E. Litvack (PHV-10726)
douglitvack@dwt.com
Patrick J. Curran Jr. (PHV-10733)
patcurran@dwt.com
DAVIS WRIGHT TREMAINE LLP 1919
Pennsylvania Ave., NW, Suite 800
Washington, DC 20006
Tel: (202) 973-4200
Fax: (202) 973-4499

Katherine M. Bolger (CT-27363)

katebolger@dwt.com
DAVIS WRIGHT TREMAINE LLP
1251 Avenue of the Americas
21st Floor
New York, NY 10020
Tel: (212) 489-8230

Attorneys for WineAmerica, Inc.

/s/ Laurence Fairlie Pulgram

Laurence Fairlie Pulgram (PHV-10710)
lpulgram@fenwick.com
Chieh Tung (PHV-10713)
ctung@fenwick.com
Aylin Kuzucan (PHV-10734)
akuzucan@fenwick.com
FENWICK & WEST LLP
555 California Street
12th Floor
San Francisco, CA 94104
Tel: 415-875-2390
Fax: 415-281-1350

/s/ James T. Shearin

James T. Shearin (CT-01326)
jshearin@pullcom.com
PULLMAN & COMLEY, LLC
850 Main Street, P.O. Box 7006
Bridgeport, CT 06601-7006
Tel: (203) 330-2000
Fax: (203) 576-8888

Attorneys for Defendant Pandora Media, Inc.

/s/ Timothy M. Gondek

Timothy M. Gondek (CT-29190)
Timothy.Gondek@LewisBrisbois.com
LEWIS BRISBOIS BISGAARD & SMITH LLP
185 Asylum Street, Suite 3701
Hartford, Connecticut 06103
Tel: (860) 748-4806
Fax: (860) 748-4857

Todd R. Seelman (PHV-10677)
Todd.seelman@lewisbrisbois.com
John Cardinal Parks ((PHV-10678))
John.parks@lewisbrisbois.com
Christopher Wood (PHV-10764)
Christopher.wood@lewisbrisbois.com
Robin Alexander (PHV-10766)
Robin.alexander@lewisbrisbois.com
Arthur Biller (PHV-10765)
Arthur.biller@lewisbrisbois.com
LEWIS BRISBOIS BISGAARD & SMITH LLP
1700 Lincoln Street, Suite 4000
Denver, Colorado 80203
Tel: (303) 861-7760
Fax: (303) 861-7767

*Attorneys for Defendant Digital Media
Association*

/s/ Kevin M. Smith

Kevin M. Smith (CT-24774)
ksmith@wiggin.com
David Norman-Schiff (CT-30082)
dnorman-schiff@wiggin.com
WIGGIN AND DANA LLP
One Century Tower
P.O. Box 1832
New Haven, CT 06508-1832
Tel: (203) 498-4400
Fax: (203) 782-2889

/s/ Steig D. Olson

Steig D. Olson (PHV06391)
steigolson@quinnemanuel.com
Sophia Qasir (PHV-10740)
sophiaqasir@quinnemanuel.com
Katherine Wentworth-Ping (PHV-10732)
katherinewentworth@quinnemanuel.com
QUINN EMANUEL URQUHART & SULLIVAN,
LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
Tel: (212) 849-7000
Fax: (212) 849-7100

Will Sears (PHV-10747)
willsears@quinnemanuel.com
QUINN EMANUEL URQUHART & SULLIVAN,
LLP
865 South Figueroa Street, 10th Floor
Los Angeles, CA 90017
Tel: (213) 443-3000
Fax: (213) 443-3100

Attorneys for Defendant SoundCloud Inc.