

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
LIVE365, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 09-01662 (RBW)
)	
COPYRIGHT ROYALTY BOARD;)	
JAMES H. BILLINGTON, in his official)	
capacity as Librarian of Congress; and)	
JAMES SCOTT SLEDGE, STANLEY C.)	
WISNIEWSKI, and WILLIAM J.)	
ROBERTS, in their official capacities)	
as Judges of the Copyright Royalty Board,)	
)	
Defendants.)	
_____)	

ORDER

This case was filed by Live365, Inc. on August 31, 2009, seeking declaratory and injunctive relief against the Copyright Royalty Board (“CRB”), the judges of the CRB, in their official capacities, as well as the Librarian of Congress. On September 2, 2009, the plaintiff filed a Motion for Preliminary Injunction, which the government responded to on September 14, 2009. Also on September 14, SoundExchange, Inc. filed a motion to intervene as a defendant, which was subsequently granted by the Court on September 18, 2009.¹ In consideration of the various filings submitted by the parties and the oral arguments presented to the Court by counsel for the parties on September 22, 2009, for the reasons to be set forth in a Memorandum Opinion to be issued hereafter,² the Court concludes that the plaintiff has failed to demonstrate its entitlement to the extraordinary relief of a preliminary injunction. Therefore, it is hereby

¹ The Court granted SoundExchange, Inc.’s request by issuance of a minute order.

² The Court anticipates that it will be able to issue a memorandum opinion thoroughly outlining the reasons for its denial of the plaintiff’s motion for a preliminary injunction and resolving the defendants’ motion to dismiss the plaintiff’s request for a declaratory judgment within the next 30 days.

ORDERED that Plaintiff Live365, Inc.'s Motion/Application for Preliminary Injunction is **DENIED**.

SO ORDERED this 28th day of September 2009.

REGGIE B. WALTON
United States District Judge