

**Before the
COPYRIGHT ROYALTY BOARD
LIBRARY OF CONGRESS
United States Copyright Office
Washington, D.C.**

_____)
In the Matter of)

)
Determination of Rates and Terms for)
Digital Performance in Sound Recordings)
and Ephemeral Recordings)
_____)

Docket No. 2009-1 CRB Webcasting III

PETITION TO PARTICIPATE

In accordance with 17 U.S.C. Section 803(b)(1)(B) and 37 C.F.R. 351.1(b), mSpot, Inc. hereby submits its Petition to Participate in the proceedings to establish reasonable rates and terms for digital performances of sound recordings and ephemeral recordings for the period commencing January 1, 2011 and ending December 31, 2015. This Petition responds to the Copyright Royalty Board's notice announcing the commencement of the above-captioned proceeding and requesting Petitions to Participate, 74 Fed.Reg. 318 (January 5, 2009).

1. Name of Petitioner: mSpot, Inc.
2. Mailing Address: 455 Portage Ave, Suite A
Palo Alto, CA 94306-2213
3. Description of Petitioner's Interest in the Proceeding:

Petitioner operates a non-interactive, new subscription digital audio service that transmits performances of sound records, including retransmissions of broadcast transmissions, to end users. As such, Petitioner will be subject to the rates and terms established in this proceeding and, accordingly, has a significant interest in the subject matter thereof.

4. Officer or Authorized Representative of Petitioner:

A. Name: Bennett Lincoff*

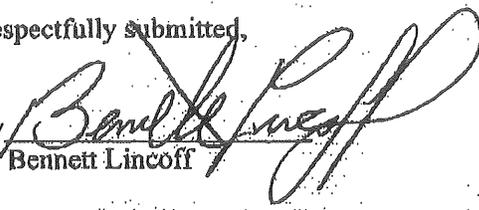
B. Title: Principal, Law Office of Bennett Lincoff

C. Address: 140 Riverside Drive, 7-N
New York, NY 10024

D. Telephone Number: 1.212.724.0803

E. E-mail Address: bennettlincoff@gmail.com

Respectfully submitted,

By 
Bennett Lincoff

* As required by 37 C.F.R. 350.2, it is hereby affirmed that Mr. Lincoff is presently a member in good standing of the bar of New York State (N.Y. Bar. No. 1228139).

Dated: February 3, 2009