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3/4-size electric guitar; laminated hardwood body; maple neck; rosewood fingerboard

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EXHIBIT E

May

2009

COVER READS

• 25 THINGS
YOU DO THAT
GUYS SECRETLY
LOVE, AND
SIX THAT FREAK
THEM OUT
page 216

• 131 LITTLE
WAYS TO YOUR
BEST BODY!
*pages 58 (celeb
inspiration), 115
(easy health-ups),
196 and 208
(flattery tricks),
220 (our Body by
Glamour plan) and
throughout the issue*

• PLUS, WHAT TO
EAT TO LOSE
EIGHT POUNDS
THIS MONTH
*Body by Glamour
back! page 220*

• THE SEXIEST
SWIMSUIT
FOR YOUR
EXACT SHAPE
page 87

• AMAZING HAIR:
THE 1-2-3
PLAN EVERY
WOMAN
SHOULD KNOW
page 76

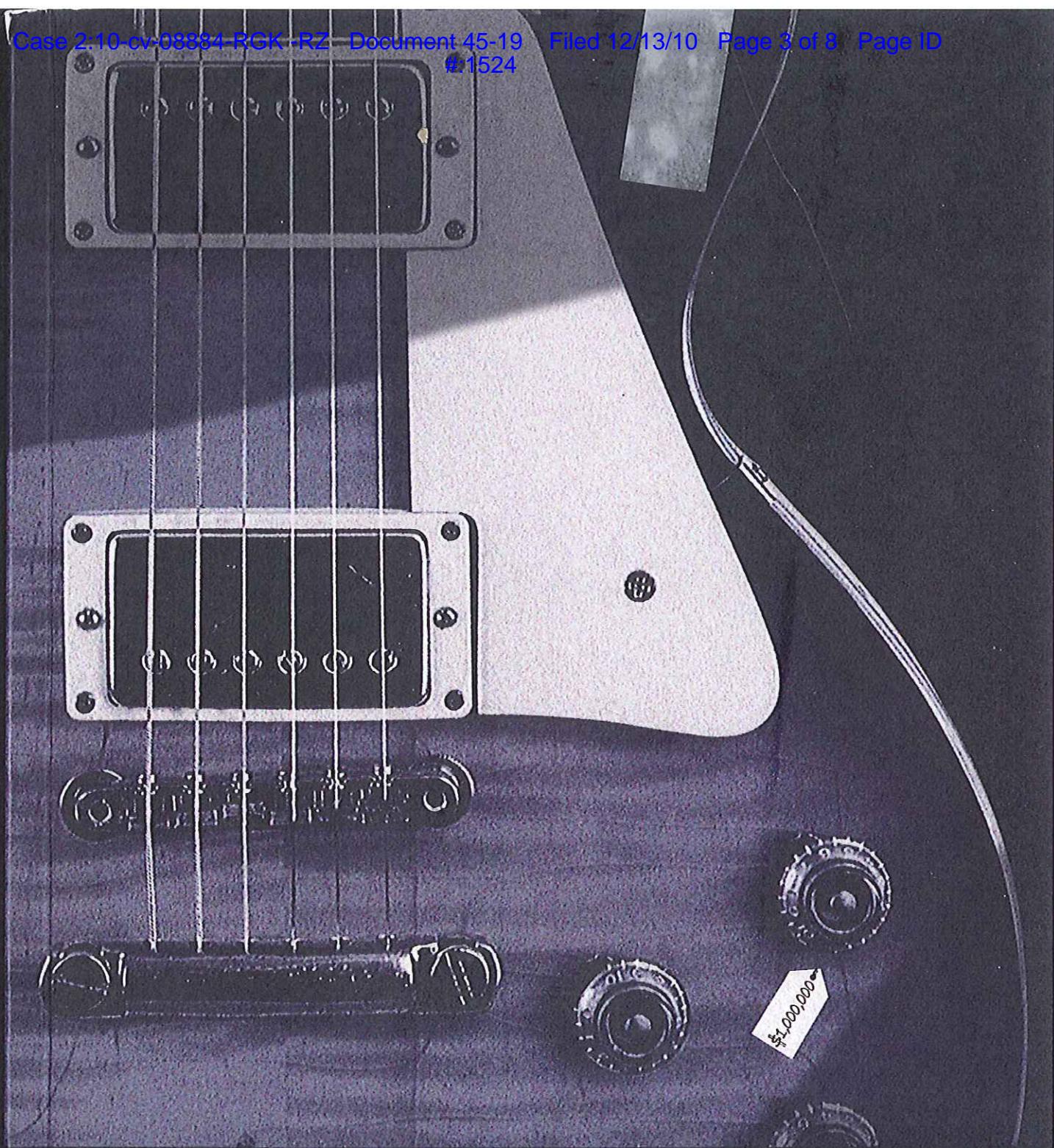
• TOP PRIORITY:
THE QUICK
CANCER
CHECK THAT
SAVED 50
READERS' LIVES
page 123

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*Miley Cyrus is
definitely not a kid
anymore*

2009



MILLION DOLLAR LES PAUL

In Search Of The Most Valuable
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STAR GUITARS

101 GUITARS THAT ROCKED THE WORLD

Dave Hunter

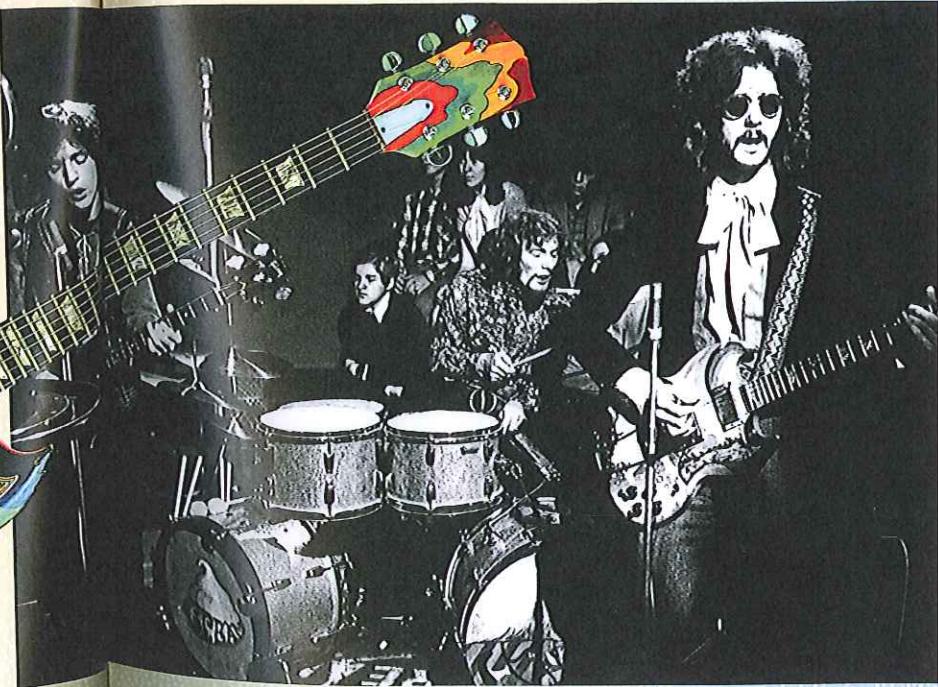
208

Foreword by Billy F Gibbons

AFTER THE BLUES BREAKERS, Clapton gigged and recorded with a few borrowed Les Pauls, but, unable to find one that he liked as much as his lost "Beano" guitar, eventually settled in with a Gibson SG and an ES-335 for the majority of his work with Cream. The SG, a 1964 or '65 model, became famous for the paint job given to it by the Dutch artists collective known as The Fool, a name also given to the guitar itself. When Clapton owned the guitar, the remains of the framework of its original Maestro "lyre" vibrato tailpiece could still be seen. Todd Rundgren acquired the SG in 1974, and its bridge, tailpiece, and paint job were updated sometime after. It is currently on loan to the Hard Rock Café in San Francisco. ♦

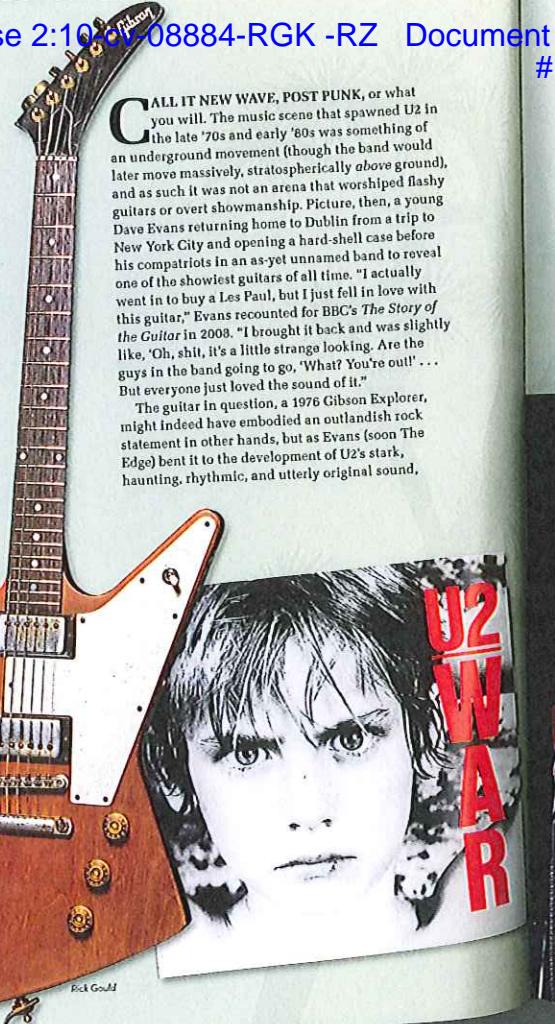
Eric Clapton's 1964-65
Gibson SG, "The Fool".
Courtesy Nigel Osborne/
Jew Bond Press

Cream performs on TV in November 1967. From left: bassist Jack
Busey, drummer Ginger Baker, and Clapton playing "The Fool".
Jon Pownall/Redferns/Getty Images



CALL IT NEW WAVE, POST PUNK, or what you will, the music scene that spawned U2 in the late '70s and early '80s was something of an underground movement (though the band would later move massively, stratospherically *above* ground), and as such it was not an arena that worshiped flashy guitars or overt showmanship. Picture, then, a young Dave Evans returning home to Dublin from a trip to New York City and opening a hard-shell case before his compatriots in an as-yet unnamed band to reveal one of the showiest guitars of all time. "I actually went in to buy a Les Paul, but I just fell in love with this guitar," Evans recounted for BBC's *The Story of the Guitar* in 2008. "I brought it back and was slightly like, 'Oh, shit, it's a little strange looking. Are the guys in the band going to go, 'What? You're out!'" ... But everyone just loved the sound of it."

The guitar in question, a 1976 Gibson Explorer, might indeed have embodied an outlandish rock statement in other hands, but as Evans (soon The Edge) bent it to the development of U2's stark, haunting, rhythmic, and utterly original sound,



it took on the stance of the anti-guitar hero who wielded it and proved a cornerstone in the early career of one of the world's most popular and influential bands.

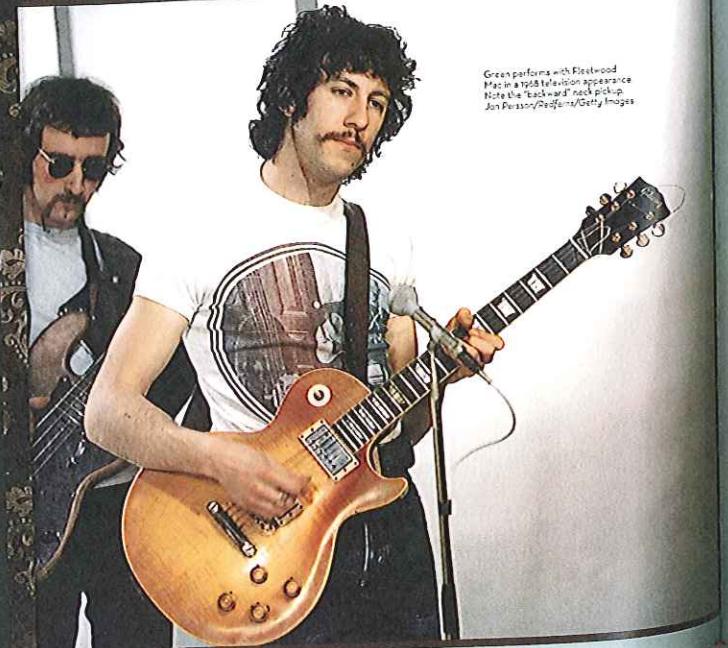
The Edge used this Explorer on the majority of U2's early recordings, often swapping it for a mid-70s Fender Stratocaster and partnering the guitars with an Electro-Harmonix Memory Man echo unit and a Vox AC30 amplifier. Not simply either a lead or rhythm guitarist, The Edge's role in the band really incorporated elements of both, often simultaneously, as he set a driving momentum that incessantly propelled songs like "I Will Follow," "Gloria," "Sunday Bloody Sunday," and "New Year's Day" just as much as did Larry Mullen's drums.



As U2 ascended dizzying heights of success, The Edge indulged in every rock star's prerogative to explore a wide number of makes and models of guitars. He has notably been seen cradling instruments such as a Gretsch White Falcon, 6120, and Country Gentleman; several Gibson Les Pauls; numerous Rickenbackers; and myriad Fenders (the total haul for 2009's 360 Tour numbered more than forty guitars). But the 1976 Explorer remains a standout in the minds of many fans and apparently remains dear to the artist as well. While recording 2000's *All That You Can't Leave Behind*, an album that signaled yet another evolution of the band's sound, The Edge found himself seeking just the right tone for a song that didn't quite want to gel. Out came the Explorer, the echo pedal, and the Vox AC30—and the layered, atmospheric guitar parts to "Beautiful Day" fell right into place. ♫

Royal Oak Theater, Royal Oak, Michigan.
November 1981. Robert Alford

MOST INSTRUMENTS WORTHY of star guitar status are notable for the exemplary tones they put forth in the hands of the artists who made them famous. But in the minds of the fans who idolize them, some guitars have been elevated beyond mere celebrity guitar status. Peter Green's 1959 Les Paul Standard is one example that has been thus elevated, and has the tone he achieved with it in the early incarnation of Fleetwood Mac. In 1967, after leaving John Mayall & the Blues Breakers—that crucible of blues-rock guitar stardom—Green founded Fleetwood Mac alongside Mick Fleetwood, by John McVie, and Jeremy Spencer (later replaced by



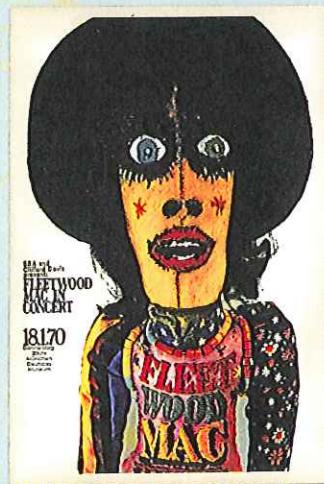
Green performs with Fleetwood Mac in a 1968 television appearance. Note the "backward" neck pickup. Jon Pownall/Redferns/Getty Images



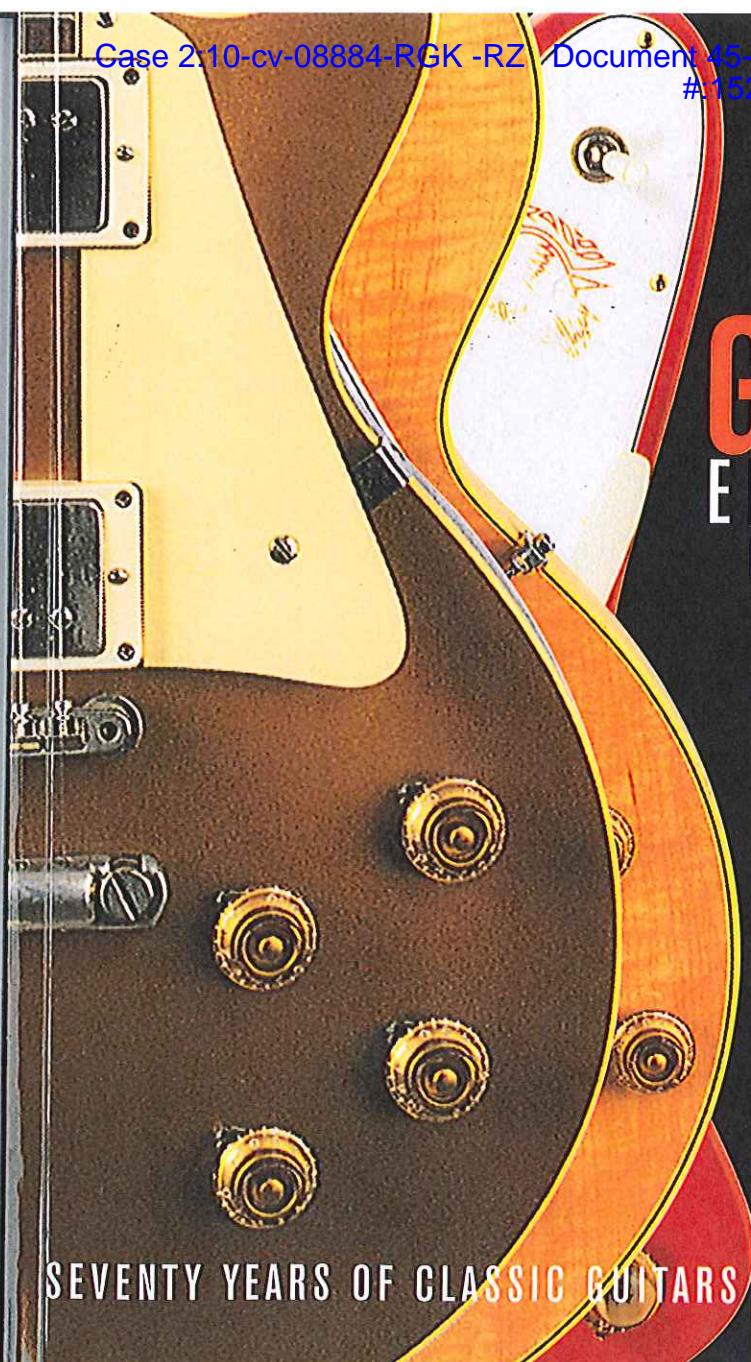
Danny Kirwan) in order to play "pure blues." In their company, Green recorded such classics of tone as "Need Your Love So Bad," "Black Magic Woman," "Albatross," "Oh Well," and several others. Amid a late-'60s scene in which other British blues artists were evolving toward high-gain blues-rock, Green's more purist stance, coupled with his more nuanced and organic tone, delicate touch, and plaintive melodic sense, helped him to stand out from the crowd.

His Les Paul was a standout instrument too, and it quickly drew the eye of many a guitar worshiper. While Green owned it, the guitar still maintained much of the richness of its sunburst finish, as would be expected in a guitar that was then only between eight and eleven years old, but this 1959 burst is also famous for having faded later to a golden hue that beautifully showed off its gently tiger-striped maple top. Perhaps most notable from early on in Green's stewardship of the instrument, however, is the reversed neck pickup, which not only appears "backward"—with the adjustable pole pieces facing the bridge rather than the fingerboard—but also was rewound to reverse polarity by a misguided repairman. Possibly one of the more fortuitous mistakes in the annals of the electric guitar, the reversed neck pickup gave Green a distinctive out-of-phase tone when both pickups were used together, which helped to cement the mythos of this artist and has been copied by countless other players since.

Peter Green unceremoniously quit Fleetwood Mac in 1970 and faded into an obscurity that bottomed out with the former star being diagnosed with schizophrenia and eventually enduring several bouts of institutionalization. He famously sold his Les Paul to blues-rocker Gary Moore for around £110 (approximately \$200), a paltry sum for a vintage Les Paul Standard even in the mid-'70s. Moore told *Guitarist* magazine in 1995 that Green himself insisted upon the figure because it was the price he had paid for the guitar in the first place. Moore used the Les Paul on several recordings with Thin Lizzy and later as a solo artist, but he eventually sold the guitar. Since the late '90s, Peter Green has reemerged as an artist, recording and performing with his own Peter Green Splinter Group and several collaborative projects. Of his legendary old partner, Green told Rick Batey of *The Guitar Magazine* in 1999, "I'm sick of Les Pauls.... You see them everywhere."



PETER GREEN 99



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Exhibit 11

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9 Fax (404)963-6231

10 Attorneys for
11 Plaintiff
12 GIBSON GUITAR CORP.,

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14
15 UNITED STATES DISTRICT COURT
16 CENTRAL DISTRICT OF CALIFORNIA

17 GIBSON GUITAR CORP., a Delaware corporation, Plaintiff, vs. WOWWEE USA, INC., a California corporation; WAL-MART STORES, INC., a Delaware corporation; AMAZON.COM, INC., a Delaware corporation; BIG LOTS STORES, INC., an Ohio corporation; K MART CORPORATION, a Michigan corporation; TARGET CORPORATION, a Minnesota corporation; TOYS "R" US-DELAWARE, INC., a Delaware corporation; WALGREEN CO., an Illinois corporation; BROOKSTONE COMPANY, INC., a New Hampshire corporation; BEST BUY CO. INC., a Minnesota corporation; EBAY INC., a Delaware corporation, TOYWIZ, INC., a New York corporation, HSN, Inc. a Delaware corporation, and DOES 1 through 100, Defendants.

18) Case No. CV10-8884 RGK (RZx)
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20) EX PARTE APPLICATION OF PLAINTIFF
21) GIBSON GUITAR CORP. FOR A
22) TEMPORARY RESTRAINING ORDER
23) AND AN ORDER TO SHOW CAUSE RE:
24) PRELIMINARY INJUNCTION;
25) MEMORANDUM OF POINTS AND
26) AUTHORITIES IN SUPPORT THEREOF
27) LOCAL RULES 7-19, 7-19.1
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1 EX PARTE APPLICATION OF PLAINTIFF GIBSON GUITAR CORP. FOR A TEMPORARY
2 RESTRAINING ORDER AND AN ORDER TO SHOW CAUSE RE: PRELIMINARY
3 INJUNCTION; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF

1 **STANDING ORDER ¶ 11**

2 Pursuant to the Standing Order For Newly Cases Assigned To Judge R. Gary Klausner, ¶9
3 (Ex Parte Applications), Plaintiff has electronically served all the Defendants via facsimile the
4 Application and Notice of the Ex Parte Application For A Temporary Restraining Order And An
5 Order To Show Cause Re: Preliminary Injunction to the Defendants, including notifying Defendants
6 that an opposition shall be filed no later than 3 p.m. on the first business day following service.
7
8

9 **MEMO OF KNOWN COUNSEL/DEFENDANT'S CONTACT INFORMATION**

10 **WOWWEE USA, INC.**

11 Counsel: Kim Landsman, Patterson Belknap, 1133 Ave. of the Americas,
12 NY, NY 10036
13 Fax: 212-336-2985
14 Phone: 212-336-2980.

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19 Irvine, CA 92606
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20 **WAL-MART STORES, INC.**

21 Counsel: Rosalyn Mitchell (in house)
22 Fax: 479-277-5991

23 Address: 702 SW 8th Street
24 Bentonville, AR 72716

25 Registered Agent: The Corporation Trust Company
26 Corporation Trust Center

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BIG LOTS STORES, INC.

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EX PARTE APPLICATION OF PLAINTIFF GIBSON GUITAR CORP. FOR A TEMPORARY
RESTRANING ORDER AND AN ORDER TO SHOW CAUSE RE: PRELIMINARY
INJUNCTION: MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF

1 Bingham Farms, MI 48025
2

3 **TARGET CORPORATION**

4 Counsel: Michael S. Kroll,
5 Phone: 612-696-2249
6 Fax: 612-696-3399
7 [Michael.kroll@target.com.](mailto:Michael.kroll@target.com)

8 It is unknown whether he is acting as counsel for this litigation.
9

10 Address: 1000 Nicollet Mall
11 Minneapolis, MN 55403
12 Phone: 612-304-6073
13 Fax: 612-696-5400

14 Registered Agent: No Agent on File With Secretary of State

15 **TOYS"R"US DELAWARE, INC**

16 Counsel: Not known at this moment
17 Address: One Geoffrey Way
18 Wayne, NJ 07470-2030

19 Registered Agent: The Prentice-Hall Corporation System, Inc.
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24 **WALGREEN CO.**

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3 **BROOKSTONE COMPANY, INC.**

4 Counsel: Not known at this moment

5 Address: One Innovation Way
6 Merrimack, NH 03054

7 Registered Agent: Thomas P. Manson, Esq.
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10 **BEST BUY CO., INC.**

11 Counsel: Not known at this moment

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13 Richfield, MN 55423

14 Registered Agent: C T Corporation System Inc.
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17 **EBAY INC.**

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25 **TOYWIZ, INC.**

26 -v-

27 EX PARTE APPLICATION OF PLAINTIFF GIBSON GUITAR CORP. FOR A TEMPORARY
28 RESTRAINING ORDER AND AN ORDER TO SHOW CAUSE RE: PRELIMINARY
INJUNCTION; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF

1 Counsel: Not known at this moment
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5 Registered Agent: Barr, Post & Associates
6 664 Chestnut Ridge Road
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8 **HSN, INC.**

9 Counsel: Not known at this moment
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11 Address: 1 HSN Drive
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