1	5. Copyright Registration Record for the 1989 Batman Motion Picture
2	(Exhibit 5).
3	6. Copyright Registration Record for the 1989 <i>Batman</i> Motion Picture
5	(Exhibit 6).
6	(Exhibit o).
7	7. Copyright Registration Record for the 1995 Batman Forever Motion
8	Picture (Exhibit 7).
9	8. Copyright Registration Record for the 1997 Batman & Robin Motion
10	Picture (Exhibit 8).
12	9. Copyright Registration Record for the 2008 <i>Dark Knight</i> Motion Picture
13	(Exhibit 9).
14 15	10. Pages from the comic book Batman #170 (March 1965) which depict the
16	Batmobile (Exhibit 10).
17	11.Pages from the comic book Detective #337 (March 1965) which depict the
18 19	Batmobile (Exhibit 11).
20	12. Design Patent 205,998 for the 1966 Batmobile (Exhibit 12).
21	13. Design Patent 311,882 for the 1989 Batmobile (Exhibit 13).
22 23	14.Design Patent 375,704 for the 1995 Batmobile (Exhibit 14).
24	Federal Rule of Evidence 201(b) provides that a court may take judicial notice
25	of a fact "not subject to reasonable dispute in that it is either (1) generally known
<ul><li>26</li><li>27</li></ul>	within the territorial jurisdiction of the trial court or (2) capable of accurate and
28	ready determination by resort to sources whose accuracy cannot be reasonably

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questioned." Accordingly, this Court can and should consider them in deciding Plaintiffs' Motion for Preliminary Injunction.

As Plaintiff has alleged the Batmobiles are extremely famous vehicles and recognizable the world over, the court can take judicial notice of these photographs of these vehicles as there is no dispute as to what they look like.

Similarly, with regard to the comic books, Plaintiff specifically referenced them in Exhibit A to the FAC and therefore the court may review them. Documents not physically attached to the complaint may nonetheless be considered by the court on a 12(b)(6) motion if (1) the complaint refers to such document; (2) the document is central to plaintiff's claim; and (3) no party questions the authenticity of the copy attached to the 12(b)(6) motion. Branch v. Tunnell, 14 F.3d 449, 454 (9th Cir. 1994); Chambers v. Time Warner, Inc. 282 F.3d 147, 153, fn. 3 (2<sup>nd</sup> Cir. 2002).

With regard to the copyright records and the patent records, the court may properly consider matters of public record. All of the copyright registrations and patent registrations are matters of public record and the court may therefore take judicial notice of them.

Accordingly, this Court can and should consider all of these documents in deciding Defendant's Motion to Dismiss.

Based upon the foregoing, this Court can and should take judicial notice of each of the documents described above and attached as exhibits hereto.

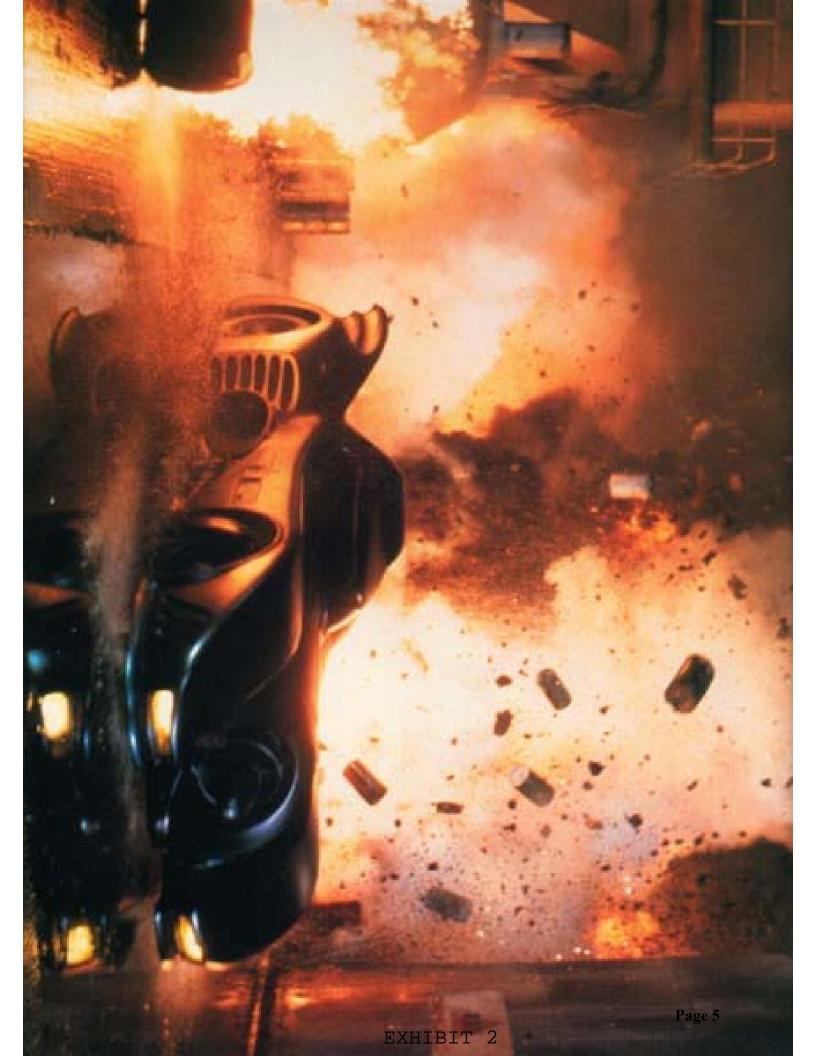
1	Date: December 16, 2011	Law Office of Larry Zerner
2		
3		By: _/ <u>Larry Zerner/</u> Larry Zerner
4		Attorney for Plaintiff
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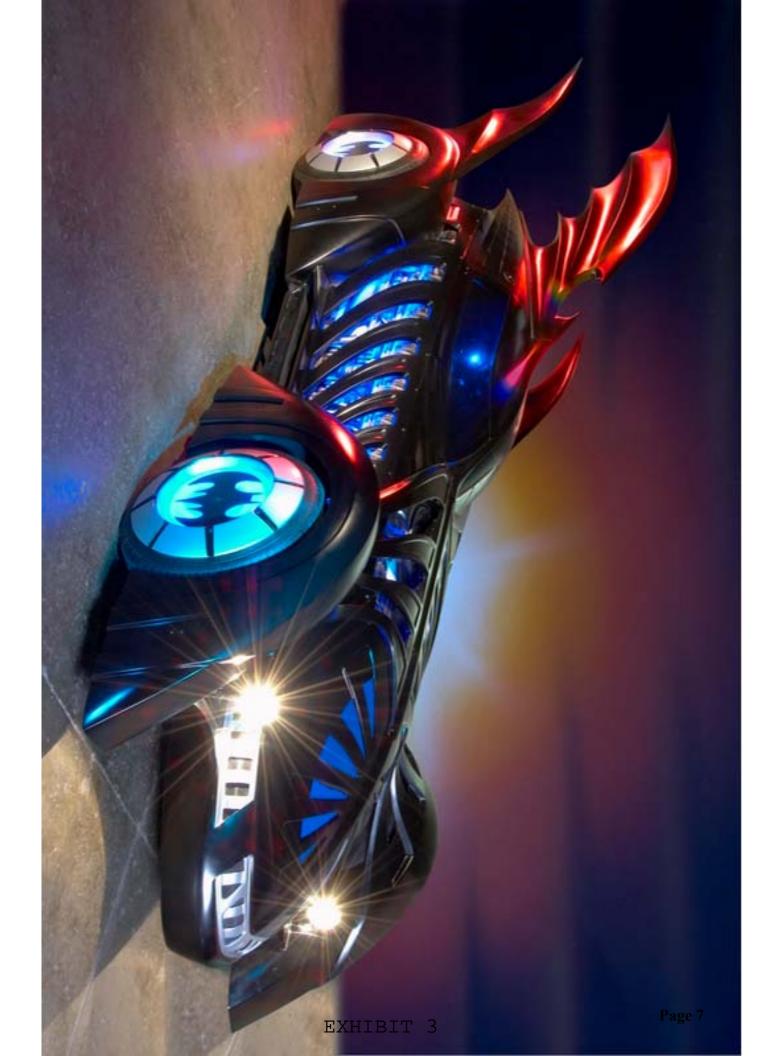
EXHIBIT 1













Copyright Catalog (1978 to present)

Search Request: Builder = (batman)[ in Title ]AND(1966)[ in Keyword Anywhere ]

Search Results: Displaying 56 of 218 entries



Labeled View

Batman: prod. no. 6028, Hi, diddle riddle.

Type of Work: Motion Picture

**Registration Number / Date:** PA0000269659 / 1985-10-08

**Title:** Batman: prod. no. 6028, Hi, diddle riddle. **Imprint:** [Beverly Hills]: Greenway Productions, c1966.

**Description:** 1 videocassette : sd., col. ; 3/4 in.

Cast: Adam West, Burt Ward, Frank Gorshin et al.

**Credits:** A Greenway production in association with Twentieth Century-Fox Television;

produced by William Dozier; directed by Robert Butler; written by Lorenzo Semple,

Jr.

Copyright Claimant: Greenway Productions, Inc., & Twentieth Century-Fox Television, Inc.

**Date of Creation: 1966** 

Date of Publication: 1966-05-02

**Authorship on Application:** Greenway Productions, Inc., & Twentieth Century-Fox Television, Inc., employers

for hire.

Copyright Note: C.O. correspondence.

Variant title: Batman: prod. no. 6028

Other Title: Hi, diddle riddle

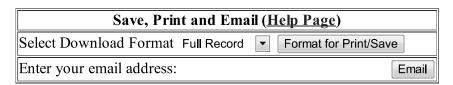
Names: Dozier, William

Butler, Robert

Greenway Productions, Inc.

Twentieth Century-Fox Television, Inc.



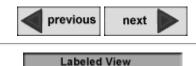




Copyright Catalog (1978 to present)

Search Request: Builder = (BATMAN)[ in Title ]AND(WARNER)[ in Name: Claimant ]

Search Results: Displaying 59 of 342 entries



Batman / a Guber-Peters Company production; produced by Jon Peters and...

Type of Work: Motion Picture

**Registration Number / Date:** PA0000417162 / 1989-07-07

**Title:** Batman / a Guber-Peters Company production; produced by Jon Peters and Peter Guber;

directed by Tim Burton.

**Description:** 7 film reels : sd., col. ; 35 mm.

**Copyright Claimant:** Warner Brothers, Inc.

**Date of Creation: 1989** 

**Date of Publication:** 1989-06-19

Authorship on Application: Warner Brothers, Inc., employer for hire.

Previous Registration: Preexisting material: Batman comic book series, Batman television series, screenplay, sound

recordings.

Basis of Claim: New Matter: "motion picture, including audio, visual, and other cinematographic material."

Names: Peters, Jon

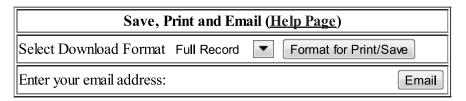
Guber, Peter

Burton, Tim

**Guber-Peters Company** 

Warner Brothers, Inc.







Copyright Catalog (1978 to present)

Search Request: Builder = (BATMAN)[ in Title ]AND(WARNER)[ in Name: Claimant ]

Search Results: Displaying 128 of 342 entries



#### Batman forever / a Tim Burton production; directed by Joel Schumacher.

Type of Work: Motion Picture

**Registration Number / Date:** PA0000720192 / 1995-06-26

**Title:** Batman forever / a Tim Burton production; directed by Joel Schumacher.

**Description:** 6 film reels; 35 mm.

Notes: Based on Batman comic book series.

Copyright Claimant: Warner Brothers, a division of Time Warner Entertainment Company, LP

**Date of Creation: 1995** 

**Date of Publication:** 1995-06-16

**Previous Registration:** Screenplay & sound recordings preexisting.

Basis of Claim: New Matter: motion picture, including audio, visual and other cinematographic material.

Names: Burton, Tim

Schumacher, Joel

Warner Brothers

Time Warner Entertainment Company, LP. Warner Brothers



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Help Search History Titles Start Over



Copyright Catalog (1978 to present)

Search Request: Builder = (BATMAN)[ in Title ]AND(WARNER)[ in Name: Claimant ]

Search Results: Displaying 27 of 342 entries



Batman & Robin / a Joel Schumacher film production; directed by Joel...

Type of Work: Motion Picture

**Registration Number / Date:** PA0000859518 / 1997-07-14

**Title:** Batman & Robin / a Joel Schumacher film production; directed by Joel Schumacher.

**Description:** 6 film reels; 35 mm.

Copyright Claimant: Warner Brothers, a division of Time Warner Entertainment Company, LP (employer for

nire)

**Date of Creation: 1997** 

**Date of Publication:** 1997-06-20

Previous Registration: Screenplay, some film footage, 7 sound recordings & Batman characters from the comic

books preexisting.

Basis of Claim: New Matter: motion picture and other cinematographic material.

Names: Schumacher, Joel

Warner Brothers

Time Warner Entertainment Company, LP. Warner Brothers

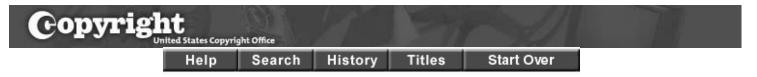


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Copyright Office Home Page | Library of Congress Home Page

1/1



Copyright Catalog (1978 to present)

Search Request: Builder = (BATMAN)[ in Title ]AND(WARNER)[ in Name: Claimant ]

Search Results: Displaying 238 of 342 entries



Labeled View

#### THE DARK KNIGHT.

Type of Work: Motion Picture

**Registration Number / Date:** PA0001606857 / 2008-09-26

**Application Title:** THE DARK KNIGHT.

Title: THE DARK KNIGHT.

**Description:** 7 Film reels; 35mm.

Copyright Claimant: Warner Bros. Entertainment Inc., Transfer: By Assignment. Address: 4000 Warner

Boulevard, Burbank, California 91522

**Date of Creation: 2008** 

Date of Publication: 2008-07-16

Nation of First Publication: Australia

Authorship on Application: Warner Bros. Pictures, a division of WB Studio Enterprises Inc., employer for hire;

Domicile: United States. Authorship: ENTIRE WORK.

Alternative Title on Application: BATMAN BEGINS 2 aka RORY'S FIRST KISS

Previous Registration: 2008, PRE000001409.

**Pre-existing Material:** Based on the BATMAN characters created by Bob Kane and published by DC

Comics. Screenplay entitled THE DARK KNIGHT by Jonathan Nolan and

Christopher Nolan. Certain photographs and sound recordings.

Basis of Claim: Motion picture, including audio, visual and other cinematographic material.

Names: Nolan, Christopher

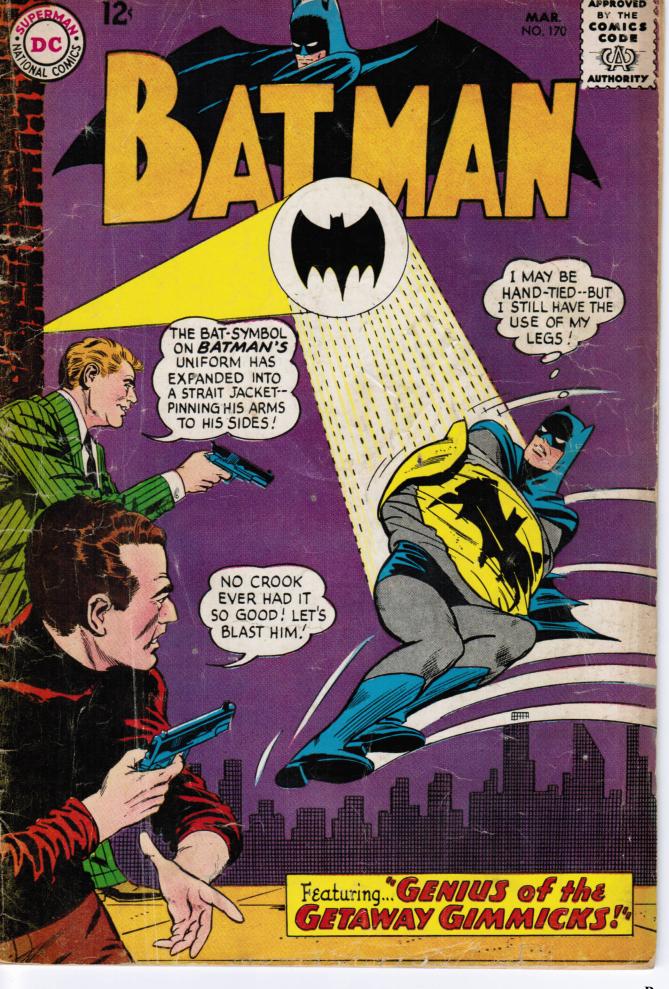
Warner Bros. Pictures

WB Studio Enterprises Inc.

Warner Bros. Entertainment Inc.



Save, Print and Email (Help Page)



Page 13



THE ENTRATE GET RID AND ROBIN--NG ON ME Y OWN DOOM!





#### BATMAN

THE SOFT VOICE OF REYNOLDS
DRONES ON ...

THREE TIMES
WE ROBBED BEFORE BATMAN AND ROBIN--ON ONE
OF THEIR NIGHTLY PATROLSCALGHT UP WITH US ! EACH
TIME I PREPARED A PERFECT
GETAWAY, THOUGH ONLY ON
THE LAST CAPER DID IT
ACTUALLY PAY OFF! I
ANTICIPATED THEY WOULD
USE THOSE CONVENIENT
AIR-VENT PIPES TO PURSUE
US--THAT'S WHY I
GIMMICKED THEM!













#### BATMAN







WIDE GRINS OF GREET THE ST THE HEXER...

IF THE HEXER
OFF BATMAN
IT'LL SAVE YOU
TROUBLE! YOU
WON'T HAVE TO
THINK UP ANY
MORE ESCAPE
GIMMICKS!



















... BUT WHAT ASTONISHED MRS. TOMPKINS IS THAT







#### BATMAN







SHORTLY, A FREECRET GANG
STILTS -- WE CO GATMAN AND BLEW INTO TO STRAIGHT FOR SHERIFF'S OF











#### PFFICES OF THE BUT THIS ISN'T MRS. TOMPKINS' HANDWRITING! AND THE EN-VELOPE ISN'T POSTMARKED GOTHAM CITY-BUT HILL VALE!



T THAT THE NEVER FORGET! ST ABOUT 15 THAT EVER UR TOWN









#### BATMAN









MEANWHILE, UPON BEING BRIEFED BY BATMAN, THE SHERIFF CALLS IN THE LOCAL POST OFFICE CLERK... NOPE-DON'T RECOGNIZE THIS ENVELOPE!
WHOEVER MAILED IT, DIDN'T BRING IT TO ME
IN THE POST OFFICE DIRECT, BUT MUST'VE
PROPPED IT IN THE MAIL BOX OUTSIDE AFTER CLOSING TIME!







#### BATMAN





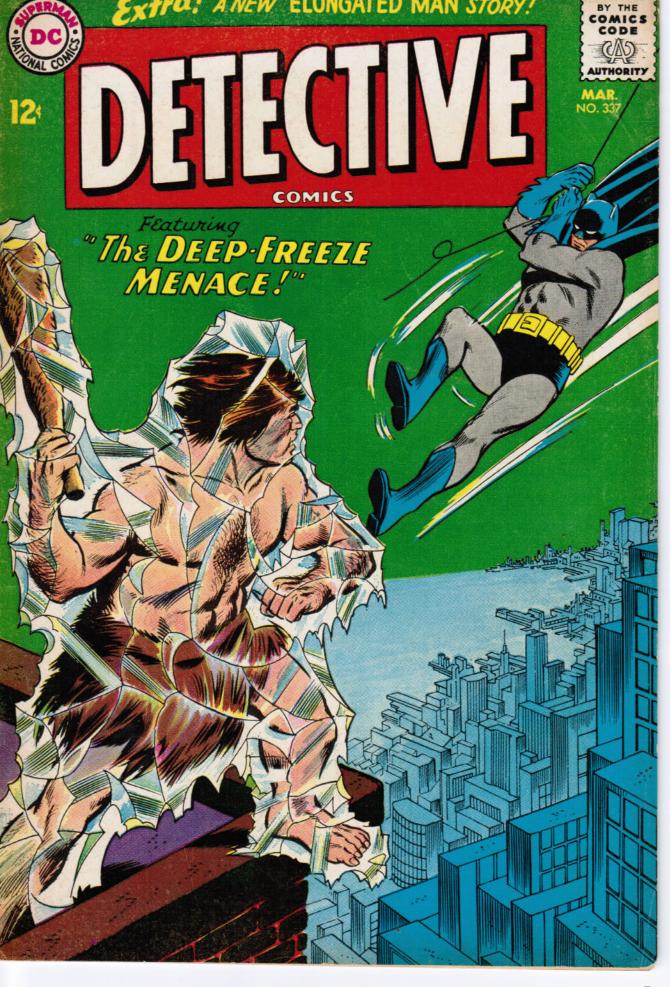






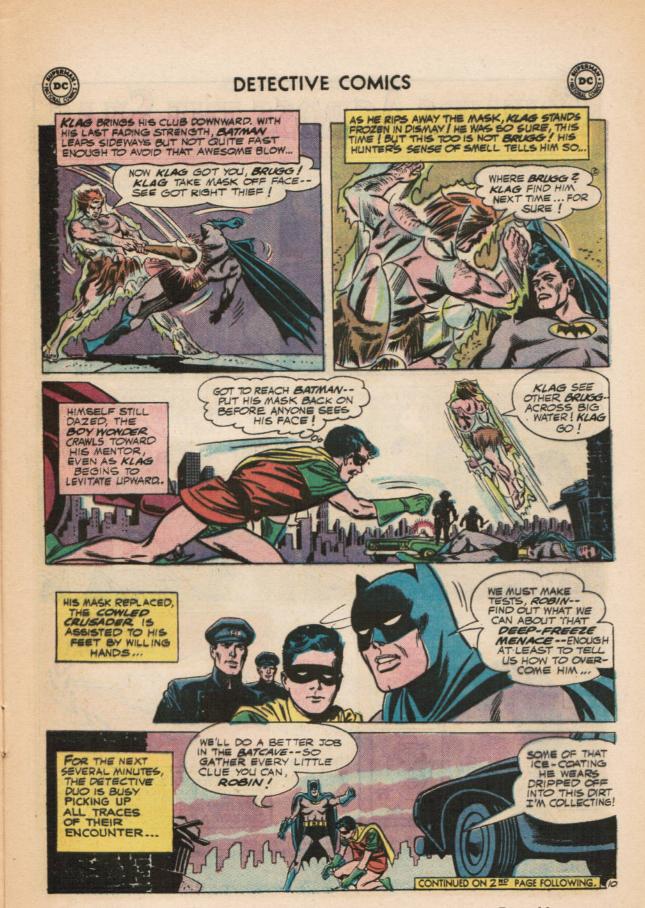






Page 21

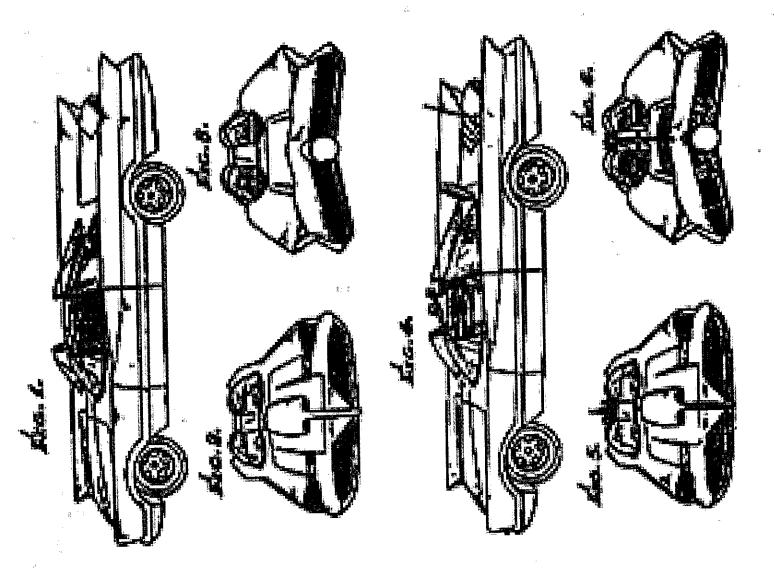




## Des. 215.134

# United States Patent Office

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Johnson Calling Labor CHICAGO STATES FATURES

age 23 Exhibit II

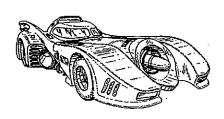
# United States Patent [19]

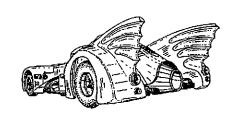
#### Furst

[11]	Patent Number:	Des. 311,882
		4000

[45] Date of Patent: \*\* Nov. 6, 1990

Fur	st		[45]			
[54]	CAR OR S	IMILAR ARTICLE	D. 243,5 D. 250,9		1/1979	Belz
[75]	Inventor:	Anton Furst, London, England	D. 278,0 D. 279,	043	3/1985 7/1985	Avery D12/92 Ogawa D21/132
[73]	Assignee:	DC Comics Inc., New York, N.Y.	D. 280,2	223 676	8/1985 2/1986	Barbato et al
[**]	Term:	14 Years	T) 283 °	717	5/1986	Obara
[21]	Appl. No.:	345,559	D. 293, D. 301,		5/1989	Doi D21/136
[22]	Filed:	Apr. 28, 1989	Primary E	Exam	iner—(	Charles A. Rademaker
[30]		n Application Priority Data .	Assistant I Attorney,	Exan Agen	nner—. t, or Fi	Alicia A. Farrell rm—Notaro & Michalos
Ja	n. 26, 1989 [G	(B) United Kingdom	[57]			CLAIM
Ja [52] [58]	U.S. Cl Field of Se	arch D21/59, 124, 128, 132,	The orna	ment id de	tal desi scribed	gn for a car or similar article, as
[50]	D21/13	3, 134, 135, 136, 137, 140; D12/13, 82,			D	ESCRIPTION
	85, 86, 95, 432	88, 90, 91, 92, 112; 446/85, 88, 93, 94, 440, 450, 451, 465, 466, 468, 470, 487	FIG. 1 is			pective view of a vehicle showing
[56]	[	References Cited	FIG. 2 is	a re	ar pers	pective view thereof;
	U.S.	PATENT DOCUMENTS	FIG. 3 is	s a fro	ont elev	vational view thereof; ational view thereof;
:	D. 203,841 2/ D. 206,062 10/ D. 206,063 10/	71955       Handler       D12/92         71966       Power       D21/136         71966       Mitchell       D12/91         71966       Mitchell       D12/91         71970       Broadley       D12/92	FIG. 5 is	s a sid s a to nown	de elev p plan botton	ational view thereof; and view thereof.  n of the design is substantially plain





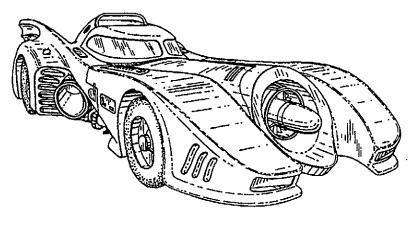


FIG.1

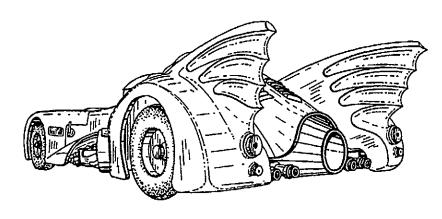


FIG.2

D311,882

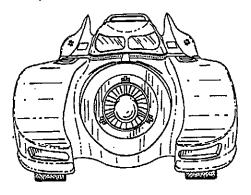


FIG. 3

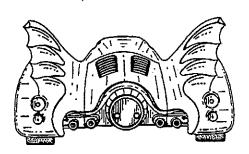
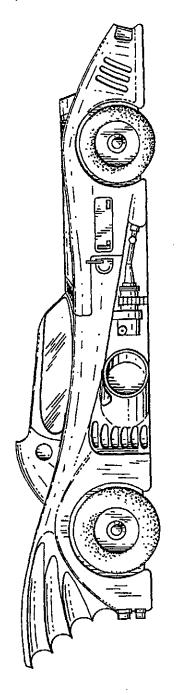
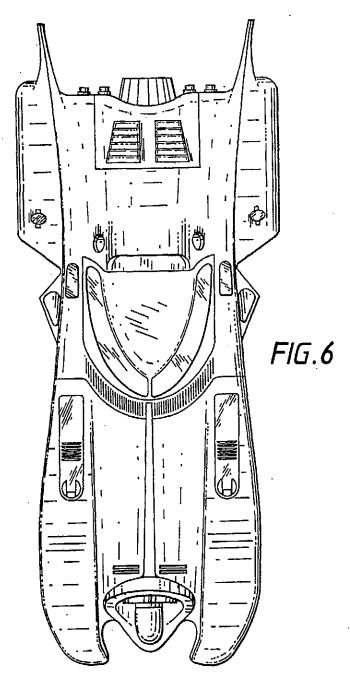


FIG.4



F16.5



#### US00~~75704S

# United States Patent [19]

[75] Inventors: Tim Flattery, Newbury Park; Barbara

Burbank, all of Calif.

[73] Assignce: DC Comics, New York, N.Y.

Dec. 8, 1995

Related U.S. Application Data

[63] Continuation of Ser. No. 39,258, Jun. 1, 1995, abandoned.

References Cited ·

U.S. PATENT DOCUMENTS

U.S. Cl. \_\_\_\_\_ D12/86

D12/181; 296/185, 180.1, 180.3; D21/128,

4/1930 Loewy ...... D12/90

4/1932 Pike ...... D12/91

12/1934 Northup ...... D12/91

12/1935 Buehrig ...... D12/86

1/1949 Buehrig ...... D12/88

4/1953 Lane ...... D12/91

6/1957 Earl ...... D12/92

3/1958 Luntz ...... D14/3

4/1959 Eggers ...... D14/3

1/1960 Marinelli ...... D14/3

2/1966 Power ...... D34/15

Wenning ...... D12/91

Handler ..... D34/15

James ...... D14/3

136, 137

14 Years

Ling, Echo Park; Joel Schumacher,

#### Flattery et al.

[54] VEHICLE

[\*\*] Term:

[22] Filed:

[56]

D. 80,844

D. 83,083

D. 86,742

D. 93,995

D. 97,697

D. 152,320

D. 169,448

D. 176,255

D. 180,509

D. 182,368

D. 184,921

D. 185,843

D. 187,021

D. 203,841

1/1931

12/1955

8/1959

[21] Appl. No.: 47,605

Des. 375,704 Patent Numoer: [11]

\*\*Nov. 19, 1996 **Date of Patent:** [45]

D. 311,882 11/1990 F D. 331,895 12/1992 F D. 337,626 7/1993 C 1,266,191 5/1918 / 3,298,707 1/1967 C 4 925,236 5/1990 I	Noshiro         D21/136           Furst         D12/92           Panoz et al.         D12/92           Chen         D21/136           Adsit         296/180.1           Gerin         280/87           Itoh et al.         296/180.5           Nelson         296/180.1
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Primary Examiner-Freda Nunn

Attorney, Agent, or Firm-Notaro & Michalos P.C.

#### CLAIM [57]

The ornamental design for a vehicle, as shown and described.

#### DESCRIPTION

FIG. 1 is a front perspective view of the vehicle of the invention, as viewed from the top, left-hand side with the rear fins closed;

FIG. 2 is a front view of the vehicle of the invention, with the rear fins closed;

FIG. 3 is a side view of the vehicle of the invention with the rear fins closed;

FIG. 4 is a top plan view of the vehicle of the invention with the rear fins closed;

FIG. 5 is a rear view of the vehicle of the invention with the rear fins closed;

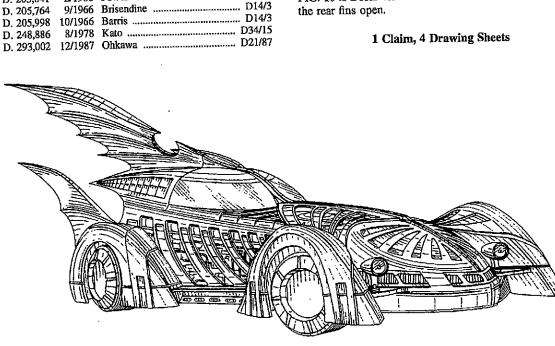
FIG. 6 is a front perspective view of the vehicle of the invention, as viewed from the top, left-hand side, with the rear fins open;

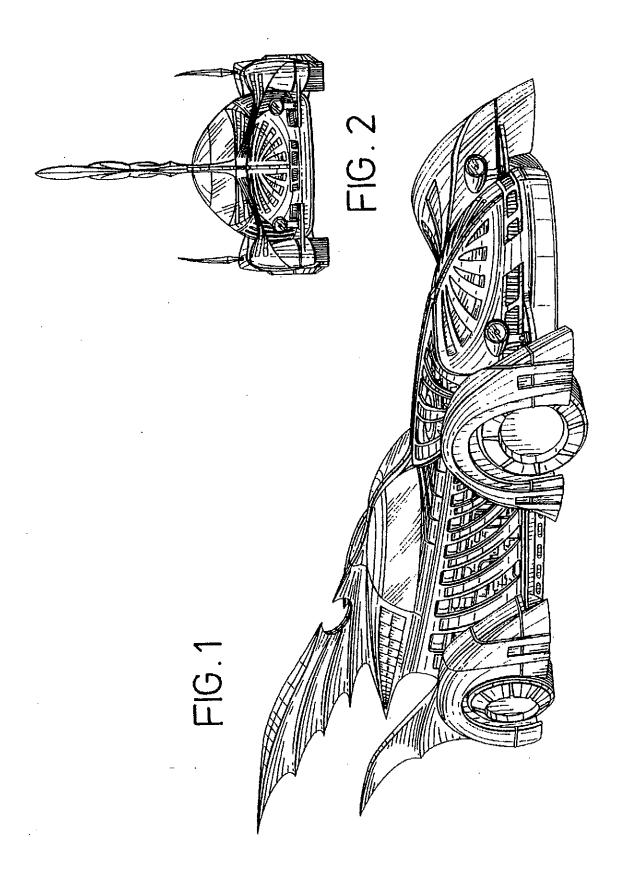
FIG. 7 is a front view of the vehicle of the invention, with the rear fins open;

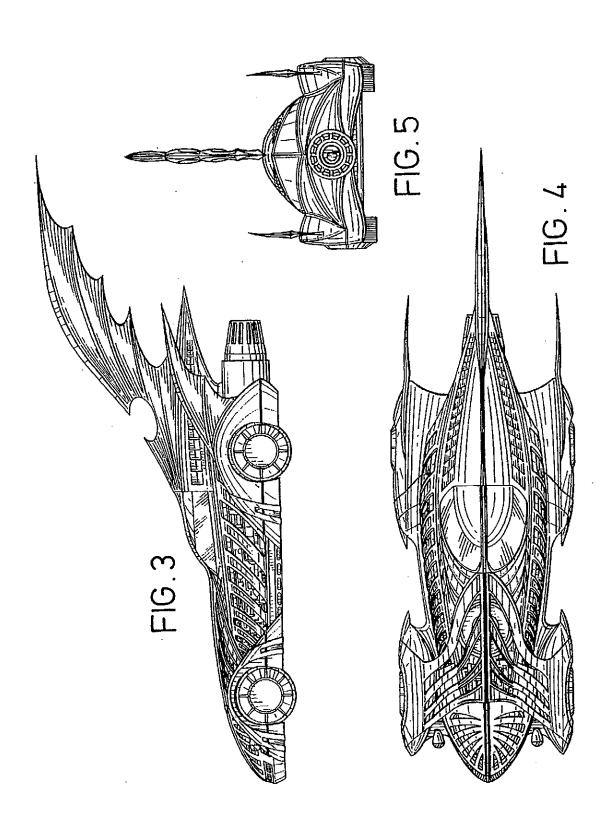
FIG. 8 is a side view of the vehicle of the invention, with the rear fins open;

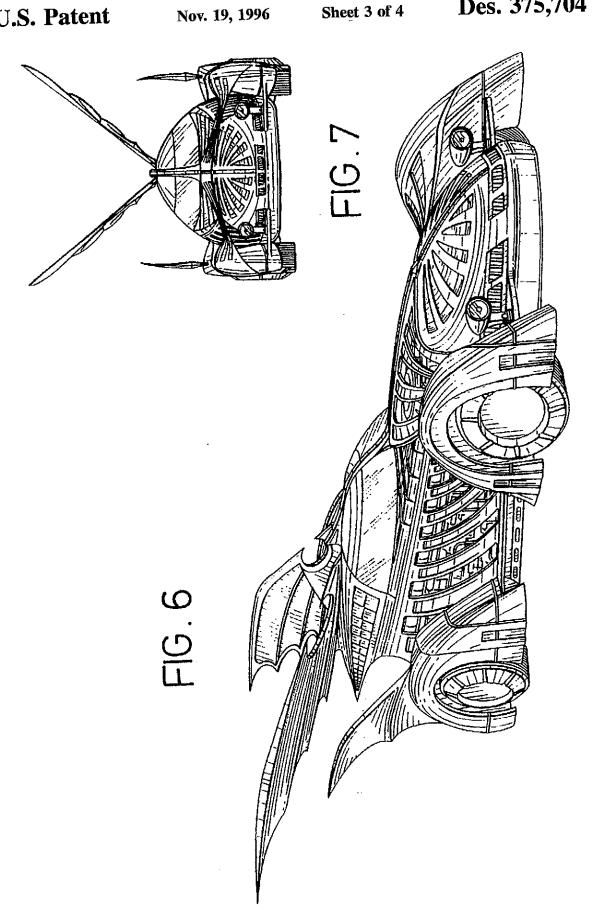
FIG. 9 is a top plan view of the vehicle of the invention, with the rear fins open, and,

FIG. 10 is a rear view of the vehicle of the invention, with the rear fins open.









U.S. Patent

