

2548-10M-8-23



(THIS STATEMENT MUST BE FILED IN DUPLICATE)

PAID

APR 15 1925

3750 N. B. St.  
50- P.T.

STATE OF ILLINOIS,  
COOK County, } ss.

To LOUIS L. EMMERSON, Secretary of State:

We, the undersigned, adult citizens of the United States, at least one of whom is a citizen of Illinois,

NAME	NUMBER	STREET	ADDRESS	CITY	STATE
Clayton F. Sunny	429	S. Wabash Avenue,	Chicago,	Ill.	
H. N. Hyland,	429	S. Wabash Avenue,	Chicago,	Ill.	
F. Bruce Johnstone,	108	E. LaSalle Street,	Chicago,	Ill.	

69-1-27

propose to form a corporation under an Act of the General Assembly of the State of Illinois, entitled, "An Act in relation to corporations for pecuniary profit," approved June 28, 1919, in force July 1, 1919; and all Acts amendatory thereof; and, for the purpose of such organization, we hereby state as follows, to-wit:

OK

1. The name of such corporation is Clayton F. Sunny Co.

2. The object for which it is formed is general dealing in and publishing of music  
Manufacturing and dealing in musical instruments and all the incidents thereto.

3. The duration of the corporation is Ninety-nine (99) Years

4. The location of the principal office is 429 South Wabash Avenue  
Chicago, County of Cook State of Illinois.

5. The total authorized capital stock is { Preferred \$ None } and No shares of  
{ Common \$ 75,000 } without par value.

6. The amount of each share having a par value is \$1.00

7. The number of shares having a par value is 750

8. The number of shares of no par value is None



11. Amount of capital stock which it is proposed to issue at once:

(a) On shares having no par value NONE { Preferred \$ \_\_\_\_\_  
 Common \$ \_\_\_\_\_  
 (b) On shares having a par value of \$ 100 { Preferred \$ \_\_\_\_\_  
 Common \$ 75,000

12. Amount of capital stock actually paid in:

(a) On shares having no par value NONE { Preferred \$ \_\_\_\_\_  
 Common \$ \_\_\_\_\_  
 (b) On shares having a par value of \$ 100 { Preferred \$ \_\_\_\_\_  
 Common \$ 75,000

13. Amount of capital stock paid in cash is See below \$ \_\_\_\_\_

14. Capital stock paid in property, appraised as follows: \$75,000

15. The location and a general description of such property is as follows: All assets and business belonging to Clayton F. Summy Company, a corporation of Illinois which was chartered in 1895. Appraised value \$75,000.

16. The management of the corporation shall be vested in three directors.

17. The name and address of the first board of directors, at least one of whom is a resident of Illinois, and the respective term for which elected are as follows:

NAME	NUMBER	ADDRESS STREET	CITY	STATE	TERM FOR WHICH ELECTED
<u>Clayton F. Summy</u>	<u>489</u>	<u>S. Wabash Avenue,</u>	<u>Chicago,</u>	<u>Ill</u>	<u>One Year</u>
<u>M. M. Hyland</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>One Year</u>
<u>F. Bruce Johnstone</u>	<u>108</u>	<u>S. LaSalle Street,</u>	<u>"</u>	<u>"</u>	<u>One Year</u>

18. Subject to the conditions and limitations prescribed by "The General Corporation Act" of Illinois, this corporation shall have the following powers, rights and privileges:

- To have succession by its corporate name for the period limited in its certificate of incorporation, or any amendment thereof;
- To sue or be sued in its corporate name;
- To have and use a common seal and alter the same at pleasure;
- To have a capital stock of such an amount, and divided into shares with a par value, or without a par value, and to divide such capital stock into such classes, with such preferences, rights, values and interests as may be provided in the article of incorporation, or any amendment thereof;
- To acquire, and to own, possess and enjoy so much real and personal property as may be necessary for the transaction of the business of such corporation, and to lease, mortgage, pledge, sell, convey or transfer the same; and to acquire and to own real property, improved or unimproved, for the purpose of providing homes for its employes or aiding its employes to acquire and own homes and to improve, lease, mortgage, contract to sell, convey or transfer the same, and to loan money to its employes for such purpose upon such terms as may be agreed upon.
- To own, purchase or otherwise acquire, whether in exchange for the issuance of its own stock, bonds, or other obligations or otherwise, and to hold, vote, pledge, or dispose of the stocks, bonds, and other evidences of indebtedness of any corporation, domestic or foreign;
- To borrow money at such rate of interest as the corporation may determine without regard to or restrictions under any usury law of this State and to mortgage or pledge its property, both real and personal, to secure the payment thereof;
- To elect officers, appoint agents, define their duties and fix their compensation;
- To lease, exchange or sell all of the corporate assets with the consent of two-thirds of all of the outstanding capital stock of the corporation at any annual meeting or at any special meeting called for that purpose;
- To make by-laws not inconsistent with the laws of this State for the administration of the business and interests of such corporation;
- To conduct business in this State, or other states, the District of Columbia, the territories, possessions, and dependencies of the United States and in foreign countries and to have one or more offices out of this State, and to hold, purchase, mortgage, and convey real and personal property outside of this State necessary and requisite to carry out the object of the corporation;

In time of war to transact any lawful business in aid of the United States in the prosecution of war, to make donations to associations and organizations aiding in war activities and to loan money to the State or Federal government for war purposes;

To cease doing business and to surrender its charter;

To have and to exercise all the powers necessary and convenient to carry into effect the purpose for which such corporation is formed.

19. An estimate of the per cent. of tangible property of the corporation to be used in Illinois for the following year is 100%

20. An estimate of the per cent. of the business of the corporation which will be transacted at or from places of business in Illinois for the following year is 100%

21. Give the location of the principal places of business of the corporation for the following year and an estimate of the amount of business which will be transacted through each.

422 S. Wabash Avenue, Chicago.

*Clayton F. Summy*  
*M. M. Hyland*  
*F. Bruce Johnstone*

Incorporators.

OATH AND ACKNOWLEDGMENT

STATE OF ILLINOIS,

ss.

COOK County,

I, J. M. Durland a Notary Public in and for the County and State aforesaid, do hereby certify that on the 14<sup>th</sup> day of April A. D. 1925, personally appeared before me

Clayton F. Summy, M. M. Hyland, and F. Bruce Johnstone

to me personally known to be the same persons who executed the foregoing and severally acknowledged that they executed the same for the purposes declared on oath, and being duly sworn hereby declared on oath that the foregoing statements made, subscribed and verified by them are true in substance and in fact.

In Witness Whereof, I have hereunto set my hand and seal the day and year above written.

(Seal)

*J. M. Durland*

Notary Public.

CORPORATION FOR PECUNIARY PROFIT.

Fees payable in advance.  
Statement of Incorporation of

FILED  
APR 15 1925

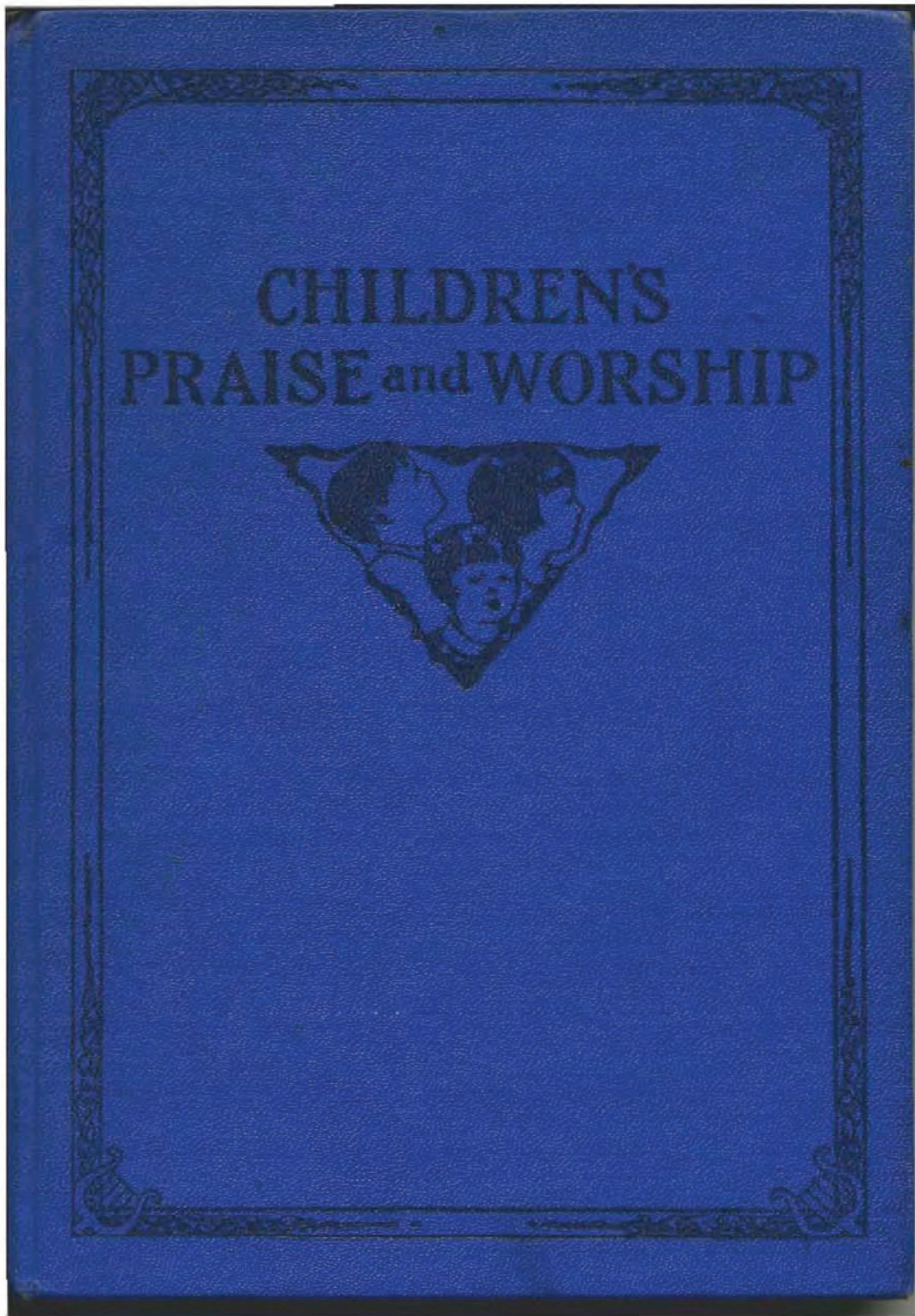
INCORPORATION FEES.

Initial fee of 1/20 of one per cent. on the authorized capital stock, with a minimum fee of \$20.00, also franchise fee as required by Section 129 of the General Corporation Act.

\*NOTE—In paragraph 10 you should set out a brief description of the rights and preferences of the holders of preferred stock, or any other provision for the regulation of the business and the conduct of the affairs of the corporation. This description should be in the same space as specified and definite description of the site of such building. In order to delay read carefully each paragraph in the statement of incorporation and compare every recital in the statement and see whether or not it balances with every other recital relating to the same matter.

# **EXHIBIT 21**





Ex. 21

525

P003431

**CHILDREN'S PRAISE  
AND  
WORSHIP**

**FOR THE BEGINNERS, PRIMARY  
AND JUNIOR GRADES  
of the  
SUNDAY SCHOOL**

*Compiled and Edited by*

**A. L. BYERS, with BESSIE L. BYRUM and ANNA E. KOGLIN**  
as advisors, both of the faculty of Anderson  
College and Theological Seminary

*Adapted to*

**SUNDAY SCHOOL WORK GENERALLY**

**PRICE 50 CENTS**

Write your own church publishing house  
for quantity rates

Printed in United States of America

**THE WARNER PRESS - ANDERSON, INDIANA**



## Preface

The interest in child study with a view to more successful Sunday-school methods has been ever increasing. Instruction has become more specifically adapted to the needs of the respective grades. Teachers are training themselves, as if for their lifework, for instruction in a particular grade. Sunday-school work is looming in importance. And all of this means that any selection of songs intended for children must be in accordance with the best standards.

Fortunately, in the compiling and editing of this collection there have figured, as an advisory committee, two leaders in Sunday-school work who are exponents of the best in child psychology. In fact, the editor has endeavored to follow their lead rather than merely to seek their advice.

Sometimes in the past songs have been placed in books as children's songs merely because of their reference to children and without any regard to adaptation. For example, such songs as *Bring Them In*, *Open the Door for the Children*, and *Gather Them Home Above* are merely evangelistic appeals of adults to adults *about* children, and are not truly children's songs. Such have been consistently omitted from this book.

As implied by the title the aim has been to have material that the children can adapt as their very own in praise and worship, altho under certain topics, of course, it is necessary that children be addressed in the second person. In a general way the endeavor has been to keep the subject matter and the language within the understanding of the child. As exceptions to this there are a few of the best-known old hymns, with which the child should become familiar, even without understanding.

The classification is by subjects, or topics, and not by grades. The attention of teachers is called to the topical index in the rear, where under each topic will be found the gradation indicated by proper symbols in the right-hand column. Thus if one has in mind the subject desired one may select a song for the grade intended, remembering, of course, that all subjects do not apply to all grades. Under *Faith*, for example, will be found no song for *Beginners*, nor will *Juniors* be represented under *Cradle Roll*. The dimensions of these pages recognize the trend away from the diminutive sizes of children's books so prevalent formerly.

In their endeavor to have the best on this line the publishers have gone to considerable expense in the make-up of this book. Hundreds of dollars have been spent for permissions alone. A comparison with others of the standard books of this description will reveal that neither is the size of the book above the average nor is the price asked for it exorbitant. It is hoped, therefore, that it may win a large circulation and prove very useful in the important work of the Sunday school.

Copyright, 1928, by Gospel Trumpet Company



219

Birthday

C. D. T.

CHARLES D. TILLMAN (1881—)

{ We greet you on this glad birth-day And wish you man - y more, }  
 { And may this of - f ring which you make Add to your heav'nly store. }

As man - y pen - nies as you bring Will mark the years you've past,

So 'tis for you our song we sing And wish you joys that last.

Copyright, 1924, by CHARLES D. TILLMAN

A useful song for adults as well as for juniors, to be sung while birthday offerings are being made.

220

Happy Birthday to You

Hap - py birth - day to you, Hap - py birth - day to you,

Hap - py birth - day, dear — — , Hap - py birth - day to you.

**EXHIBIT 22 -  
[ORIGINAL EXHIBIT MANUALLY LODGED  
& FILED PURSUANT TO L.R. 11-5.4]**

**[Copy of Original Exhibit Attached]**



## Additional Certificate of Registration of a Claim to Copyright

This is to certify that the statements set forth  
in the attached have been made a part of the  
records of the Copyright Office with claim  
of copyright registered under number

In testimony whereof, the seal of this office  
is affixed hereto on

**A 1068883**

**June 12, 2014**



*Maria A. Pallante*

Register of Copyrights and  
Associate Librarian for Copyright Services

C-731 · 06/2011—10,000

Ex. 22

530

P006328



APPLICATION FOR COPYRIGHT

A1

FOR BOOK NOW FIRST PUBLISHED IN THE UNITED STATES

REGISTER OF COPYRIGHTS, Washington, D. C.

Date Apr. 7, 1928

Of the BOOK named herein TWO complete copies of the best edition FIRST PUBLISHED on the date stated herein are herewith deposited to secure copyright registration, accompanied by the AFFIDAVIT required by section 10 of the Act of March 4, 1909, that the book has been produced in accordance with the manufacturing provisions specified in section 15 of the said Act. \$1 (statutory fee for registration and certificate) is also inclosed. The copyright is claimed by

- (1) Name of copyright owner Gospel Trumpet Co.  
(Write full legal name of copyright owner)
- (2) Address Anderson Ind  
(Street)
- (3) Name of author or translator A. C. Byers, Bessie G. Byrum, Anna E. Koglin  
(1919) (1919)
- (4) Country of which the author is a citizen\* U. S. A.  
(Must be stated)
- (5)  alien author, state where domiciled in United States
- (6) Title of book Children's Praise and Worship

Gospel trumpet co.	A1	2 c. rec'd	APR 11 1928
Byers (A. L.) comp.		Applied for	APR 11 1928
Children's praise and worship.		rec'd	
		Amount	APR 11 1928
		rec'd	
		XXC	©CL1068883
	Fee rec'd \$		18369 APR 11 '28

MPB  
IMPORTANT. Applicant must not write in the blank lines above. **300** so will cause delay in Copyright Office.

- (7) First published on the 7 day of Apr 1928;  
(State here the day, month, and year when the work was placed on sale, sold, or publicly distributed. Must agree with the date stated in the affidavit on reverse side.)
  - (8) Send certificate of registration to Gospel Trumpet Co.  
Anderson Ind  
(Street) (City) (State)
  - (9) Name and address of person sending the fee Gospel Trumpet Co.  
Anderson Ind  
(Street) (City) (State)
- W. If the work is a translation, state name and citizenship of the translator in lieu of that of the author.



**AFFIDAVIT.** IMPORTANT. The execution publication of the book, and a corporation or firm may

of this affidavit must be **SUBSEQUENT** to the **A1** MUST be made by an individual (an official of act.)

State of Indiana }  
County of Madison } ss: (Fill in the required statements to accord with the facts concerning the book named, and draw pen through statements not intended to be made)

I N. H. Byrum, Secy. & Gospel Trumpet Co. (being duly sworn, depose) do solemnly affirm  
and say: That I am the { (1) person claiming copyright in the book named herein; (2) duly authorized agent or representative residing in the United States of the claimant of copyright in (3) printer of

I further depose and say that the book, of which two copies have been deposited, entitled Children's Grace and Worship

has been printed as required by the Act of March 3, 1909, by Gospel Trumpet Co. (Name of establishment) at Anderson Ind (City) (State); from type set within the limits of the United States, or from plates made within the limits of the United States from type set therein, by

Gospel Trumpet Co. (Name of establishment) at Anderson Ind (City) (State); that the printing of the text of the said book was completed on the 26 day of Mar., 1928;

that the said book WAS PUBLISHED on the 7 day of Apr., 1928; that the binding of the said book has been performed within the limits of the United States by Gospel Trumpet Co. (Name of establishment) at Anderson Ind (City) (State)

N. H. Byrum (Signature of person making affidavit)

Subscribed and {sworn to affirmed} before me this 9th day of April, 1928

NOTARIAL SEAL (Copyright law makes use of notarial seal obligatory.) My commission expires Sept. 22, 1930. Forner J. Dick (Signature of Notary Public)

FOOTNOTE—Of the lines numbered (1), (2), (3), use the one which applies, and cross out the lines not used. (July, 1925—60,000) GOVERNMENT PRINTING OFFICE

**EXHIBIT 23 -  
[REDACTED]**

1 FRANCIS M. GREGOREK (144785)  
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3 RACHELE R. RICKERT (190634)  
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5 **WOLF HALDENSTEIN ADLER**  
**FREEMAN & HERZ LLP**  
6 750 B Street, Suite 2770  
San Diego, CA 92101  
7 Telephone: 619/239-4599  
8 Facsimile: 619/234-4599

9 *Interim Lead Counsel for Plaintiffs and the [Proposed] Class*

10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA -**  
12 **WESTERN DIVISION**

14 GOOD MORNING TO YOU ) Lead Case No. CV 13-04460-GHK (MRWx)  
15 PRODUCTIONS CORP., et al., )  
16 Plaintiffs, ) **[REDACTED] DECLARATION OF**  
17 ) **RANDALL S. NEWMAN IN SUPPORT**  
18 v. ) **OF PLAINTIFFS' MOTION FOR**  
19 ) **SUMMARY JUDGMENT**  
19 WARNER/CHAPPELL MUSIC, )  
20 INC., et al., )  
21 Defendants. ) Date: January 26, 2015  
22 ) Time: 9:30 a.m.  
23 ) Room: 650  
24 ) Judge: Hon. George H. King,  
25 ) Chief Judge

1 I, Randall S. Newman, hereby declare as follows:

2 1. I am an attorney duly licensed to practice law in the State of California and I  
3 am counsel for Plaintiffs in the above-entitled action. I have personal knowledge of the facts  
4 stated herein based upon my review of the documents produced in this action and, if called  
5 as a witness, I could and would testify competently thereto.

6 **The Incorporation of Educational Music Bureau in Illinois in 1923**

7 2. A Certificate of Incorporation for a corporation known as Educational Music  
8 Bureau ("EMB") was filed with the Illinois Secretary of State on or about August 11, 1923.  
9 Evidentiary Appendix ("App'x"), Exhibit ("Ex.") 17 at 503-507.

10 3. Paragraph ("¶") 9 of the Certificate of Incorporation of EMB lists 9  
11 shareholders who were issued a total of 200 shares of capital stock in EMB. *Id.* at 505.

12 4. John F. Sengstack's ("John Sengstack") name does not appear in ¶ 9 of the  
13 Certificate of Incorporation. *Id.* at 505.

14 **The Incorporation of Clayton F. Summy Co. in Illinois in 1925**

15 5. Articles of Incorporation for a corporation known as Clayton F. Summy Co.  
16 were filed with the Illinois Secretary of State on or about April 15, 1925. Ex. 20 at 518-523.

17 **The 1931 Agreement between Clayton F. Summy and John Sengstack**

18 6. Clayton F. Summy ("Clayton Summy") and John Sengstack entered into an  
19 agreement dated August 7, 1931. Ex. 92 at 1059-1068.

20 7. [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 8. [REDACTED]

24 [REDACTED]

25 [REDACTED]

26 [REDACTED]

27 9. [REDACTED]

28 [REDACTED]



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[REDACTED]

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**The Incorporation of Clayton F. Summy Co. in Delaware in 1931**

15. It is undisputed that Clayton F. Summy Co. was incorporated in the State of Delaware on or about August 31, 1931. ("Summy (DE)"). Ex. 1 at ¶ 68, Ex. 2 at ¶ 68.

16. It is undisputed that Summy (DE) is the corporation that filed the Copyright Applications for E51988 and E51990.<sup>1</sup>

<sup>1</sup> In fact, the Summy (DE) was the only "Summy" corporation in existence in 1935 because the previous two Summy Corporations were dissolved in 1920 and 1933 respectively.