

## CATALOG OF COPYRIGHT ENTRIES

27169

pt. III, n. s., v. 29

- Progressive solos for the piano accordion; arr. Al Richards. bk. 2. © Dec. 20, 1934; E for. 37516; W. Paxton & co., ltd., London. 27169
- Promenade; w John Galsworthy, m Robert Braine; high; in G. © Nov. 14, 1934; E pub. 45035; Oliver Ditson co., inc., Boston. 27170
- Promise (The); w Olive Hyde Foster, m Mary Turner Salter; high voice; organ acc. © Dec. 21, 1934; E pub. 45488; Clayton F. Summy co., Chicago. 27171
- Prosperity; pf. with w. © 1 c. Dec. 15, 1934; E unp. 96922; Genevieve V. Shaw, Cartersville, Ga. 27172
- Prosperity on parade; song, w Larry E. Goffin. © 1 c. Dec. 3, 1934; E unp. 97046; John Smoke, Crested Butte, Col. 27173
- Puppchen; by Bert Kalmar and Harry Ruby; pf. arr. Wayne Allen. © 1 c. Dec. 8, 1934; E unp. 96608; Metro-Goldwyn-Mayer corp., New York. 27174
- Put on a high hat—and smile; pf. with w. © 1 c. Dec. 14, 1934; E unp. 96914; Eugene Bullet Cheatham, Chicago. 27175
- Put on your glasses; w Edgar Leslie, m Fred. E. Ahlert; with arr. for guit., etc. © Nov. 30, 1934; E pub. 45121; T. B. Harms co., New York. 27176
- Put your heart in a song; from Say when, w Ted Koehler, m Ray Henderson; with arr. for ukulele, etc. © Nov. 30, 1934; E pub. 45126; A. L. Berman, New York. 27177
- Queen of my heart; w William McKenney, melody Carlton Bates. © 1 c. Dec. 12, 1934; E unp. 96758; William Carlton Bates, Cambridge, Mass. 27178
- Quest (The) of the Magi; Christmas story cantata, story L. A. Reed, w Haldor Lillenas and Vida Munden Nixon, m H. Lillenas. © Oct. 1, 1934; E pub. 44706; Nazarene pub. house, Kansas City, Mo. 27179
- Quiero verte . . .; paso-doble; orch. ptes., con letra. © Mar. 1, 1934; E for. 37567; R. Santeugini, Madrid, Spain. 27180
- Quintetto; 2 violini, viola, violoncello e pf. Partitura e pti. © Sept. 1, 1934; E for. 37289; Mario Castelnovo-Tedesco, Florence. 27181
- Rachmaninoff (S.) Prelude; in C sharp min., op. 3, no. 2, arr. Erik Hansen; pf. © Dec. 5, 1934; E for. 37463; J. R. Lafleur & son, ltd., London. 27182
- Radio city; march, by Edwin Franko Goldman; orch. pts. © Dec. 10, 1934; E pub. 45253; Carl Fischer, inc., New York. 27183
- Radio gems; w and m compiled T. Harris. © Dec. 3, 1934; AA 163116; Thor Harris, Eureka Springs, Ark. 27184
- Radio waves; by J. Sedlon; pf. accordion. © Dec. 26, 1934; E pub. 45490; Rubank, inc., Chicago. 27185
- Rainbow eyes; w and melody. © 1 c. Dec. 5, 1934; E unp. 96444; Leona M. Bogle, West Chester, Pa. 27186
- Same. © 1 c. Dec. 13, 1934; E unp. 96817; Leona M. Bogle, West Chester, Pa. 27187
- Rainbow (The) of dawn; trio; women's voices. © Sept. 26, 1934; E pub. 45327; Carrie Baxter Jennings, Howard City, Mich. 27188
- Raindrops; by Cecile Couperin, op. 2, no. 14; pf.; in F maj. © Nov. 19, 1934; E pub. 45549; Bach music co., Boston. 27189
- Raise your lips; song. © 1 c. Dec. 6, 1934; E unp. 96538; Hyman Teach, Montreal. 27190
- Ramona is mine; song, m arr. Maude Schartzler. © 1 c. Dec. 15, 1934; E unp. 96925; Dwight Washington Brannan, Catonsville, Md. 27191
- Rays of sunshine; w C. J. Auter, melody arr. Juliette Baab. © 1 c. Nov. 22, 1934; E unp. 95954; Charles Loyacono, Vicksburg, Miss. 27192
- Real (A) Hawaiian lei; w and melody. © 1 c. Dec. 11, 1934; E unp. 96690; Patrick Henry Brunette, jr., Honolulu. 27193
- Real joy; hymn. © May 15, 1934; E pub. 45662; Nathaniel Carlson, Miller, Kan. 27194
- Redhead; song, melody James L. Brown. © 1 c. Dec. 19, 1934; E unp. 97060; Mable I. Booth, Ann Arbor, Mich. 27195

# **EXHIBIT 34**

## ***Shy Women Teachers Who Wrote Child's Ditty Figure in Plagiarism Suit Over Broadway Hit***

Two sisters, both teachers at Columbia University, were a little baffled last night to learn that they had emerged for a moment from the world of pedagogy to become central characters in a lawsuit involving a musical comedy.

The suit, which was filed against Sam H. Harris, alleged that one sister was the composer of a tune which is sung in Irving Berlin and Moss Hart's "As Thousands Cheer" and that the other sister was holder of its copyright.

Professor Patty Smith Hill, who is a well-known kindergarten authority, was asked last night about her part in the legal action. She expressed an active distaste for any publicity. Miss Smith is Professor of Education at Columbia University.

She admitted, however, that it was she who had written and composed the words of the song, "Good Morning to All," in collaboration with another sister, Mildred J. Hill, now dead. The song was written and first copyrighted in 1893.

She also admitted that it was her sister, Jessica M. Hill, instructor of English at Teachers College, who had signed a complaint in the suit filed earlier in the day in Federal

court alleging that "Happy Birthday to You," sung in "As Thousands Cheer," was a plagiarism on the music of her own song.

As to the fact that the suit filed by her attorney, George Link Jr., asked damages of \$250 for each performance of the musical show, which opened last Sept. 30 at the Music Box Theatre, Professor Hill had no comment to make.

"My song," she said, "is sung the world over."

"Whenever it is sung over the radio," said Mr. Link, "fees are paid."

Mr. Link asserted in the complaint that "Good Morning to All" was published by Clayton F. Summy in 1893 in "Song Stories for the Kindergarten." The copyright, it was explained, had been extended in 1921.

"Happy Birthday to You" is sung in the Rockefeller scene of "As Thousands Cheer." The actors repeat the lines "Happy Birthday to You" several times, allegedly to the infringing tune of "Good Morning to All."

Professor Smith said last night that the real interested party in the suit was the Clayton Summy Company, publishers of Chicago, not herself and her sister.

**The New York Times**

Published: August 15, 1934

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Ex. 34

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P003598

**EXHIBIT 35 -  
NON-PAPER EXHIBIT**

**[PURUSANT TO L.R. 11-5.1 MANUALLY LODGED AND FILED]**

# **EXHIBIT 36**

July 25

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X

JESSICA M. HILL,

Plaintiff,

- against -

AMENDED COMPLAINT

SAM H. HARRIS, SAM H. HARRIS  
THEATRICAL ENTERPRISES INC., IRVING  
BERLIN AND MOSS HART,

Defendants.

----- X

The plaintiff herein by McKersher & Link, her  
solicitors, complaining of the defendants Sam H. Harris and  
Sam H. Harris Theatrical Enterprises Inc. alleges:

(SHH)(i.B.) (SHH) (HEAT)

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A A

D A

1. The plaintiff is a citizen of the United States and resides in the City, County, and State of New York.
2. That upon information and belief defendant Sam H. Harris is a citizen of the United States and resides in the State of New York.
3. That upon information and belief defendant Sam H. Harris Theatrical Enterprises Inc. is a corporation organized and existing under the laws of the State of Delaware and is authorized to do business in the State of New York.
4. That upon information and belief defendants presented and still continue to present a dramatic musical production for the convenience, accommodation, entertainment and refreshment of the public generally, known as "As Thousands Cheer"; that said dramatic musical production was and is presented as a commercial enterprise for the profit of

(SHH)(LB) (SHH)  
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defendants and for the purposes of profit; that said dramatic musical production was and is presented for the entertainment and amusement of the public generally and to promote and advance the interests and business of defendants; that defendants gave and caused to be given, daily performances and renditions of said dramatic musical production publicly for profit.

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5. That upon information and belief defendants presented and continue to present publicly for profit the said dramatic production and received and continue to receive income therefrom.

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6. That on or about or prior to October 13, 1893, Mildred J. Hill and Patty S. Hill originated, devised, created, and wrote, composed, and arranged the words, lyrics, and music of a new and original musical composition entitled "Good Morning to All".

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DKovI

7. That upon information and belief on or about the 13th day of October, 1893, Clayton F. Summy duly copyrighted said composition by publishing the same and offering the same to the general public in a volume entitled "Song Stories for the Kindergarten" and offering same to the general public with the following notice of copyright on the first and title page of said volume as follows: "Copyright, 1893, by Clayton F. Summy".

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8. That upon information and belief after publication of such volume with such notices of copyright said Clayton F. Summy on or about the 16th day of October, 1893, deposited in the office of the Register of Copyrights, Washington, D.C., two complete copies of the best edition thereof then published accompanied by a claim of copyright

(SHH)(L.C.) (SHH THEAT PAT)

and paid to the Register of Copyrights the fee required by law for the registration of the said work and the said work was duly registered by the said Register of Copyrights who thereupon issued his certificate of copyright registration thereunder #45997.

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9. That upon information and belief on or about the 8th day of June, 1896, Clayton F. Summy Co. copyrighted said composition by publishing a new revised, enlarged, and illustrated edition of "Song Stories for the Kindergarten" and offering the same to the general public with the following notice of copyright on the first and title page thereof "Copyright, 1896, by Clayton F. Summy".

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10. That upon information and belief after publication of such volume with such notices of copyright said Clayton F. Summy Co. on or about the 18th day of June, 1896, deposited in the office of the Register of Copyrights, Washington, D.C., two complete copies of the best edition thereof then published, accompanied by a claim of copyright and paid to the Register of Copyrights the fee required by law for the registration of the said work and said work was duly registered by the said Register of Copyrights who thereupon issued his certificate of copyright registration thereunder #34260.

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11. That upon information and belief since the date of the aforesaid copyright such volumes have been published by Clayton F. Summy Co.; that upon each copy of such volumes so published there has been inscribed on the first and title page thereof the copyright notices required by law in the words and figures set forth in paragraphs 7 and 9 hereof.

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that that  
J. M. J. M.  
Summy Summy  
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12. That on or about the 3rd day of September,



(S.H.A.) (R) (S.H.A. THEATRE ENT.)

1921, a renewal registration for the copyright #45997 was made with the Register of Copyrights, Washington, D.C. by Jessica M. Hill under #R-19043 and that Jessica M. Hill is now the owner of said copyright.

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JM owns JM owns  
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13. That on or about the 9th day of January, 1924, renewal registration copyright #34260 was made by the filing thereof with the Register of Copyrights, Washington, D.C. by Jessica M. Hill under #R-25771, and that Jessica M. Hill is now the owner of said copyright.

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14. That in each and all of the volumes published under copyright #45997 and #34260 and renewal registrations thereof #R-19043 and R-25771 there appeared and still appears a certain musical composition composed and arranged by Mildred J. Hill, words written and adapted by Patty S. Hill, entitled "Good Morning to All".

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15. That upon information and belief on or about the 10th day of September, 1933, and at other times prior and subsequent thereto without the previous knowledge, approval, procurement of consent of the plaintiff or Clayton F. Summy Co. and without the subsequent ratification or consent by either the plaintiff or Clayton F. Summy Co., in infringement of the aforesaid copyright and with full knowledge of the rights of plaintiff in such work and of such copyright belonging to said plaintiffs, the defendants herein by means of a dramatic musical production entitled "As Thousands Cheer" gave, and caused to be given, and still give and cause to be given, public performances and renditions, for profit and for the purposes of profit, of the musical composition entitled "Good Morning to All" on and in premises known as "Music Box", a theatre situated at 239 West 45th Street, New York City, and other theatres, and that the defendants continue and threaten to continue such infringing performances.

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16. That upon information and belief said performances of said composition "Good Morning to All" were given on and in said "Music Box" and other theatres by said defendants causing and participating therein and under the direction and control of said defendants; that same was for the entertainment and amusement of the patrons attending and patronizing said premises and to attract trade and custom to said premises; that such renditions and performances were public and for profit and for the purposes of profit; that same was for the purpose of making "As Thousands Cheer", the dramatic musical production presented by the defendant, well and feverably known and attractive to the public generally and to encourage the public to attend such performances of said production and to pay for the same for the purpose of ultimate profit of defendants.

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17. That the said wrongful acts of the defendants have caused and are causing great injury and damage to the plaintiff which damage cannot accurately be computed and unless the court restrains the defendants from the further commission of said acts the plaintiff will suffer irreparable injury for all of which the plaintiff is without any adequate remedy at law.

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18. That the continuation of such infringing performances will destroy the value of plaintiff's copyright and her rights thereunder and will lead and induce others to perform publicly for profit, and for the purposes of profit, public performances of said musical composition "Good Morning to All"; that others now paying a fixed royalty to plaintiff and/or her agents for the privilege of publicly performing such composition for profit will be induced to

(S.H.) (I.B.) (S.H.)  
(THEAT.)  
(ENT.)

discontinue such payment of royalties to said plaintiff, and to give public performances for profit, of such composition without leave or license of said plaintiff; that by the acts of defendants as aforesaid plaintiff is deprived of the exclusive right to give public performances for profit of said musical composition and to grant others the right so to do.

I. B. M. H.

Plaintiff complaining of the defendants  
Irving Berlin and Moss Hart alleges:

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19. That plaintiff is a citizen of the United States and resides in the City, County, and State of New York.

20. That upon information and belief defendants are citizens of the United States and reside in the State of New York.

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21. That upon information and belief defendants prepared and wrote the script, book, lyrics, and music for a dramatic musical production known as "As Thousands Cheer" for the convenience, accommodation, entertainment and refreshment of the public generally; that said dramatic musical production was and is presented as a commercial enterprise for the profit of defendants and for the purpose of profit. That said dramatic musical production was and is presented for the entertainment and amusement of the public generally and to promote and advance the interests and business of defendants.

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22. That upon information and belief said production "As Thousands Cheer" was presented publicly for profit and that defendants received and continue to receive income therefrom.

A. B. H. H.

23. Repeats and realleges the allegations contained in Paragraphs 6, 7, 8, 9, 10, 11, 12, 13, and 14 herein with the same force and effect as if set out at length.

24. That upon information and belief without the previous knowledge, approval, or procurement of consent of plaintiff or Clayton F. Summy or without the subsequent approval, ratification, or consent by plaintiff or Clayton F. Summy in infringement of the aforesaid copyright and with full knowledge of the rights of plaintiff in such work and of such copyright belonging to said plaintiff, defendants herein included in the script, book, lyrics, and music of said dramatic musical production "As Thousands Cheer" the musical composition "Good Morning to All".

25. That upon information and belief on or about the 10th day of September, 1933, and at other times prior and subsequent thereto without the previous knowledge, approval, procurement of consent of plaintiff or Clayton F. Summy Co. and without the subsequent ratification or consent of plaintiff or Clayton F. Summy in infringement of the aforesaid copyright public performances and renditions for profit and for the purposes of profit of the musical composition "Good Morning to All" were given by means of said dramatic musical production "As Thousands Cheer" on and in premises known as "Music Box", a theatre situated at 239 West 45th Street, New York City, and other theatres.

26. Repeats and realleges the allegations contained in Paragraphs 16, 17, and 18 herein with the same force and effect as if set out at length.

WHEREFORE, as her remedies against defendants herein plaintiff prays:

(a) That the defendants and all persons acting under their direction, permission, control, or license, be enjoined and restrained from publicly performing said composition "Good Morning to All" and from causing or permitting same to be publicly performed in the respective places of business of defendants or in any other place owned, used, controlled, or operated by them and from aiding or abetting the public performance of such composition in any public place or otherwise.

(b) That defendants be decreed to pay such damages as may have been sustained by plaintiff in consequence of defendants' said unlawful acts but in no event less than the sum of \$250.00.

(c) That defendants be decreed to pay the costs of this action and that a reasonable attorneys' fee be allowed.

(d) For such other and further relief in the premises as to this court may seem just and proper together with the costs of this action.

McKENCHIE & LINK  
Solicitors for Plaintiff  
Office & P.O. Address  
17 John Street  
Borough of Manhattan  
City of New York

# **EXHIBIT 37**

## Sam H. Harris Is Sued Over Melody of Song

### Plagiarism Charged On Number in 'As Thousands Cheer'

Jessica M. Hill, an instructor of English at Columbia University, filed suit in United States District Court yesterday against Sam H. Harris, theatrical producer, charging that the melody of the song "Good Morning to All," composed in 1893 by Miss Hill's two sisters, was plagiarized in a scene in "As Thousands Cheer," now playing at the Music Box Theater. The song was written by Patty Smith Hill, professor of education at Columbia, a kindergarten expert, and the late Mildred J. Hill, who provided in her will that her sister, Miss Jessica, was entitled to a share of any royalties.

The scene in "As Thousands Cheer," wherein Miss Hill alleged her tune was plagiarized, depicts John D. Rockefeller Jr., with members of the Rockefeller family ranged around, presenting to his aged father a miniature of Radio City and a birthday cake. The Rockefellers are singing "Happy Birthday To You," using the music, but not the words, of the song the Hill sisters claim is theirs.

"Good Morning To All" was published in 1893 in a collection called "Song Stories for the Kindergarten." The plaintiff alleged that her copyright was extended in 1921. She asked for an injunction and damages from the producer of "As Thousands Cheer," of "not less than \$250," which is the minimum prescribed by law for each infringing performance of a copyrighted song. The number of allegedly infringing performances was not included in the complaint.

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Ex. 37

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# **EXHIBIT 38**



- Gone; w and m Alan Jones; with arr. for guit., etc. © May 17, 1935; E pub. 48321; Harms, inc., New York. 10926
- Goning [sic] back to Georgia; w and melody Mack and Billy. © 1 c. May 27, 1935; E unpub. 104772; Claude S. McAvoy and Lillie Parker, Fernaldale, Mich. 10927
- Good by; fox, ze Diagnosa X, slova: J. V. Šmejkal, hudba: Josef Stelibský. © Feb. 4, 1933; E for. 39629; Evžen J. Rosendorf, Prague, Czechoslovakia. 10928
- Good bye please; w and m J. W. Chapman and C. A. Holaday. © 1 c. Apr. 23, 1935; E unpub. 103977; Jerry Chapman and Charles Holaday, San Antonio. 10929
- Good-night love; fox trot, w and melody. © 1 c. May 27, 1935; E unpub. 104794; Elvio Bogno, Barre, Vt. 10930
- Good old Massachusetts; 6/8 march song. © 1 c. May 7, 1935; E unpub. 103853; George Frederick Braun, Milton, Mass. 10931
- Goofy acrobats; by D. Buttolph. © 1 c. May 23, 1935; E unpub. 104621; Movietone music corp., New York. 10932
- Grand festival; overture, E. De Lamerter; full orch. pts. © May 1, 1935; E pub. 47983; Rubank, inc., Chicago. 10933
- Graziella; chanson napolitaine, paroles Henry Poncet, m Charles Paganetti; avec violon et violoncelle ad lib. © Apr. 1, 1935; E for. 39725; Charles Paganetti and Henry Poncet, Paris. 10934
- Great is the Lord; w from the Bible, m Harold L. Thomas; mixed cho. © May 17, 1935; E pub. 48270; Clayton F. Summy co., Chicago. 10935
- Grieg (Edvard Hagerup) Solvejg's song; op. 55, no. 4, transcribed and arr. George J. Trinkaus; brass sextet. Sc. and pts. © May 9, 1935; E pub. 48325; M. Witmark & sons, New York. 10936
- To spring; op. 43, no. 6, w Margaret Lester, choral transcription William Lester; sop. 1, 2 and alto. © May 20, 1935; E pub. 48360; Gamble hinged music co., Chicago. 10937
- Grüezi; revue-operette, Georg Burkhard, gesangstexte Rudolph Bertram, m Robert Stolz. Vollständiger klavierauszug mit text u. gesangstexte. © Dec. 4, 1934; D 28898; Musikverlag u. bühnenvertrieb Zürich, a. g., Zürich, Switzerland. 10937\*
- Grüss mir das Lorle noch einmal; deutsches singspiel, Max Ferner u. Philipp Weichand, m Hans v. Finster. Klavierauszug zum dirigieren eingerichtet. © Oct. 1, 1934; E for. 39571; Dreiklang-verlag, a. g., Berlin. 10938
- Guiding (The) spirit; march, op. 18; pf. © 1 c. May 27, 1935; E unpub. 104748; Allan Charles Herbert, San Quentin, Calif. 10939
- Guitar (The); by Jessie L. Raynor, arr. Dorothy Gaynor Blake; pf. 1. 4 hands.—2. 6 hands. © Apr. 25, 1935; E pub. 47901, 47902; Clayton F. Summy co., Chicago. 10940, 10941
- Guten morgen, liebe sonne; marschlied, w R. A. Stemmler, m Harald Böhmelt, arr. Otto Linde. © Apr. 20, 1935; E for. 39547; Beboton-verlag, g. m. b. h., Berlin. 10942
- Gypsy; w and m Gene Wilkinson. © May 27, 1935; E pub. 48437; Vivian Virginia Wilkinson, New York. 10943
- Gypsy (The) fortune tellers; English version and m Florence Jepperson Madsen; sop. 1, 2 and alto cho.; with violin obbl. © Apr. 4, 1935; E pub. 47942; Oliver Ditson co., inc., Boston. 10944
- Gypsy interlude; w and melody. © 1 c. May 14, 1935; E unpub. 104155; Norman Macer, Philadelphia. 10945
- Gypsy sweetheart; w Ann Robb, m Sylvester Long Cross; pf. © 1 c. May 11, 1935; E unpub. 104067; Agnes F. Robertson, Bend, Or. 10946
- Gypsy (The) trail; song, w anon. © 1 c. May 4, 1935; E unpub. 103768; Courty Rossi-Diehl, Glen Ridge, N. J. 10947
- Had I only known; w and melody. © 1 c. May 4, 1935; E unpub. 103761; Mike Rogers, Los Angeles. 10948
- Händel (Georg Friedrich) Bourrée; arr. Arthur H. Brandenburg; 3 B flat clarinets. Sc. and pts. © May 13, 1935; E pub. 48192; Carl Fischer, inc., New York. 10949

- Headed for home; fox-trot, w D. Alexander, melody B. Elsey. © 1 c. July 24, 1935; E unp. 107363; Don Alexander and Billy Elsey, Detroit. 15492
- Heart-break house; w Red Clarke; pf. © 1 c. July 9, 1935; E unp. 106588; Wilbur Carl Hildenbrand, Pittsburgh. 15493
- Heart (A) like the ocean; w and m Zez Confrey and Irving Mills; with guit. arr. © July 3, 1935; E pub. 49096; Exclusive publications, inc., New York. 15494
- Heart of stone; fox-trot song; in A flat. © 1 c. June 3, 1935; E unp. 106913; Madie Roberts, San Jose, Calif. 15495
- Heart without love; w A. Monk, m E. Bear; pf. © 1 c. Jan. 31, 1935; E unp. 107271; Albert Monk and Ellen Bear, Los Angeles. 15496
- Heartstrings; fox-trot, w Stanley Adams, m Maria Grever, arr. Jack Mason; orch. pts., with male trio arr. J. Rosamond Johnson. © July 19, 1935; E pub. 49358; Edward B. Marks music corp., New York. 15497
- w Stanley Adams, m Maria Grever; with guit. arr. © July 17, 1935; E pub. 49305; Edward B. Marks music corp., New York. 15498
- Heat (The) goes up the chimney just the same; w and melody. © 1 c. July 3, 1935; E unp. 106747; G. Morgan Simpson, Baltimore. 15499
- Heat in my feet; from Common flesh, w Harry Tobias, melody Phil Boutelje. © 1 c. July 11, 1935; E unp. 106720; Famous music corp., New York. 15500
- Heather (The) bells of Clare; w Liam P. Clancy, m Josephine M. Rice; ten. or sop., in E flat. © July 2, 1935; E pub. 49129; Clayton F. Summy co., Chicago. 15501
- Heaven and you; w and m Jack Ryder, arr. Lew Gould. © 1 c. July 24, 1935; E unp. 107354; Forrest Daniel Ryder, St. Albans, W. Va. 15502
- Heaven for two; from Let's go gay, w George Frank Rubens and Cecil Landeau, m George Frank Rubens; with arr. for ukulele, etc., R. S. Stoddon. © June 11, 1935; E for. 40134; B. Feldman & co., London. 15503
- Heaven is here; m Charles C. Beebe; pf., with w. © July 1, 1935; E pub. 49245; Louis Paul Lehman, Wheeling, W. Va. 15504
- Heavenly home; hymn. © 1 c. July 8, 1935; E unp. 106834; Irene Baston, Ottawa, Kan. 15505
- Heaven's melody; w and melody. © 1 c. July 29, 1935; E unp. 107604; Harold H. (Pat) Patterson, San Francisco. 15506
- Heavy tread; misterioso dramatic agitato, Gerard Carbonara; pf.-conductor. © 1 c. July 30, 1935; E unp. 107904; Natl. screen service corp., New York. 15507
- Heinzelmanncheus wachtparade; by Kurt Noack, op. 5, rev. and ed. Luis Suera; pf. © June 1, 1935; E pub. 49291; A. Fassio, Brooklyn. 15508
- Hello, honey, we need money for our new deal; w Smiles Jennings, m Burrell Van Buren; pf. © 1 c. July 26, 1935; E unp. 107489; Edgar Petty Jennings, Beaumont, Tex. 15509
- Help love's smooth web to weave; w and melody. © 1 c. July 30, 1935; E unp. 107958; Columbia R. McClure, Buckner, Ark. 15510
- Help me forget; waltz song, m Starret system club. © 1 c. June 29, 1935; E unp. 106836; Gertrude Copes, Rochester, N. Y. 15511
- Her golden locks are fading lad; song, melody Allen Taub. © 1 c. July 19, 1935; E unp. 107113; James Hinphy, Niagara Falls, N. Y. 15512
- Here's luck to our love; w and m Billy James and Charlie Seitter; med. voice. © July 26, 1935; E pub. 49576; Shapiro, Bernstein & co., inc., New York. 15513
- Here she comes on a broomstick; w Lou Klein, melody Otis Spencer. © 1 c. July 10, 1935; E unp. 107246; Paramount productions music corp., New York. 15514
- Heure (L') exquisite; paroles francaises Paul Verlaine, m Reynaldo Hahn, arr. et transcrit F. Angelo. © June 16, 1935; E pub. 49045; A. Fassio, Lachute, Que., Canada. 15515
- Hey diddle hot-cha; w and m Dorothy B. Pope. © 1 c. June 20, 1935; E unp. 106273; Dorothy B. Pope Kokesch, Utica, N. Y. 15516

- Hi-de-higher education; w Jack Yellen, m Dan Dougherty. © 1 c. July 23, 1935; E unpub. 107310; Movietone music corp., New York. 15517
- Hi! Ho! on tiptoe; w and m Garnet Parker Erwin; pf. © July 12, 1935; E pub. 49261; Clayton F. Summy co., Chicago. 15518
- High-up in the mountains; w and melody. © 1 c. July 19, 1935; E unpub. 107189; Louis W. Kasman, Chicago. 15519
- Hilda's wooden shoes; w Q. S. McCauley, m V. S. Barrows; pf. © May 24, 1935; E pub. 48992; Viva S. Barrows and Queen S. McCauley, Minneapolis. 15520
- Hill billy—cowboy and standard songs; arr. Frank Gaviani; pf. accordion, with w. © June 25, 1935; E pub. 49083; O. Pagani & bro., New York. 15521
- Hills (The) of Fairyland; 7 pieces, Dorothy Pilling; pf. © July 25, 1935; E for. 40315; Forsyth bros., ltd., London. 15522
- Hills of time; song, melody Viola Howard and Slater Brockman. © 1 c. July 25, 1935; E unpub. 107404; Ollie Kelley, Chicago. 15523
- Hilo waltz; by A. J. Grice; guit. 1, 2, in diagram. © 1 c. July 5, 1935; E unpub. 103431; Majestic conservatory of music, Ft. Wayne. 15524
- Hipp-i-ty hop; by George Hamilton Green, arr. Pietro Deiro; pf. accordion. © July 29, 1935; E pub. 49572; Sam Fox pub. co., Cleveland. 15525
- His Daisy's cigarette; fox-trot song; in G. © 1 c. June 25, 1935; E unpub. 106952; Mae McRae, Rickreall, Or. 15526
- Hit it; fox-trot, Frank Ventre; pf. accordion. © 1 c. July 30, 1935; E unpub. 107891; Natl. screen service corp., New York. 15527
- Hof-brau (The) song; w E. Odgers, m G. J. Johnson. © July 15, 1935; E pub. 49382; Ernie Odgers and George Johnson, Wildwood, N. J. 15528
- Hold on, little dogies, hold on; song, melody G. Autry and Smiley Burnette. © 1 c. July 1, 1935; E unpub. 106265; Gene Autry, Hollywood, Calif. 15529
- Holiday; by Ethel Ponce, arr. D. Savino; 2 pfs. © July 25, 1935; E pub. 49561; Robbins music corp., New York. 15530
- Holiday fever; pf. with w. © 1 c. July 2, 1935; E unpub. 106344; Ruth Ann Justice, Dunedin, Fla. 15531
- Hollywood blues; song, m B. Rich. © June 1, 1935; E pub. 48671; Ada Herndon, Linn, Mo. 15532
- Hollywood is calling me; m Sylvester Long Cross; pf., with w. © 1 c. July 29, 1935; E unpub. 107774; Guy Everet Smith, San Antonio. 15533
- Holy Father, we adore Thee; anthem, Dimitri Bortniansky, arr. F. Flaxington Harker; sop. or ten. solo, mixed quartet and cho.; organ acc. © July 6, 1935; E pub. 49182; Harold Flammer, inc., New York. 15534
- Home; song. © 1 c. July 11, 1935; E unpub. 106686; Clyde L. Hulsizer, Des Moines. 15535
- Home by the sunset sea; w and m Laurel Marguerite Dust; mixed voices. © Jan. 30, 1935; E pub. 49338; Richard Drake Saunders, Los Angeles. 15536
- Home in the west; w and melody. © 1 c. July 2, 1935; E unpub. 106365; Lloyd E. Hutchings, Vetal, S. D. 15537
- Home 'neath the pines; w Sutherland and Aronsen, m Sylvester Long Cross; pf. © 1 c. July 29, 1935; E unpub. 107759; Chester Westley Sutherland and Maud Ethel Aronsen, Oroville, Calif. 15538
- Home! Sweet home; by Henry B. Bishop, arr. Willis Conolly; Spanish guit., in diagram. © Dec. 20, 1934; E pub. 49399; Harry G. Stanley, Rocky River, O. 15539
- Home to Michigan; song, m James L. Brown; with ukulele arr. © 1 c. July 1, 1935; E unpub. 106251; Lee Donnelly, Kalamazoo, Mich. 15540
- Homenaje a Carlos Gardel; tango, letra Nenette Noriega, y melodía. © 1 c. July 17, 1935; E unpub. 107012; Tito Guizar, New York. 15541
- Homeward bound; sea chanty, w anon., m arr. Pauline Winslow; men's cho. © July 11, 1935; E pub. 49435; G. Schirmer, inc., New York. 15542

- When the world forgets I'll remember you; waltz, w Carol Lynne, melody S. Adelman and B. Adelman. © 1 c. July 10, 1935; E unpub. 107178; Caroline Spotts, Muncy, Pa., Sam Adelman and Ben Adelman, Washington. 17237
- When we say good-night; fox-trot song; in A flat. © 1 c. June 18, 1935; E unpub. 106938; Jack Corey, Detroit. 17238
- When you and I were young Maggie; by J. A. Butterfield, arr. Mort H. Glickman; pf. © Apr. 4, 1935; E pub. 49319; Calumet music co., Chicago. 17239
- w George W. Johnson, m J. A. Butterfield, arr. Harry Stanley; Hawaiian steel guit., in diagram. © Dec. 20, 1932; E pub. 49391; Oahu pub. co., Cleveland. 17240
- When you are in my arms; from Old Man Rhythm, w Johnny Mercer, m Lewis E. Gensler; with arr. for guit., etc. © July 22, 1935; E pub. 49493; Irving Berlin, inc., New York. 17241
- When you like me like I like you, then the liking is called love; m Roy Kohler; pf., with w. © 1 c. June 22, 1935; E unpub. 106423; Edna Bright, Auburn, Neb. 17242
- When you're beside me; w and melody Bill Severo, with collaboration of Florence Trysnes. © 1 c. July 27, 1935; E unpub. 107565; William S. Capalbo, Brooklyn. 17243
- When you said, We're through; song. © 1 c. July 26, 1935; E unpub. 107495; Clark Houck, West Jefferson, N. C. 17244
- When you say goodbye; song. © 1 c. July 29, 1935; E unpub. 107609; Maynard Niles Kinney, Berkeley, Calif. 17245
- When you seem so near; w and melody. © 1 c. July 31, 1935; E unpub. 107943; Antoinette deBert, Decatur, Ga. 17246
- When you sing, make it ring, it's good for the soul; w and melody. © 1 c. July 18, 1935; E unpub. 107076; Edward Butterfield, Brooklyn. 17247
- When you were mine; w Leita Roderic, m Sylvester Long Cross; pf. © 1 c. July 29, 1935; E unpub. 107705; Charlotte Ann Stearns, Norwood, N. Y. 17248
- Where are you now; song, m Eloise Stocking. © 1 c. July 24, 1935; E unpub. 107346; Elizabeth Kelly, Los Angeles. 17249
- Where are you tonight—lover; w and melody. © 1 c. July 17, 1935; E unpub. 107048; Robert M. Ellery, Toledo. 17250
- Where moonbeams and roses were bliss; w Fred Gibbs, m Sylvester Long Cross; pf. © 1 c. July 29, 1935; E unpub. 107682; James Frederick Gibbs, Gilroy, Calif. 17251
- Where the arches used to be; w and m Bud Flanagan and Horatio Nicholls; with arr. for ukulele, etc. © June 25, 1935; E for. 40128; Lawrence Wright music co., ltd., London. 17252
- Where the morning glories climb; song. © 1 c. July 15, 1935; E unpub. 106762; Dorothy Stewart, Herculaneum, Mo. 17253
- Where the Rappahannock flows; fox trot song; in A flat. © 1 c. June 18, 1935; E unpub. 106948; Betty Churchill Jones, Roanoke, Va. 17254
- Where the Shannon flows down to the sea; w and m Jack Lumsdaine. © June 24, 1935; E for. 40242; Sterling music pub. co., Sydney, Australia. 17255
- Which is it; w and melody. © 1 c. July 25, 1935; E unpub. 107438; John Erwin, Winslow, Ariz. 17256
- While I'm away I'll write to you; m Burrell Van Buren; pf., with w. © 1 c. July 18, 1935; E unpub. 107082; Claude H. Brady, Bison, Kan. 17257
- Whip-poor-will; w and m Garnet Parker Erwin; pf. © July 12, 1935; E pub. 49262; Clayton F. Summy co., Chicago. 17258
- Whisper it wind; valse song; in G. © 1 c. July 13, 1935; E unpub. 107147; Georgia Downs, Tucson, Ariz. 17259
- Whisper (The) of a name; fox-trot song; in F. © 1 c. June 25, 1935; E unpub. 106955; Marie Taverna, Watertown, Mass. 17260
- Whispering waves; waltz song. © 1 c. July 8, 1935; E unpub. 106567; Warren G. Rice, Colville, Wash. 17261
- White (Paul) Five miniatures; orch. Sc. and pats. © Dec. 31, 1934; E pub. 49383; Elkan-Vogel co., inc., Philadelphia. 17262

- Echo (The) of my heart; w and melody Jack Long. © 1 c. Nov. 22, 1935; E unpub. 113664; John George Long, Chicago. 25141
- Echoes d'Auvergne; valse bourrée, C. Arfeuille, arr. H. Mateo; pf. conducteur, accordeon ou violon. © Aug. 1, 1935; E for. 41527; H. MacKnight, Paris. 25142
- Eco, une su voz con la mia (Echo, bring her sweetest voice to me); fox-trot, w and melody. © 1 c. Nov. 16, 1935; E unpub. 113989; José R. Carreón, New York. 25143
- Eenie, meenie, miney, moe; song, melody Eloise Stocking. © 1 c. Nov. 5, 1935; E unpub. 112623; Myrtie Wise Stroup, Quitaque, Tex. 25144
- Effective stretching exercises for the pianist. © 1 c. Nov. 20, 1935; E unpub. 113469; Hugo Scherzer, Santa Monica, Calif. 25145
- Eibige (Di) frage; w and melody. © 1 c. Nov. 15, 1935; E unpub. 113178; Charls Simon, Brooklyn. 25146
- Either give up horses, or give up me; arr. W. G. Utermoehlen; med. voice. © 1 c. Nov. 22, 1935; E unpub. 113676; Florence S. Goodsell, Coral Gables, Fla. 25147
- Elegie; organ. © Nov. 18, 1935; E pub. 51639; Will H. Lebo, Hamilton, O. 25148
- Elephant gay; from the shadow play, w and m Lee Ruttle, arr. Clarence Jordan. © Nov. 29, 1935; E pub. 51811; Red gate shadow players, New York. 25149
- Embers; song. © 1 c. Nov. 4, 1935; E unpub. 112501; Ida Lou Cooke, Medora, Ill. 25150
- Emmanuel; Christmas song, w William C. Dix, m Charles Gilbert Spross. 1. In C.—2. In A flat. © Nov. 6, 1935; E pub. 51451; John Church co., Philadelphia. 25151
- En attendant; blues, de Broadway, paroles Roger-Fernay, m Charles Tucker. © Aug. 1, 1935; E for. 41536; Editions Coda, s. a., Paris. 25152
- Encore une valse-musette; valse, paroles Ch. L. Pothier et Jan Marotte, m Maurice Marsac et Fietter. © Aug. 1, 1935; E for. 41443; Editions Salabert, Paris. 25153
- End (The) of the trail; w and m Gene Autry and Smiley Burnette, arr. Wm. F. Schiller. © 1 c. Nov. 13, 1935; E unpub. 112954; Republic productions, inc., North Hollywood, Calif. 25154
- Enjoy once more the maddening spot in paradise; fox-trot song. © 1 c. Nov. 26, 1935; E unpub. 113887; Alfonso Ardin, San Juan, Puerto Rico. 25155
- Ensemble (The) method; by Manuel Smith. bk. 1. 1. Violin or mand.—2. Hawaiian guit.—3. Ten. banjo.—4. Spanish guit. © Sept. 26, 1935; E pub. 51470-51472, 51474; Roy Smeck pub. co., Jersey City. 25156-25159
- Erie (The) canal; traditional w, pf. transcription arr. Hugo Friedhofer. © 1 c. Oct. 31, 1935; E unpub. 112463; Movietone music corp., New York. 25160
- Erin is calling me; fox-trot song, melody Ben Adelman. © 1 c. Nov. 8, 1935; E unpub. 112780; Mabel W. Fendly, Fort Johnson, N. Y. 25161
- Eterna Milonga; tango, José M. Lucchesi, arr. Francis Salabert; orch. ptes., avec paroles francaises et espagnoles. © Aug. 1, 1935; E for. 41447; Editions Salabert, Paris. 25162
- Etheopie's winnin' th' wah; song, m Sidney Warren Moore and Richard Finis Moore; with guit. arr. © 1 c. Nov. 29, 1935; E unpub. 114027; Thomas Marion Howell, Memphis, Tenn. 25163
- Ethiopia shall be free; hymn. © Nov. 19, 1935; E pub. 51645; Maud L. Good, E. Liverpool, O. 25164
- Étude du rythme; par Georges Dandelot. 1<sup>er</sup> cahier. Mesures simples.—2<sup>me</sup> cahier. Mesures composées. © Aug. 1, 1935; E for. 41488, 41489; Alphonse Leduc & cie., Paris. 25165, 25166
- Etude for chorus no. 2; Latvian spiritual, melody from a Russian folk song, English text and choral arr. I. B. Sergei; mixed voices. © Aug. 15, 1935; E pub. 51621; Kalnin, Mohr & Apsit, Los Angeles. 25167
- Etudes for natural dance; pf. © Aug. 10, 1935; E pub. 51405; Daisy Dunham, Los Angeles. 25168

- One (The) whom I love and other new songs; w C. F. Weigle and others. © Aug. 12, 1935; E pub. 51236; Chas. F. Weigle, Winona Lake, Ind. 23737
- One wish; song. © 1 c. Sept. 19, 1935; E unp. 111034; Katherine J. Axness, Sisseton, S. D. 23738
- Only stay home; w Lillian Weisdorfer, m Sylvester Long Cross; pf. © 1 c. Oct. 8, 1935; E unp. 111311; Lillian Marie Weisdorfer, Roy, N. M. 23739
- Onward, Christian soldiers; song, new pf. arr. and Hawaiian guit. solo, in note and diagram, Nick Manoloff; with ukulele and guit. chords. © Oct. 25, 1935; E pub. 51177; Calumet music co., Chicago. 23740
- w Sabine Baring Gould, m Arthur Seymour Sullivan, arr. Willis Conolly; ten. guit., in diagram. © Dec. 20, 1934; E pub. 51012; Harry G. Stanley, Rocky River, O. 23741
- Onward goes America; march song. © 1 c. Oct. 8, 1935; E unp. 111283; Arthur Reginald Berg, Brooklyn. 23742
- Onward ride to the dawn; from Cinderella; pf. © 1 c. Oct. 24, 1935; E unp. 112078; George Touller, Brooklyn. 23743
- Operetten-rausch; Wiener potpourri, hrsg. Victor Hruby; klavier mit beigefügtem text. © July 25, 1935; E for. 41132; B. Schott's söhne, Mainz, Germany. 23744
- Optical illusion; w and melody. © 1 c. Oct. 12, 1935; E unp. 111480; Isma Palmisano, New Orleans. 23745
- Orange (The) and blue; pf., with w. © Oct. 19, 1935; E pub. 50897; Donald M. Brown, Washington. 23746
- Orchesterspiel; v. Wilhelm Maler. Partitur. © July 25, 1935; E for. 41136; B. Schott's söhne, Mainz, Germany. 23747
- Original individual; w La Veda Sheridan, and melody. © 1 c. Oct. 5, 1935; E unp. 111151; Eileen Marie Edblom, Eugene, Or. 23748
- Orpheus with his lute; w Shakespeare, air anon., arr. Ralph Greaves; unison voices. © June 27, 1935; E for. 41261; Oxford univ. press, London. 23749
- Otis (Edna Cogswell-) Ten responses; mixed voices. © Oct. 7, 1935; E pub. 50952; H. W. Gray co., New York. 23750
- Our beautiful Black Hills; song. © Aug. 5, 1935; E pub. 50703; Olive Lathrop, Deadwood, S. D. 23751
- Our beloved country; w and melody. © 1 c. Oct. 28, 1935; E unp. 112281; Steve Phillips, Youngstown, O. 23752
- Our bundle from heaven; song. © 1 c. Oct. 15, 1935; E unp. 111590; Axel Schalin, Buhl, Minn. 23753
- Our castles in Spain; song. © 1 c. Oct. 12, 1935; E unp. 111497; Grace Ullman, Brooklyn. 23754
- Our F. D. R. rules with a smile; song. © 1 c. Oct. 8, 1935; E unp. 111295; William Harry Young, Mount Vernon, N. Y. 23755
- Our flag forever; march song. © 1 c. Oct. 19, 1935; E unp. 111950; Albert Bange, Torreón, Coahuila, Mexico. 23756
- Our governor; march, Fortunato Sor-dillo; band pts. © Sept. 30, 1935; E pub. 50660; Carl Fischer, inc., New York. 23757
- Our Jesus hath a garden; Dutch carol, arr. Alfred Whitehead; mixed voices; pf. or organ acc. © Oct. 14, 1935; E pub. 50948; H. W. Gray co., New York. 23758
- Our Lady's secret; Christmas carol, w Father Andrew, m George Rathbone. © Oct. 19, 1935; E for. 41332; Banks & son, York, England. 23759
- Our love days are over; song, w Oscar Otterness. © 1 c. Oct. 19, 1935; E unp. 111895; Arthur Glaske, Chicago. 23760
- Our lucky star; w and melody; with chord symbols. © 1 c. Oct. 19, 1935; E unp. 112299; Lewis N. Paul, Santa Cruz, Calif. 23761
- Out of sight, out of mind; from In person, w Dorothy Fields, m Oscar Levant; with arr. for guit., etc. © Oct. 15, 1935; E pub. 50876; Irving Berlin, inc., New York. 23762
- Out of the depths; anthem, w from the Bible, m Alfred Wooley; mixed voices with sop. or ten. solo. © Oct. 11, 1935; E pub. 50828; Clayton F. Summy co., Chicago. 23763

- At the end of a waltz; w and melody. © 1 c. Nov. 6, 1935; E unpub. 112677; Myra K. Thayer, Boston. 24775
- At the fair; by Eric Hauser; French horn in F and pf. © Nov. 13, 1935; E pub. 51803; Carl Fischer, inc., New York. 24776
- At the manger; Christmas carol, w anon., m William H. Anderson; 6-pt. mixed cho.; organ acc. © Oct. 28, 1935; E pub. 51749; G. Schirmer, inc., New York. 24777
- At the Santa Claus parade; w Marjorie Harper, m Bill Livingston; with arr. for guit., etc. © Nov. 12, 1935; E pub. 51510; Melo-art music publishers, New York. 24778
- At your service, Madame; from Stars over Broadway, w Al Dubin, m Harry Warren; with arr. for ukulele, etc. © Oct. 28, 1935; E pub. 51293; Harms, inc., New York. 24779
- Athenian night; song. [Greek text] © 1 c. Nov. 25, 1935; E unpub. 113828; Achilles D. Stefopoulos, Los Angeles. 24780
- Au clair de lune; mélodie, avec pf. acc. © 1 c. Oct. 8, 1935; E unpub. 112944; Cécile Simon, Paris. 24781
- Au revoir; fox-trot, aus Tanzmusik, w u. m Max Niederberger. © Aug. 9, 1935; E for. 41715; Ludwig Doblinger (Bernhard Herzmannsky), Vienna. 24782
- Aunque sea en la tumba; bolero, letra y melodía. © 1 c. Nov. 19, 1935; E unpub. 113438; José R. Carreón, New York. 24783
- Ausencia; zamba argentina, paroles J. Liogar, m Luis Mandarino; pf. © Aug. 1, 1935; E for. 41508; Julio Garzon, Paris. 24784
- Ausgewählte klavierwerke; auch für cembalo o. orgel, Johann Kaspar Ferdinand Fischer, hrsg. Erich Doflein. © Sept. 25, 1935; E for. 41594; B. Schott's söhne, Mainz, Germany. 24785
- Autumn in Barcelona; by Charles E. Overholt; pf. © Nov. 25, 1935; E pub. 51793; Theodore Presser co., Philadelphia. 24786
- Autumn leaves; w Stanley F. Weiner, m John Jacob Loeb, pf. sc. Lou Leaman; with arr. for guit. and banjo. © Nov. 11, 1935; E pub. 51548; Mills music, inc., New York. 24787
- Autumn (An) sunset; w Janet Donaldson, m Cuthbert Harris, arr. Preston Ware Orem; mixed cho. © Nov. 20, 1935; E pub. 51686; Clayton F. Summy co., Chicago. 24788
- Autumn without love; w Reginald J. Tompkins; pf. treble. © 1 c. Nov. 25, 1935; E unpub. 113835; O. M. Watson, Hollywood, Calif. 24789
- Ave Maria; liturgical w, melody E. C. Masten, new arr. Royal A. Brown. © 1 c. Oct. 5, 1935; E unpub. 111143; Joseph Masten Kendall, San Diego, Calif. 24790
- Awake, my heart's beloved; anthem, w and m Hans Sachs, English, Helen A. Dickinson, m arr. Reimann—Clarence Dickinson; solo and mixed cho.; organ acc. © Nov. 5, 1935; E pub. 51715; H. W. Gray co., New York. 24791
- Awakening; w Tot Seymour, melody Carmen Lombardo and Vee Lawnhurst. © 1 c. Nov. 14, 1935; E unpub. 113099; Famous music corp., New York. 24792
- Away in a manger; lullaby, William J. Kirkpatrick, improvisation Ralph E. Marryott; organ. © Nov. 22, 1935; E pub. 51680; Boston music co., Boston. 24793
- Baby eyes; w and melody Lyla Myers. © 1 c. Nov. 15, 1935; E unpub. 113179; Lyla Myers Prather, Little Rock, Ark. 24794
- Baby lips; song. © 1 c. Nov. 16, 1935; E unpub. 113334; Hazel Thies, Minneapolis. 24795
- Baby, we don't need the moon; w and melody. © 1 c. Nov. 4, 1935; E unpub. 112596; John Wesley Brewer, Los Angeles. 24796
- Baby's serenade; new w A. Silverman, m Jonny Heykens, new arr. Albert Szirmai; with arr. for guit., etc. © Nov. 18, 1935; E pub. 51601; Chappell & co., inc., New York. 24797
- Bach (Johann Sebastian) Adagio; from the organ toccata in C major, transcribed Alexander Kelberine; 2 pfs. © Oct. 30, 1935; E pub. 51336; Elkan-Vogel co., inc., Philadelphia. 24798
- From deepest woe I cry to Thee; chorale, English version Th. Baker, melody from J. Walther's book of chorales, arr. J. S. Bach, ed. Carl

- Lips, lips; song. © 1 c. Nov. 15, 1935; E unpub. 113243; Florence S. Goodsell, Coral Gables, Fla. 25885
- Litanie amoureuse; tango habanera, chanson, paroles Rose Noël. © Aug. 1, 1935; E for. 41492; Georget Métayer, Paris. 25886
- Little (The) bench by my door; song, melody Allen Taub. © 1 c. Nov. 23, 1935; E unpub. 113739; Almedia Perkins, Stamping Ground, Ky. 25887
- Little booties; w Gertrude Perry; pf. © 1 c. Nov. 13, 1935; E unpub. 113034; Sylvester Long Cross, Portland, Or. 25888
- Little brown shoes; song, w Lysbeth Boyd Borie. © 1 c. Nov. 5, 1935; E unpub. 113091; Hilda Emery Davis, i. e. Mrs. Meyer Davis, Philadelphia. 25889
- Little butterfly; w and m Valeria Brown. © 1 c. Nov. 20, 1935; E unpub. 113457; Valeria Hill Brown, Geneva, Ill. 25890
- Little garden of roses; song, melody Allen Taub. © 1 c. Nov. 23, 1935; E unpub. 113744; James L. Boggs, Pitscairn, Pa. 25891
- Little girl blue; from Jumbo, w Lorenz Hart, m Richard Rodgers; with arr. for guit., etc. © Nov. 1, 1935; E pub. 51389; T. B. Harms co., and Max Dreyfus, New York. 25892
- Little Jesus; Christmas carol, w and m Gale Gardner; voices in unison or harmony. © Nov. 8, 1935; E for. 41396; Novello & co., ltd., London. 25893
- Little ladies; valse, Jeannette Dellafield Thal; pf. © Nov. 25, 1935; E pub. 51567; Bach music co., Boston. 25894
- Little (The) lake; w P. J. O'Reilly, m Denys Grayson. © Oct. 11, 1935; E for. 41601; Cary & co., London. 25895
- Little melody; melody, with pf. acc. © 1 c. Nov. 19, 1935; E unpub. 113373; Irving Levine, Chicago. 25896
- Little Miss Muffet's debut; w and melody. © 1 c. Nov. 14, 1935; E unpub. 113129; Patricia Channing, Detroit. 25897
- Little one; w and m Leslie Alan Williams; pf. © 1 c. Nov. 13, 1935; E unpub. 112999; Sylvester Long Cross, Portland, Or. 25898
- Little rosewood casket; song, arr. Harold Potter; with guit. arr. © June 25, 1935; E pub. 48960; Morris music pub. co., Philadelphia. 25899
- Little serenade; violin. © 1 c. Nov. 5, 1935; E unpub. 112618; Murrel Raymond Klinger, Sunbury, Pa. 25900
- Little songs for little folks; beginners and primaries, arr. Helen Miller. © Nov. 26, 1935; E pub. 51733; Gertrude N. Tamplet, Washington. 25901
- Little songs to play and sing; w and m Berenice Benson Bentley; pf. © Nov. 25, 1935; E pub. 51782; Clayton F. Summy co., Chicago. 25902
- Little (The) sweetshop down at the bottom of the lane; w Ralph Butler and Stan. Merell, m Evan Chard. © Nov. 12, 1935; E for. 41425; Campbell, Connelly & co., ltd., London. 25903
- Little town of my dreams; song. © 1 c. Nov. 1, 1935; E unpub. 112448; Mary Frances Hoover, Battle Creek. 25904
- Little toys in the corner; w and m Harry Leon and Leo Towers; with arr. for ukulele, etc. © Nov. 7, 1935; E for. 41637; Sun music pub. co., ltd., London. 25905
- Little (The) white house down in Georgia; song. © Nov. 26, 1935; E pub. 51808; Margaret Wilson Jones, Macon, Ga. 25906
- Little (The) windmills; by François Couperin, arr. Elizabeth Gest; 2 pfs., 4 hands. © Nov. 9, 1935; E pub. 51775; G. Schirmer, inc., New York. 25907
- Living in dreams; song, melody Allen Taub. © 1 c. Nov. 23, 1935; E unpub. 113737; Mildred Jenkins, Cleveland, Miss. 25908
- Llorar por ti es mi anhelo; danza; pf., con letra. © 1 c. Oct. 28, 1935; E unpub. 112608; Ray Nevarez, Los Angeles. 25909
- Locumba (La); from Music is magic, English, Sidney Clare, w and m Raul Roulien; with arr. for guit., etc. © Nov. 25, 1935; E pub. 51732; Movietone music corp., New York. 25910
- Log cabin; w and m Mary Stewart. © 1 c. Nov. 16, 1935; E unpub. 113313; Mary Stewart Kidd, Seattle. 25911



**EXHIBIT 39 -  
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COPYRIGHT OFFICE  
U.S. DEPARTMENT OF COMMERCE  
WASHINGTON, D.C.

USE THIS BLANK WITH NEW COPYRIGHT MATTER

(4) Country of which the author of the new matter is a citizen U.S.A.  
(5) If an alien author domiciled in the United States, state where  
(6) Title of musical composition Poppy Birthday to you  
(7) State exactly on what new matter copy-right is claimed (see Sec. 6 of Act of 1909) piano solo, with lyrics  
(8) Published on the day, month, and year when the work was placed on sale, sold, or publicly distributed 1935  
(9) Send certificate of registration to Clayton J. Summy Co.  
(10) Name and address of person or firm sending the fee 429 S. Tralosh Ave, Chicago, Ill.  
429 S. Tralosh Ave, Chicago, Ill.  
Chicago, Ill.

(Please turn this over)

**EXHIBIT 41 -  
NON-PAPER EXHIBIT**

**[PURUSANT TO L.R. 11-5.1 MANUALLY LODGED AND FILED]**

# **EXHIBIT 42**

RECEIVED FOR RECORD June 8, 1942

IGNORS, Patty S. Hill and Jessica M. Hill,

AGNEE, The Hill Foundation, Inc.,

The following assignment of copyright is recorded in the Copyright Office of the United States,  
June 8, 1942, in book 485, pages 242-243, in conformity with the laws of the  
States respecting copyright.

KNOW ALL MEN BY THESE PRESENTS, that we, PATTY S.

HILL and JESSICA M. HILL, both residing at 21 Claremont Avenue, New York, New York, parties of the first part, for and in consideration of the sum of one (\$1.00) dollar and other good and valuable consideration to each of us in hand paid by THE HILL FOUNDATION, INC., a New York corporation with its principal office at Room 4810, 70 Pine Street, New York, New York, party of the second part, the receipt whereof is hereby acknowledged, have sold, transferred, conveyed and assigned, and by these presents do hereby sell, transfer, convey and assign to the said party of the second part, all our right, title and interest, joint and several, in and to the following copyrights and renewal copyrights:

1. A work entitled "Song Stories for the Kindergarten", words written and adopted by Patty S. Hill with an introduction by Anna E. Bryan; music by and arranged by Mildred J. Hill, entered in the United States Patent Office in the name of Clayton F. Sunny under No. 45,007 on October 13th, 1893; renewal registration in the name of Jessica M. Hill as next of kin under No. R 19,043 on September 3rd, 1921.

2. A work entitled "Song Stories for the Kindergarten", new edition, revised, enlarged and illustrated, words written and adopted by Patty S. Hill, illustrations by Margaret Byers, entered in the name of Clayton F. Sunny under No. 34,260 on June 8th, 1896; renewal registration in the name of Jessica M. Hill as next of kin under No. R 25,771 on January 9th, 1924.

3. A work entitled "Song Stories for the Sunday School" by Patty S. Hill and Mildred J. Hill, entered in the name of Clayton F. Sunny under No. 20,441 on March 20th, 1899; renewal registration in the name of Patty S. Hill under No. R 36,618 on January 3rd, 1927.

4. A work entitled "Good Morning To All", by Mildred J. Hill, entered in the name of Clayton F. Sunny under No. C 142,468 on February 7th, 1907; renewal registration in the name of Jessica M. Hill and Patty S. Hill as next of kin under No. R 34,877 on January 2nd, 1935.

TOGETHER WITH all the right, title and interest of the parties of the first part in and to all licenses, agreements and contracts for the publication and sale of the aforementioned works, and in and to any and all rights, demands, claims and causes of action, heretofore accrued or which may at any time hereafter accrue, for unpaid royalties



or by reason of any infringements of said copyrights and renewal copyrights, and howsoever arising.

TO HAVE AND TO HOLD the same unto the said party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF the parties of the first part have executed this instrument at Clinton, Connecticut, this second day of June, one thousand nine hundred and forty-two.

*Walter B. Hill*.....  
Individually and as next of kin,

*Jessica M. Hill*.....  
Individually and as next of kin.

STATE OF CONNECTICUT )  
COUNTY OF *Middlesex* 33.

*Clinton Conn*

On this 2 day of June, 1942, before me, a notary public, personally came WALTER B. HILL and JESSICA M. HILL, to me known and known to me to be the individuals described in and who executed the foregoing instrument, and they severally duly acknowledged to me that they executed the same.

*Walter B. Hill*.....  
*Jessica M. Hill*.....

# **EXHIBIT 43**

# SUPPLEMENTARY MUSIC FOR SCHOOLS

|   |                                |
|---|--------------------------------|
| 59. Glad Springtime. (Inter. & H.S.)                            | Ben. H. Price. .10             |
| 60. The Whiney Crow. (Inter. & H.S.)                            | Ben. H. Price. .06             |
| 61. Squirrel, You're a Saucy Fellow. (H.S.)                     | George B. Nevin. .06           |
| 62. The Flag Goes By. (Inter. & H.S.)                           | Nellie Poorman. .08            |
| 63. Children's Peace Anthem. (Inter.)                           | Katharine C. Baker. .08        |
| 64. A Life on the Ocean Wave (Inter. & H.S.)                    | Howard G. Bennett. .06         |
| 65. To Daffodils (Inter. & H.S.)                                | Howard G. Bennett. .06         |
| 66. We're a Bunch of Jolly Good Fellows (Inter. & H.S.)         | Howard G. Bennett. .06         |
| 67. Work (Inter.)   | Georgina McIntyre. .06         |
| 68. It Isn't Raining Rain to Me (Inter.)                        | Will A. Harding. .06           |
| 69. Winona (H.S.)   | George Colburn. .08            |
| 70. Let Us Make A Garden (Prim.)                                | Jessie L. Gaynor. .06          |
| 71. Illinois (Unison or two-part chorus; also for mixed voices) | Ethelyn Mabry Newell. .06      |
| 72. The Call O'Spring (H.S.)                                    | Irving Gingrich. .06           |
| 73. Li'l Boy (H.S.)   | Hazzard-Holzworth. .06         |
| 74. Song of the Waves (Trio) (H.S.)                             | Joseph N. Moos. .06            |
| 75. Out Where the West Begins (Trio) (H.S.)                     | Philleo-Holzworth. .10         |
| 76. All for America. (Inter. & H.S.)                            | Clay Smith. .08                |
| 77. A Shepherd's Song (H.S.)                                    | Joseph A. Michel. .06          |
| 78. The Cuckoo Clock (Three-part) (Inter. & H.S.)               | Grant-Schaefer. .10            |
| 79. U. S. A. (Inter. & H.S.)                                    | Ethelyn Mabry Newell. .08      |
| 80. Children's Easter Song (Inter.)                             | Rena S. Brush. .06             |
| 81. Mother, Obaste and Fair Two-part. (Inter. & H.S.)           | Sister Mary Verda B.V.M. .10   |
| 82. A Festive Song Two-part. (Inter.)                           | Joseph N. Moos. .08            |
| 83. He Away! (H.S.)   | Pauline Penn Russell. .15      |
| 84. Chicago The Beautiful                                       | Edna Winifred Coochingham. .06 |
| 85. Those Evening Bells (Part song)                             | David Nyvall, Jr. .08          |
| 86. The Slumber Boat (Two-part)                                 | Jessie L. Gaynor. .10          |
| 87. The Fiddler (Two-part)                                      | G.A. Grant-Schaefer. .08       |
| 88. The Cuckoo Clock (Two-part)                                 | G.A. Grant-Schaefer. .10       |

Prim. stands for Primary Grades. Inter. for Intermediate Grades. H. S. for High Schools.

Chicago  
CLAYTON F. SUMMY CO.  
429 So. WABASH AVE.

# SCHOOL CHORUS MUSIC

DEC - 9 1935  
Oct pub. 51988

|     |                                      |       |
|-----|--------------------------------------|-------|
| No. |                                      | Price |
| 51  | SONG OF GREETING (SATB)              | .10   |
| 6   | THE CURFEW (SATB)                    | .10   |
| 92  | COME THE HOURS ARE FLEETING (SSA)    | .12   |
| 86  | THE SLUMBER BOAT (SA)                | .10   |
| 26  | THE SLUMBER BOAT (SSA)               | .10   |
| 68  | TO DAFFODILS (SSA)                   | .06   |
| 88  | THE CUCKOO CLOCK (SA)                | .10   |
| 78  | THE CUCKOO CLOCK (SSA)               | .10   |
| 68  | IT ISN'T RAINING RAIN TO ME (Unison) | .06   |
| 94  | THE MAN IN THE MOON (Unison)         | .10   |
| 52  | CARMENA (SSA)                        | .12   |
| 55  | A SONG OF CHEER (SA)                 | .08   |
| 56  | THE TROUT (SA)                       | .08   |
| 91  | WHEN THE REGIMENT GOES MARCHING (SA) | .06   |
| 96  | A SAILOR DEAR (SSA)                  | .10   |
| 96  | HAPPY BIRTHDAY (Unison)              | .08   |

1178  
H

CLAYTON F. SUMMY COMPANY  
CHICAGO NEW YORK

WC0000413

# Happy Birthday to You!

Unison Song

Arr. by Mrs. R. B. Forman

MILDRED J. HILL

*Lively*  
*mf*

Musical notation for the first system of the song. It consists of two staves: a treble clef staff and a bass clef staff. The key signature is one sharp (F#) and the time signature is 3/4. The lyrics are: "Hap-py birth - day to you, Hap-py birth - day to".

Musical notation for the second system. It consists of two staves. The lyrics are: "you, Hap - py birth - day, dear \* Hap - py birth - day to".

Musical notation for the third system. It consists of two staves. The lyrics are: "you; May your birth - day be bright, Full of cheer and de -".

Musical notation for the fourth system. It consists of two staves. The lyrics are: "light, Hap - py birth - day, dear \* Hap - py birth - day to you." There is a handwritten signature "W. G. L. 1935" in the upper right corner of this system.

\* Here insert the name of the one celebrating.

3076

Copyright, 1935 by Clayton F. Summy Co.  
International Copyright

**EXHIBIT 44 -  
[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



**E 51988**

**June 12, 2014**

*Maui A. Pallante*

Register of Copyrights and  
Associate Librarian for Copyright Services

C-731 · 06/2011-10,000

Ex. 44

626

P006334

Summy (Clayton F.) co.  
 Happy birthday to you; unison song.

E1 2 c. rec'd DEC -9 1935  
 Application rec'd DEC -9 1935  
 Cal pub 51988

Fee rec'd \$ 2.00 58096 DEC-9'35

IMPORTANT: Applicant must not write in the blank lines above; to do so will cause delay in Copyright Office.

**NEW**  
**FOR REPUBLISHED MUSICAL COMPOSITION WITH NEW COPYRIGHT MATTER**  
 REGISTER OF COPYRIGHTS, Washington, D. C. Date December 6, 1935

the **REPUBLISHED MUSICAL COMPOSITION** named herein, containing **new copyright matter**, by a citizen of the United States, **TWO** complete copies of the best edition published on the date stated herein are herewith deposited to secure copyright registration according to the provisions of the Act of Mar. 4, 1909. \$2 (statutory fee for registration and certificate) is also inclosed. The copyright is claimed upon the new copyright matter as stated below, the author of which is a citizen or subject of the country stated below. The copyright is claimed by

(1) Name of copyright owner Clayton F. Summy Co.  
 (Write full legal name of copyright owner)

(2) Address 429 S. Wabash Ave. Chicago, Ill.  
 (Street) (City) (State)

(3) Author of new copyright matter Mrs. R. R. Forman  
 (Write name in full) (Please turn this over)

USE THIS BLANK ONLY FOR  
 MUSICAL COMPOSITION REPUBLISHED WITH NEW COPYRIGHT MATTER

(4) Country of which the author of the new matter is a citizen U. S. A.  
 (MUST be stated)

(5) If an alien author domiciled in the United States, state where \_\_\_\_\_

(6) Title of musical composition Happy Birthday to You!  
 ONE COPY RETURNED DEC 27 1935

(7) State exactly on what new matter copyright is claimed (see Sec. 6 of Act of 1909) Arrangement for Unison Chorus and revised text

(8) Published on the sixth day of December 1935  
 [State here the day, month, and year when the work was placed on sale, sold, or publicly distributed]

(9) Send certificate of registration to Clayton F. Summy Co.  
429 S. Wabash Ave. Chicago, Ill.  
 (Street) (City) (State)

(10) Name and address of person or firm sending the fee Clayton F. Summy Co.  
429 S. Wabash Ave. Chicago, Ill.  
 (Street) (City) (State) (Please turn this over)

(July, 1933—3,000) U. S. GOVERNMENT PRINTING OFFICE, 1933

# **EXHIBIT 45**



MUNGER, TOLLES & OLSON LLP

560 MISSION STREET  
TWENTY-SEVENTH FLOOR  
SAN FRANCISCO, CALIFORNIA 94105-2907  
TELEPHONE (415) 512-4000  
FACSIMILE (415) 512-4077

385 SOUTH GRAND AVENUE  
LOS ANGELES, CALIFORNIA 90071-1560  
TELEPHONE (213) 683-9100  
FACSIMILE (213) 687-3702

November 6, 2014

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JEFFREY I. WEINBERGER  
CARY B. LERMAN  
GREGORY P. STONE  
BRAD D. BRIAN  
BRADLEY S. PHILLIPS  
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KELLY M. KLAUS  
DAVID B. GOLOMAN

KEVIN S. MASUDA  
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PETER A. DETRE  
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JOSEPH J. YBARRA  
TODD J. ROSEN  
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WILLIANA CHANG  
MIRANDA KANE  
BRAD SCHNEIDER

E. LEROY TOLLES  
(1922-2008)

WRITER'S DIRECT LINE  
(415) 512-4016  
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adam.kaplan@mto.com

Via Email and U.S. Mail

Betsy C. Manifold (manifold@whafh.com)  
Wolf Haldenstein Adler Freeman & Herz LLP  
705 B Street, Suite 2770  
San Diego, California 92101

Re: *Good Morning To You Productions Corp., et al. v. Warner/Chappell Music, Inc., et al.*  
Lead Case No.: CV 1 3-04460-GIHIK (MRWx)

Dear Betsy:

This letter responds to the outstanding issues that you raised during the parties' meet and confer last week.

1. **Defendants' chain of title to 51990 and 51988 registrations:** As we noted during our meet and confer last week, we had not focused on the chain of title issue because Plaintiffs had not previously raised it—in their complaints, discovery responses, Rule 26(f) report, or otherwise. Plaintiffs raised this issue for the first time just last Monday, in their draft statement of issues and draft statement of facts.

Clayton F. Summy Co. is identified as the owner of registration certificates 51990 and 51988. These registration certificates entitle Warner/Chappell to a prima facie presumption that Clayton F. Summy Co. obtained a valid assignment of rights from the author(s) of *Happy*

Betsy C. Manifold

Page 2

*Birthday to You*. 3 Nimmer §12.11[C] (a defendant accused of infringement “bears the burden of controverting plaintiff’s chain of title” where “a plaintiff who, as assignee of the copyright, first registered a claim of statutory copyright in his name”).

Clayton F. Summy Co. underwent various name changes between 1935, when it registered the 51990 and 51988 copyrights, and 1962, when it renewed these copyrights under the new name of Summy-Birchard Company. The renewal certificates for 51990 (R306186) and 51988 (R30185) state that Clayton F. Summy Co. had changed its name to Summy-Birchard Company as of 1962. Between 1962 and today, Summy-Birchard Company underwent various mergers and name changes, ultimately becoming Summy-Birchard, Inc., one of the defendants in this lawsuit and a wholly-owned subsidiary of Warner/Chappell Music, Inc., the other defendant. Warner/Chappell will produce public records that contain additional detail about the mergers and name changes noted above.

**2. Renewal authorization:** Summy-Birchard Co. (previously Clayton F. Summy Co.) was authorized to renew the 51990 and 51988 registration certificates in 1962 as a result of the 1944 assignments from Patty and Jessica Hill to the Hill Foundation and from the Hill Foundation to Clayton F. Summy Co.

**3. 1934/1935 agreement with Jessica Hill:** We do not have a copy of the license referenced in the twenty-fourth paragraph of the amended complaint in *The Hill Foundation v. Clayton F. Summy Co.* We are not aware of any document produced by Plaintiffs that demonstrates that this license was not granted.

**4. Other assignments:** In addition to the agreement referenced in the preceding paragraph and the 1944 assignments from Jessica and Patty Hill to the Hill Foundation and the Hill Foundation to Clayton F. Summy Co., we are aware of *at least* these additional assignments, which may be germane to Warner/Chappell’s motion and/or opposition to Plaintiffs’ motion: WC0001439 (Archibald Anderson Hill to Patty and Jessica Hill, recorded in 1939); WC0001443 (Administrator of Estate of William Wallace Hill to Clayton F. Summy Co., recorded in 1939); WC0001446 (Patty and Jessica Hill to Clayton F. Summy Co., recorded in 1939); WC0001453 (Patty and Jessica Hill to The Hill Foundation, Inc., recorded in 1942).

**5. Legal authority regarding allegedly defective copyright assignments:** The 1976 Act states that “a transfer of copyright ownership ... is not valid unless an instrument of conveyance, or a note or memorandum of the transfer, is in writing and signed by the owner of the rights conveyed.” 17 U.S.C. § 204(a). In “validat[ing], as an alternative to an instrument of conveyance, ‘a note or memorandum of the transfer,’” however, the Act “codifies the judge-made rule under the 1909 Act that, if a prior oral grant is subsequently confirmed in writing, it validates the grant *ab initio* as of the time of the oral grant.” 3 Nimmer § 10.03[A][3] (citations omitted).

Betsy C. Manifold

Page 3

**6. Scope of prima facie presumptions under 1909 Act:** The Ninth Circuit has made clear that under the 1909 Act a certificate of registration creates a presumption of copyright validity, and all that that entails, in addition to creating presumption that the facts stated in the certificate are true. *See, e.g., Acad. of Motion Picture Arts & Sciences v. Creative House Promotions, Inc.*, 944 F.2d 1446, 1451 (9th Cir. 1991).

**7. Evidence that Mildred and/or Patty fixed lyrics to *Happy Birthday to You*:** Patty Hill, in her deposition in *Hill v. Harris*, repeatedly stated that she and/or her sister Mildred (who died in 1916) “wrote” or “were writing” different lyrics to the melody from *Good Morning to All*. We are not aware of any document produced by Plaintiffs that demonstrates that neither Patty nor Mildred Hill fixed the lyrics to *Happy Birthday to You*. We also are not aware of any authority stating that fixation was required for Mildred and/or Patty’s common law copyright or for Clayton F. Summy to obtain copyright registrations 51990 or 51988 in 1935. If you have such authority, please let us know.

**8. Infringement actions based on 51990 and/or 51988:** We have not undertaken a search to determine whether Warner/Chappell and/or its predecessors-in-interest have filed claims for infringement of the 51990 and/or 51988 copyrights.

Very truly yours,



Adam I. Kaplan

cc Mark Rifkin  
Randall S. Newman

# **EXHIBIT 46**

M 1998

# Bill Mitchell  
"Happy Birthday"

January 23, 1961

Dear Mr. Olson:

Your request of January 3 for a copy of the Green edition of "Happy Birthday," T. pub 51990, has been referred to the Music Division, and we are forced to report once more the situation that has been reported when previous orders for copies of this edition were received.

According to the Copyright Office records, one of the two deposit copies was returned to Sammy, the claimant, on December 27, 1935. The other copy is supposed to have been transferred to the Music Division. We have no reason to believe it was not, but on the other hand we have made repeated and lengthy searches without ever finding the copy, at least within the fifteen years of my experience here. This time, as every time, another search was made in the hope that the piece might have turned up in the meantime; but it had not. (I should explain that a great majority of our sheet music is not cataloged but has to be located - some two million or so items of it - through various facets of our classification scheme or through the copyright information.)

We are sorry not to be able to fill your request, and I assure you that should Mr. Green's arrangement ever come to our eyes we shall certainly rejoice and pass along the news to you.

Sincerely yours,

William Lichtwanger  
Acting Head  
Reference Section

Mr. Robert G. Olson  
Editor  
Sammy-Birchard Publishing Company  
1834 Ridge Avenue  
Evanston, Illinois  
w.l.spev

cc: Photoduplication Service  
cc: Oliver Dudley

01A

**EXHIBIT 47 - CONFIDENTIAL**  
**[PROVISIONALLY LODGED & FILED UNDER SEAL]**

**[PAGES 635-651 INTENTIONALLY  
OMITTED - FILED UNDER SEAL]**

**EXHIBIT 48 -  
[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

**E 51990**

**June 12, 2014**



*Maria A. Pallante*

Register of Copyrights and  
Associate Librarian for Copyright Services

C-731 • 06/2011—10,000

Ex. 48

653

P006336

Summy (Clayton F.) co.

E1

2 c. rec'd DEC -9 1935

Happy birthday to you; pf., with words.

Applicant rec'd DEC -9 1935

© Cl. Pub. 51990c

Fee rec'd \$ 2.00

58096 DEC-935

IMPORTANT. Applicant must not write in the blank lines above; to do so will cause delay in Copyright Office.

NEW APPLICATION FOR COPYRIGHT FOR REPUBLISHED MUSICAL COMPOSITION WITH NEW COPYRIGHT MATTER

REGISTER OF COPYRIGHTS, Washington, D. C. Date December 6, 1935

the REPUBLISHED MUSICAL COMPOSITION named herein, containing new copyright matter, by a citizen of the United States. TWO complete copies of the best edition published on the date stated herein are herewith deposited to secure copyright registration according to the provisions of the Act of Mar. 4, 1909. \$2 (statutory fee for registration and certificate) is also inclosed. The copyright is claimed upon the new copyright matter as stated below, the author of which is a citizen or subject of the country stated below. The copyright is claimed by

- (1) Name of copyright owner Clayton F. Summy Co. (2) Address 429 S. Wabash Ave. Chicago, Ill. (3) Author of new copyright matter Preston Ware Drew, employed for hire by Clayton F. Summy Co.

USE THIS BLANK ONLY FOR MUSICAL COMPOSITION REPUBLISHED WITH NEW COPYRIGHT MATTER

- (4) Country of which the author of the new matter is a citizen U.S.A. (5) If an alien author domiciled in the United States, state where (6) Title of musical composition Happy Birthday to You! (7) State exactly on what new matter copyright is claimed (see Sec. 6 of Act of 1909) Arrangement as a piano solo, with text (8) Published on the sixth day of December 1935 (9) Send certificate of registration to Clayton F. Summy Co. 429 S. Wabash Ave. Chicago Ill. (10) Name and address of person or firm sending the fee Clayton F. Summy Co. 429 S. Wabash Ave. Chicago Ill.

# **EXHIBIT 49**