

**VOLUME 5 OF 8 - EXS. 82-99
(PAGES 948 TO 1140)**

EXHIBIT 82

FILED
Dec 29 1988 251848
SECRETARY OF STATE

ARTICLES OF AMENDMENT
OF
BIRCH TREE GROUP LTD.

To the Secretary of State
State of Wyoming

Pursuant to the provisions of Section 17-1-304 of the Wyoming Business Corporation Act, the corporation herein-after named does hereby adopt these Articles of Amendment.

1. The name of the corporation is BIRCH TREE GROUP LTD.

2. Article FIRST of the Articles of Incorporation of the corporation is amended to read as follows:

"FIRST: The name of the corporation is: SUMMY-BIRCHARD, INC."

3. The date of the adoption of the aforesaid amendment by the shareholders of the corporation is December 21, 1988.

4. The number of shares outstanding of the corporation is nine hundred and fifty three (953).

The number of shares outstanding of the corporation entitled to vote on the aforesaid amendment is 953.

5. The number of outstanding shares of the corporation voted for and against the aforesaid amendment, respectively, is as follows:

<u>NUMBER VOTED FOR</u>	<u>NUMBER VOTED AGAINST</u>
953	-0-

SECRETARY OF STATE
STATE OF WYOMING
DEC 29 1988

State of Wyoming



OFFICE OF THE SECRETARY OF STATE

CERTIFICATE OF AMENDMENT

OF

. . . . SUMMY-BIRCHARD, INC. . . .
(Formerly: Birch Tree Group Ltd.)

I, KATHY KARPAN, Secretary of State of the State of Wyoming, hereby certify that the prerequisites for the issuance of this certificate have been fulfilled in compliance with law, and are found to conform to law.

ACCORDINGLY, the undersigned, by virtue of the authority vested in me by law, hereby issues this Certificate.



IN TESTIMONY WHEREOF, I have hereunto set my hand
and affixed the Great Seal of the State of Wyoming. Done
at Cheyenne, the Capital, this twenty-seventh day of
December A.D. 19 88

Kathy Karpan
Secretary of State

By *Jeanne Sawyer*

Ex. 82

951

WC0001997

**EXHIBIT 83 -
CONFIDENTIAL**

[PROVISIONALLY LODGED UNDER SEAL]

**[PAGE 953 INTENTIONALLY OMITTED -
FILED UNDER SEAL]**

**EXHIBIT 84 -
CONFIDENTIAL**

[PROVISIONALLY LODGED UNDER SEAL]

**[PAGE 955 INTENTINALLY OMITTED -
FILED UNDER SEAL]**

EXHIBIT 85

ARTICLES OF MERGER

of

SUMMY-BIRCHARD, INC.

and

SUMMY-BIRCHARD, INC.

Pursuant to the provisions of the Wyoming Business Corporation Act, Wyo. Stat. §§ 17-16-101 *et seq.* (WBCA), the undersigned corporations adopt the following Articles of Merger.

ARTICLE I

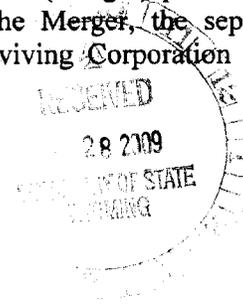
PLAN OF MERGER

Section 1. Parties to Merger.

- A. The party proposing to merge is Summy-Birchard, Inc. (Summy-Birchard). Summy-Birchard is a corporation duly organized under the WBCA and incorporated on March 8, 1976. Summy-Birchard was administratively dissolved on or about May 31, 2006, and this merger is undertaken as an act necessary to wind up and liquidate its business and affairs pursuant to Wyo. Stat. § 17-16-1404. The principal executive offices of Summy-Birchard are located in Los Angeles, California.
- B. The Surviving corporation shall be Summy-Birchard, Inc. (Surviving Corporation), a corporation duly organized pursuant to the WBCA and incorporated on September 14, 2009. The Surviving Corporation is in good standing under the laws of the State of Wyoming, with its principal executive offices located in Los Angeles, California.

Section 2. Terms and Conditions.

- A. The Merger. At the Effective Time (as defined in Paragraph E of this Section), in accordance with the applicable provisions of Wyoming law, Summy-Birchard shall be merged with and into the Surviving Corporation (Merger) pursuant to these Articles of Merger. Upon consummation of the Merger, the separate existence of Summy-Birchard shall cease and the Surviving Corporation shall continue.



Ex. 85

957

- B. Articles, Bylaws. The current Articles of Incorporation and Bylaws of the Surviving Corporation shall be those of the Surviving Corporation, as they are in effect immediately prior to the Effective Time of the Merger.
- C. Effect of the Merger. Following the Effective Time, the effect of the Merger shall be that (1) the Surviving Corporation shall possess all of the rights, privileges, immunities and franchises, of both a public and a private nature, of each of the corporations so merged; (2) all property, intangible, real, personal and mixed, and all debts due on whatever account, and all and every other interest of or belonging to or due to each of the corporations so merged shall be deemed to be transferred to and vested in the Surviving Corporation without further act or deed and the title to any real estate or any interest therein, vested in each of such institutions, shall not revert or be in any way impaired by reason of the Merger; and (3) the Surviving Corporation shall be liable for all liabilities of Summy-Birchard as well as those of the Surviving Corporation whether or not reflected or reserved against in the balance sheets, other financial statements, books or account or records of Summy-Birchard or the Surviving Corporation, in the same manner as if the Surviving Corporation had itself incurred such liabilities or obligations. Provided, however, that the liabilities of Summy-Birchard and the Surviving Corporation, or of their respective shareholders, directors, or officers, shall not be affected, nor shall the rights of the creditors thereof, or of any persons dealing with such corporations, be impaired by the Merger. Any claims existing, or action or proceeding pending, by or against either Summy-Birchard or the Surviving Corporation may be prosecuted to judgment as if the Merger had not taken place, or the Surviving Corporation may be proceeded against, or substituted, in place of Summy-Birchard.
- D. The notice of the meeting of shareholders to consider the proposed merger shall include notice of the rights of shareholders to dissent from the merger, to exercise their right to an appraisal, and to perfect their rights as dissenting shareholders pursuant to the provisions of Wyo. Stat. §§ 17-16-1301, *et seq.*
- E. Consummation Of The Merger. The effective time of this merger (Effective Time) shall be upon the filing of these Articles of Merger with the Wyoming Secretary of State.

Section 3. Manner and Basis of Converting Shares.

- A. At the Effective Time, without any action on the part of Summy-Birchard, the Surviving Corporation, or the holder of any of their respective shares, the Merger shall be effected in accordance with the following terms:
- i. Summy-Birchard shares issued and outstanding immediately prior to the Effective Time (other than Dissenting Shares) shall be converted on a one-for-one basis to shares of the Surviving Corporation.

- ii. All such shares of Summy-Birchard shall no longer be outstanding and shall automatically be cancelled and retired and shall cease to exist.
 - iii. Each certificate previously representing any such Summy-Birchard shares shall thereafter represent only the right to exchange shares of Summy-Birchard into shares of the Surviving Corporation. Certificates previously representing shares of Summy-Birchard shall be surrendered in accordance with this Merger Agreement.
- B. The total merger consideration to be paid to holders of shares Summy-Birchard shall be that of the receipt of a corresponding number of shares of the Surviving Corporation.

ARTICLE II

SHAREHOLDER APPROVAL

- Section 1. The designation, number of outstanding shares, and number of votes entitled to vote on the plan for Summy-Birchard are 953.
- Section 2. The designation, number of outstanding shares, and number of votes entitled to vote on the plan for the Surviving Corporation are 953.

ARTICLE III

VOTES CAST APPROVING PLAN

- Section 1. The total number of votes cast for the plan by the shareholders of Summy-Birchard was 953. There were no votes cast against the plan. The number of votes cast for the plan by such shareholders was sufficient for approval of the plan by shareholders of Summy-Birchard.
- Section 2. The total number of votes cast for the plan by the shareholders of the Surviving Corporation was 953. There were no votes cast against the Plan. The number of votes cast for the plan by such shareholders was sufficient for approval of the plan by shareholders of the Surviving Corporation.

Dated: December 9, 2009.

ATTEST:

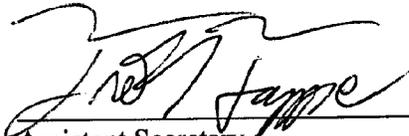

Assistant Secretary

SUMMY-BIRCHARD, INC.
(Summy-Birchard)

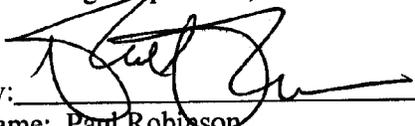
By: 
Name: Paul Robinson
Title: Vice President and Secretary

Dated: December _____, 2009.

ATTEST:


Assistant Secretary

SUMMY-BIRCHARD, INC.
(Surviving Corporation)

By: 
Name: Paul Robinson
Title: Vice President and Secretary

STATE OF WYOMING
Office of the Secretary of State

I, MAX MAXFIELD, Secretary of State of the State of Wyoming, do hereby certify that the filing requirements for the issuance of this certificate have been fulfilled.

CERTIFICATE OF MERGER

Summy-Birchard, Inc. (Wyoming) (Unqualified Non-survivor)
Merged into Summy-Birchard, Inc. (Wyoming) (Qualified Survivor)

I have affixed hereto the Great Seal of the State of Wyoming and duly executed this official certificate at Cheyenne, Wyoming on this **8th** day of **January, 2010**.



Filed Date: 01/08/2010

Max Maxfield

Secretary of State

By: _____ Jenny Kline

EXHIBIT 86

1 FRANCIS M. GREGOREK (144785)
gregorek@whafh.com
2 BETSY C. MANIFOLD (182450)
manifold@whafh.com
3 RACHELE R. RICKERT (190634)
rickert@whafh.com
4 MARISA C. LIVESAY (223247)
livesay@whafh.com
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**

13 GOOD MORNING TO YOU) Lead Case No. CV 13-04460-GHK (MRWx)
14 PRODUCTIONS CORP., *et al.*,)
15 Plaintiffs,) **AFFIDAVIT OF JOEL SACHS IN**
16 v.) **SUPPORT OF PLAINTIFFS' CROSS-**
17) **MOTION FOR SUMMARY**
18 WARNER/CHAPPELL MUSIC,) **JUDGMENT**
19 INC., *et al.*)
20 Defendants.) Date: January 26, 2015
21) Time: 10:00 a.m.
22) Room: 650
23) Judge: Hon. George H. King, Chief
24 Judge

25 1. I am a graduate faculty member of The Juilliard School, where I have
26 been a professor of Music History and Chamber Music for over 40 years. The focus
27 of my academic study is 19th, 20th and 21st century music history and performance.

28 2. I earned my Bachelor of Arts degree in Music from Harvard University
in 1961, my Master of Arts degree in Musicology from Columbia University in 1965
and my Ph.D. in Musicology from Columbia University in 1968. In 2011, I was made

1 an honorary member of the Phi Beta Kappa Society at Harvard University in
2 recognition of my work in contemporary music.

3 3. I have received several professional awards and honors, including
4 Columbia University's Alice M. Ditson Conductor's Award, which recognizes
5 distinguished conductors for their contributions to American music. In 2011, I
6 received the Gloria Artis Medal, a decoration in Arts awarded by the Ministry of
7 Culture and National Heritage from the Republic of Poland for my contributions to
8 Polish music and culture.

9 4. In 1993, I founded the New Juilliard Ensemble, which celebrates
10 contemporary music and repertory of the last decade. I also produce and direct The
11 Juilliard School's annual FOCUS! Festival and, since 1993, have been the artistic
12 director of The Juilliard School's concerts at the Museum of Modern Art (MoMA). I
13 was a co-director of the Sonic Boom Music Festival, a joint project organized by
14 eight of New York's most prestigious contemporary music ensembles.

15 5. In June 2012, Oxford University Press published my book, *Henry*
16 *Cowell: A Man Made of Music*, the first complete biography of one of the most
17 influential figures in 20th century American music.

18 6. I have performed a variety of traditional and contemporary music as a
19 conductor and pianist in hundreds of performances throughout the United States
20 Europe, Asia, and Latin America and have guest-conducted orchestras and ensembles
21 in Austria, Brazil, Canada, China, El Salvador, Germany, Iceland, Mexico, Mongolia,
22 Poland, Switzerland, and Ukraine. I have held new music residencies in Berlin,
23 Germany; London, England; Salzburg, Austria; Curitiba, Brazil; Helsinki, Finland;
24 and Banff (Alberta), Canada.

25 7. In 2006, I conducted Continuum, the internationally-acclaimed
26 contemporary music ensemble, in Jakarta, Indonesia, including a performance of Tony
27 Prabowo's opera, *The King's Witch*, in full staging, Mr. Prabowo's piano concerto,
28 *Psalm* (both of which were composed for and premiered by the New Juilliard
Ensemble) and music by American composers. In 2007, I conducted a concert of

1 American music at the Shanghai Conservatory, including the Chinese premiere of
2 Ives's Symphony No. 3, and I conducted the Danube-Hudson Project, comprising
3 works by Juilliard and Liszt Academy composition students in Budapest, Hungary.

4 8. In 2012 and 2013, I conducted the Arthur Rubinstein Philharmonic, in
5 Lodz, Poland, in the prize-winners' concert of the Grazyna Bacewicz international
6 composition competition; and the Mongolian State Philharmonic Orchestra in Ulaan
7 Baatar, Mongolia. I also made my third, annual appearance conducting Camerata
8 Aberta, the distinguished São Paulo contemporary chamber orchestra,

9 9. My keyboard appearances include numerous performances of John
10 Cage's seminal work, *Sonatas and Interludes for Prepared Piano*, in Brazil, China,
11 and mixed recitals around the world, including a Beethoven and Hummel recital in
12 France.

13 10. My recordings appear on the Advance, CRI, Naxos, New Albion,
14 Nonesuch, and TNC labels. The Dorian Sono Luminus label released a CD of my
15 music with Camerata de las Américas, a leading chamber ensemble based in Mexico
16 City.

17 11. I have been a regular delegate to international music conferences and a
18 radio commentator on contemporary music.

19 12. My professional experience has included comparing various musical
20 works, including both musical compositions and lyrics, printed at different times to try
21 to determine the source and origin of the works in question.

22 13. I have examined a number of samples of music in this case, including in
23 particular two samples attached hereto. Exhibit A is a copy of sheet music entitled
24 "Happy Birthday to You!" It has the number "3075" printed in the lower left corner,
25 where the engraving plate number is usually printed. I have no first-hand knowledge
26 of when the number "3075" was added to Exhibit A or by whom it was added.

27 14. Exhibit B is a copy of different sheet music, also entitled "Happy
28 Birthday to You!" It has the number "3076" printed in the lower left corner. I have

1 no first-hand knowledge of when the number "3076" was added to Exhibit B or by
2 whom it was added.

3 15. The two samples were printed in obviously different typeface.

4 16. The sample with the number 3075 in the lower left corner uses an
5 asterisk (*) in place of the celebrant's name, but the sample with the number in the
6 lower left corner 3076 uses a star (★) instead.

7 17. The samples use different musical notations. For example, the rest signs
8 in the first measure of each sample are different stylistically.

9 18. The sample numbered 3076 identifies Mrs. R.R. Forman as the arranger
10 of that musical composition. However, no arranger (such as Preston Ware Orem) is
11 identified in the sample numbered 3075.

12 19. The sample numbered 3075 has parentheses around the sub-title, thus:
13 "(Vocal or Instrumental)." The sample numbered 3076 does not have parentheses
14 around the sub-title, thus: "Unison Song."

15 20. The sample numbered 3075 includes fingering notations. The sample
16 numbered 3076 does not use fingering notations.

17 21. In my experience, had the same engraver prepared engraving plates for
18 these two pieces of sheet music consecutively, there would not be so many differences
19 between the engraving plates.

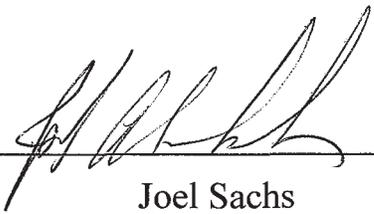
20 22. I have seen other samples of sheet music for the song "Happy Birthday!"
21 also published by Clayton F. Summy Co., which are attached as Exhibits C through F.
22 Those samples include elements in common with the sample marked as Exhibit B,
23 with the number 3076 in the lower left corner, such as the same notation for rest signs,
24 and they also include the name of the arranger of the musical composition.

25 23. Those same samples also have elements in common with the sample
26 marked as Exhibit A, with the number "3075" in the lower left corner, such as the
27 inclusion of fingering notations.

28

1 Dated: November 17, 2014

2 New York, NY



Joel Sachs

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EXHIBIT A



HAPPY BIRTHDAY



by

MILDRED J. HILL

Piano Solo with words....25 cents
Piano Solo-March.....30 cents
Four Hands.....40 cents
Six Hands.....40 cents
Second Piano Part.....40 cents
Unison Chorus.....08 cents

CLAYTON F. SUMMY CO.
CHICAGO NEW YORK

Ex. 86-A

969

WC0000977

HAPPY BIRTHDAY TO YOU!

(Vocal or Instrumental)

MILDRED J. HILL

Brightly

mf Hap-py Birth-day to you, Hap-py

The first system of music is in G major (one sharp) and 3/4 time. It consists of three measures. The first measure starts with a mezzo-forte (mf) dynamic and contains the notes G4, A4, and B4. The second measure contains the notes C5, B4, and A4. The third measure contains the notes G4, F#4, and E4. Fingerings are indicated by numbers 1, 2, 3, 4, and 5 above the notes. The bass line consists of a single chord G4 in the first measure, followed by a whole rest in the second and third measures.

Birth-day to you, Hap-py Birth-day, dear

The second system of music continues the melody. It consists of three measures. The first measure contains the notes D5, C5, and B4. The second measure contains the notes A4, G4, and F#4. The third measure contains the notes E4, D4, and C4. Fingerings are indicated by numbers 5, 4, 1, 5, 4, and 3 above the notes. The bass line consists of a single chord G4 in the first measure, followed by a whole rest in the second and third measures.

* _____, Hap-py Birth-day to you!

The third system of music concludes the piece. It consists of three measures. The first measure contains the notes D5, C5, and B4. The second measure contains the notes A4, G4, and F#4. The third measure contains the notes E4, D4, and C4. Fingerings are indicated by numbers 2, 1, 5, 4, 2, 3, and 1 above the notes. The bass line consists of a single chord G4 in the first measure, followed by a whole rest in the second and third measures.

* Here insert the name of the one celebrating.

Copyright 1935 by Clayton F. Summy Co.
International Copyright

3075

Handwritten signature

Ex. 86-A

970

WC0000978

EXHIBIT B

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 Ethelyn Mabry Newell, 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 (Tri-o) (H. S.)	Joseph N. Moos. .06
75. Out Where the West Begins (Tri-o) (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, Chaste and Fair Two-part. (Inter.)	Sister Mary Verda B.V.M. .10
82. A Festive Song Two-part. (Inter.)	Joseph N. Moos. .08
83. Hie Away! (H. S.)	Pauline Pann Russell. .15
84. Chicago The Beautiful	Edna Winifred Cookingham. .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
86	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
53	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

CLAYTON F. SUMMY COMPANY
CHICAGO NEW YORK

WC0000413

Happy Birthday to You!

Unison Song

Arr. by Mrs. B. R. Forman

MILDRED J. HILL

Lively
mf

Musical notation for the first system of the song. It consists of a vocal line and a piano accompaniment line. The vocal line begins with the lyrics "Hap-py birth - day to you, Hap-py birth - day to". The piano accompaniment is in 4/4 time with a key signature of one sharp (F#). The tempo and dynamics are marked as "Lively" and "mf".

Musical notation for the second system. The vocal line continues with "you, Hap-py birth - day, dear * Hap-py birth - day to". The piano accompaniment continues with chords and a bass line. The asterisk indicates a place where the name of the celebrant should be inserted.

Musical notation for the third system. The vocal line continues with "you; May your birth - day be bright, Full of cheer and de -". The piano accompaniment continues with chords and a bass line.

Musical notation for the fourth system. The vocal line concludes with "light, Hap-py birth - day, dear * Hap-py birth - day to you." The piano accompaniment concludes with a final chord and a bass line. The asterisk indicates a place where the name of the celebrant should be inserted.

* Here insert the name of the one celebrating.

3076

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International Copyright

July 6, 1935

EXHIBIT C



HAPPY BIRTHDAY

by
MILDRED J. HILL

Grand Ball with words... 25 cents
Grand Old March... 30 cents
Four Favorites... 40 cents
Five Favorites... 40 cents
Second Piano Part... 40 cents
Unison Chorus... 10 cents

CLAYTON F. SUMMY CO.
CHICAGO NEW YORK

Ex. 86-C

WC0000119⁹⁷⁵

4881

MUSIC
SECTION

Happy Birthday!

MARCH

Arranged by
Freston Ware Green

MILDRED J. HILL
& PATTY S. HILL

Allegretto MM.

The first system of musical notation consists of two staves. The upper staff is in treble clef with a key signature of one sharp (F#) and a 4/4 time signature. The lower staff is in bass clef. The music begins with a treble clef and a dynamic marking of *ff*. The notation includes various note values such as quarter, eighth, and sixteenth notes, along with rests and bar lines.

The second system of musical notation continues the piece with two staves in treble and bass clefs. It features similar rhythmic patterns and note values as the first system, maintaining the *ff* dynamic.

The third system of musical notation continues the piece with two staves in treble and bass clefs. The notation includes various note values and rests, consistent with the previous systems.

The fourth system of musical notation continues the piece with two staves in treble and bass clefs. The notation includes various note values and rests, consistent with the previous systems.

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 Printed in the U.S.A.

Ex. 86-C

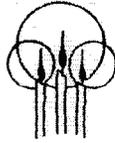
WC0000120⁹⁷⁶

This image shows a page of musical notation, likely a score for a piano or similar instrument. The page is divided into five systems, each consisting of a treble clef staff and a bass clef staff. The notation includes various note values, rests, and dynamic markings such as *mf* (mezzo-forte). The paper is aged and shows some wear, with three hole-punch marks visible on the left side. The number '3882' is printed in the top right corner.

EXHIBIT D



HAPPY BIRTHDAY



by

MILDRED J. HILL

Piano Solo.....30 cents
Four Hands.....40 cents
Six Hands.....40 cents
Second Piano Part.....40 cents

CLAYTON F. SUMMY CO.
CHICAGO NEW YORK

T

Ex. 86-D

979

WC0000984

"HAPPY BIRTHDAY!" MARCH

Arranged by
Preston Ware Orem

MILDRED J. HILL

Secondo

Allegretto M.M. ♩ = 96

ff

mf

1 2

3027-4

Copyright 1935 by Clayton F. Summy Co.
International Copyright



Ex. 86-D

980

"HAPPY BIRTHDAY!"

MARCH

Arranged by
Preston Ware Orem

MILDRED J. HILL

Primo

Allegretto M. M. ♩ = 96

The musical score is written for piano in G major (one sharp) and 4/4 time. It consists of three systems of music. The first system begins with a forte (*ff*) dynamic and concludes with a mezzo-forte (*mf*) dynamic. The second system continues the melodic line. The third system features two endings: the first ending leads back to the beginning of the piece, and the second ending provides an alternative conclusion. The score includes various musical notations such as slurs, accents, and fingering numbers (1-5).

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International Copyright

3027-4

Ex. 86-D

981

WC0000986

Secondo

The first system of the piano score consists of two staves. The right-hand staff begins with a series of chords, each marked with a fingering number (4, 5, 5) and a bar line. The left-hand staff plays a rhythmic accompaniment of eighth notes. A dynamic marking of *p* (piano) is placed in the middle of the system.

The second system continues the piece. The right-hand staff features chords with various fingering numbers (4, 3, 2, 3, 4, 5, 4, 3, 2, 1, 2, 3, 4, 5, 4, 3, 2, 1). The left-hand staff continues with eighth-note accompaniment. Dynamic markings of *mf* (mezzo-forte) and *f* (forte) are present.

The third system shows a change in the right-hand part, with chords and a dynamic marking of *mf*. The left-hand staff continues with eighth-note accompaniment. A hairpin crescendo is indicated by a wedge shape.

The fourth system concludes the piece. The right-hand staff features chords with fingering numbers (5, 4, 4, 5, 5). The left-hand staff continues with eighth-note accompaniment. The system ends with a double bar line.

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THE BAND

PART I

N. LOUISE WRIGHT

M.M. ♩ = 90
PART II
ff marc.

M.M. ♩ = 90
PART I
ff marc.

M.M. ♩ = 90
PART III
ff marc.

PART III

Price, 50c

Arr. by Preston Ware Orem

VALE OF SONG

PART I

WALTER ROLFE

Waltz
PART II
mf

Waltz
PART I
mf

Waltz
PART III
mf

PART III

Price, 50c

Arr. by Preston Ware Orem

CHIEF BIGWIG

PART I

JUAN MASTERS

Moderato M.M. ♩ = 132-160

PART II

mf well marked throughout
mp

Moderato
M.M. ♩ = 132-160
mf well marked

PART III
mf well marked throughout
mp

PART III

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RP 4

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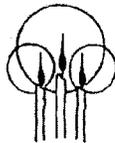
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EXHIBIT E



HAPPY BIRTHDAY



by

MILDRED J. HILL

Piano Solo.....30 cents

Four Hands.....40 cents

Six Hands.....40 cents

Second Piano Part.....40 cents

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HAPPY BIRTHDAY!

MARCH

Arranged by
Preston Ware Orem

MILDRED J. HILL &
PATTY S. HILL

Allegretto M.M. ♩. 96 **Secondo**

The 'Secondo' section consists of four systems of piano accompaniment. Each system has a treble and bass clef staff. The first system starts with a forte (*ff*) dynamic. The second system starts with a mezzo-forte (*mf*) dynamic. The music features a steady eighth-note accompaniment in the bass and a melody in the treble. Fingering numbers (1-5) are indicated throughout the piece.

Terzo

Allegretto M.M. ♩. 96

The 'Terzo' section consists of two systems of piano accompaniment in the bass clef. The first system starts with a forte (*ff*) dynamic. The second system starts with a mezzo-forte (*mf*) dynamic. The music features a steady eighth-note accompaniment. Fingering numbers (1-5) are indicated throughout the piece.

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HAPPY BIRTHDAY!

3

Arranged by
Preston Ware Orem

MARCH

MILDRED J. HILL &
PATTY S. HILL

Allegretto M.M. ♩ : 96

Primo

The 'Primo' section consists of four systems of piano accompaniment. Each system has a treble and bass staff. The first system starts with a forte (*ff*) dynamic and includes fingering numbers 1, 2, 3, 4, 5. The second system is marked mezzo-forte (*mf*) and includes fingering numbers 1, 2, 3, 4, 5. The third system includes fingering numbers 1, 2, 3, 4, 5 and features a crescendo hairpin. The fourth system includes fingering numbers 1, 2, 3, 4, 5.

Terzo

The 'Terzo' section consists of two systems of piano accompaniment in bass clef. The first system includes fingering numbers 1, 2, 3, 4, 5. The second system includes fingering numbers 1, 2, 3, 4, 5.

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988

WC0000992

Secondo

Musical score for the 'Secondo' section, consisting of four systems of piano accompaniment. Each system has a treble and bass staff. The first system includes a piano (*p*) dynamic marking. The second system includes mezzo-forte (*mf*) and forte (*f*) markings. The third system includes a mezzo-forte (*mf*) marking. The fourth system concludes the section with a double bar line.

Terzo

Musical score for the 'Terzo' section, consisting of two systems of piano accompaniment. Each system has a treble and bass staff. The first system includes a piano (*p*) dynamic marking. The second system includes mezzo-forte (*mf*) and forte (*f*) markings.

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Primo

First system of musical notation for the Primo section. It consists of two staves: a treble staff and a bass staff. The treble staff contains a melodic line with notes and rests, with fingerings (1-5) indicated below the notes. The bass staff contains a supporting line with notes and rests, with fingerings (1-5) indicated below the notes. A dynamic marking of *p* (piano) is present in the second measure of the bass staff.

Second system of musical notation for the Primo section. It consists of two staves: a treble staff and a bass staff. The treble staff contains a melodic line with notes and rests, with fingerings (1-5) indicated below the notes. The bass staff contains a supporting line with notes and rests, with fingerings (1-5) indicated below the notes. A dynamic marking of *mf* (mezzo-forte) is present in the first measure of the treble staff.

Third system of musical notation for the Primo section. It consists of two staves: a treble staff and a bass staff. The treble staff contains a melodic line with notes and rests, with fingerings (1-5) indicated below the notes. The bass staff contains a supporting line with notes and rests, with fingerings (1-5) indicated below the notes. A dynamic marking of *mf* (mezzo-forte) is present in the second measure of the bass staff.

Fourth system of musical notation for the Primo section. It consists of two staves: a treble staff and a bass staff. The treble staff contains a melodic line with notes and rests, with fingerings (1-5) indicated below the notes. The bass staff contains a supporting line with notes and rests, with fingerings (1-5) indicated below the notes.

Terzo

First system of musical notation for the Terzo section. It consists of two bass staves. The upper bass staff contains a melodic line with notes and rests, with fingerings (1-5) indicated below the notes. The lower bass staff contains a supporting line with notes and rests, with fingerings (1-5) indicated below the notes. A dynamic marking of *mf* (mezzo-forte) is present in the second measure of the upper bass staff.

Second system of musical notation for the Terzo section. It consists of two bass staves. The upper bass staff contains a melodic line with notes and rests, with fingerings (1-5) indicated below the notes. The lower bass staff contains a supporting line with notes and rests, with fingerings (1-5) indicated below the notes.

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April 2, 1935

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THE BAND

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 Arr. by Preston Ware Orem
 M.M. # 96

N. LOUISE WRIGHT

PART I

ff marc.

PART II

PART III

VALE OF SONG

Price, 50c
 Arr. by Preston Ware Orem
 M.M. # 97

WALTER ROLFE

PART I

Waltz
mf

PART II

PART III

CHIEF BIGWIG

Price, 50c
 Arr. by Preston Ware Orem
 Moderato M.M. # 132-100

JUAN MASTERS

PART I

Moderato
mf well marked

PART II

PART III

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EXHIBIT F