

1 At the March 23, 2015 hearing on the Parties' Cross-Motions for Summary
2 Judgment, the Court gave the parties leave to supplement the AMENDED JOINT
3 EVIDENTIARY APPENDIX IN SUPPORT OF NOTICE OF CROSS-MOTIONS
4 AND CROSS-MOTIONS FOR SUMMARY JUDGMENT FILED PURSUANT TO
5 COURT'S DEC. 5, 2014 ORDER [Dkt. 185]. Plaintiffs hereby submit the following
6 supplemental exhibit:

7 SUPPLEMENTAL EXHIBITS

			<u>PAGES</u>
8 Exhibit	Excerpt of Catalog of Copyright Entries, Third	1950	1960
9 127	Series, Music, New Series, Volume 16, Part 5, 10 Number 2, For the Year 1962 identifying the 11 N[ew] M[atter]" as "arr[angement]" only. The 12 material referenced at the March 23, 2015 hearing 13 is marked for the Court's convenience at pages 14 1959-60.		

15 Dated: March 27, 2015

14 Respectfully submitted,

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EXHIBIT 127

CATALOG OF COPYRIGHT ENTRIES

Third Series

VOLUME 16, PART 5, NUMBER 2

Music

JULY-DECEMBER

1962



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THE LIBRARY OF CONGRESS
WASHINGTON : 1963

Ex. 127

1951

CATALOG OF COPYRIGHT ENTRIES

Third Series

CATALOG OF COPYRIGHT ENTRIES

Third Series

VOLUME 16, PART 5, NUMBER 2

Music

JULY-DECEMBER

1962



COPYRIGHT OFFICE
THE LIBRARY OF CONGRESS
WASHINGTON : 1963

Ex. 127

1953

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NOTICE is given to authors, copyright proprietors and other lawful claimants that they may claim and remove before January 1, 1964, any article of the following named classes of published works deposited for copyright between January 1, 1960, and January 1, 1961, not reserved or disposed of as provided by sections 213 and 214 of Title 17 of the United States Code and still remaining in the files of the Copyright Office at the time of the request for their removal. The classes of published works covered by this notice are:

Books and Pamphlets.

Works of art; models or designs for works of art.

Reproductions of a work of art.

Drawings or plastic works of a scientific or technical character.

Photographs.

Prints and pictorial illustrations excluding prints or labels used for articles of merchandise.

Other published works and all unpublished works are excluded from this notice.

The request for the removal of any copyright deposit should be signed by the person entitled thereto or his duly authorized agent. Such request should identify the work by stating the title, author, copyright proprietor, registration number and year of deposit, and should be addressed to the Copyright Office, Library of Congress, Washington 25, D.C.

L. C. card, 6-35347

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U.S. Government Printing Office, Washington 25,
D.C. Price of this part is given on page vi.

40 710

Preface

The CATALOG OF COPYRIGHT ENTRIES is published by authority of sections 210 and 211 of Title 17 of the *United States Code*. Section 210 provides in part: "The current catalog of copyright entries and the index volumes herein provided for shall be admitted in any court as prima facie evidence of the facts stated therein as regards any copyright registration."

The *Catalog* is subdivided into Parts corresponding to the classes of material listed in section 5 of Title 17 of the *United States Code*. The table at the end of this preface shows the organization of the *Catalog*, the symbols used with the registration numbers to distinguish the classes, and the prices of the semiannual issues.

The record of each copyright registration listed in the *Catalog* includes a description of the work copyrighted and data relating to the copyright claim (the name of the copyright claimant as given in the application for registration, the copyright date, the copyright registration number, etc.).

Information as to changes of copyright ownership is not included in the *Catalog*, but a search of the Copyright Office Assignments and Related Documents Indexes may be requested from the Register of Copyrights, and a fee for the search and report will be estimated at the statutory rate of \$3 per hour.

In the case of each registration listed, except for renewals, there has been a deposit of a copy or copies of the work in accordance with the provisions contained in sections 12, 13, 14, or 215 of Title 17 of the *United States Code*.

For a more complete description of the contents of this issue of the *Catalog* see p. vii.

Orders, payable in advance, for all Parts of the *Catalog of Copyright Entries* should be sent to the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C. Orders may be placed for individual issues, as subscriptions for one or more Parts, or for the complete *Catalog* at \$20 a year, and for periods of one, two, or three years. All orders should state clearly the title and the inclusive dates of the Part wanted. Checks or money orders should be made payable to the Superintendent of Documents.

The Copyright Office welcomes inquiries, suggestions, and comments on the content and organization of the *Catalog*. Such communications should be addressed to the Chief of the Cataloging Division, Copyright Office, Library of Congress, Washington 25, D.C.

Organization of Parts

Each Part listed in the following table records all current registrations in the class or classes indicated by the alphabetical symbols given. Except for renewal registrations (separately listed at the end of each related Part), the first letter of the symbol is that of the class under which registration is made; the second, if any, is a designation added by the Copyright Office for the purpose of statistical analysis. The symbol "(R)" has been adopted by the Copyright Office to identify renewal copyright registrations. A zero immediately following the symbol, e.g., AF0, EF0, identifies a foreign work deposited under the waiver-of-fee provision (section 215 of Title 17 of the *United States Code*). Some Parts also contain registrations made under other symbols if the subject matter or type of material is similar to that generally included in the Part.

	<i>Price per Semiannual issue</i>		<i>Price per Semiannual issue</i>
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AF Books manufactured abroad (except those registered for ad-interim copyright)		R Renewal registrations	
AI Books in the English language first pub- lished abroad		PARTS 7-11A WORKS OF ART, REPRODUCTIONS OF WORKS OF ART, SCIENTIFIC AND TECHNICAL DRAWINGS, PHOTOGRAPHIC WORKS, PRINTS AND PICTORIAL ILLUSTRATIONS.....	1.00
BB Contributions to periodicals		GF Works of art and designs for works of art published abroad	
R Renewal registrations		GP Published works of art and designs for works of art	
PART 2 PERIODICALS.....	1.00	GU Unpublished works of art and designs for works of art	
B Periodicals		H Reproductions of works of art	
BF Periodicals manufactured abroad (except those registered for ad-interim copyright)		IP Published drawings or plastic works of a scientific or technical character	
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R Renewal registrations		JP Published photographs	
PARTS 3-4 DRAMAS AND WORKS PREPARED FOR ORAL DELIVERY.....	1.00	JU Unpublished photographs	
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R Renewal registrations		R Renewal registrations	
PART 5 MUSIC.....	3.50	PARTS 12-13 MOTION PICTURES AND FILMSTRIPS....	.50
EF Musical compositions published abroad		LP Published motion-picture photoplays	
EP Musical compositions published in the United States		LU Unpublished motion-picture photoplays	
EU Unpublished music		MP Published motion pictures other than photo- plays	
R Renewal registrations		MU Unpublished motion pictures other than photoplays	
		R Renewal registrations	

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 Printing Office, Washington, D.C., 20402

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Introduction

PART 5 lists domestic and foreign published music and unpublished music registered in class E. It includes also selected music materials in the form of books, pamphlets, and dramas registered in other classes.

Arrangement is by title. Each work is described in a main entry which includes information pertinent to the copyright claim. References lead from variant titles, from distinctive subtitles, and from other titles associated with the work. Works for which the subsisting copyright has been renewed are listed separately in the Renewal Registrations section.

The Name Index to the names of composers, authors of words, claimants, etc. given in the main entries covers both currently registered works and renewal registrations, the latter being identified by the symbol (R) following the title.

For unpublished works currently registered, each main entry includes the following items of information if available and applicable:

- 1) Title. If the piece is an excerpt, the title of the work from which it is taken is also given.
- 2) Descriptive data are given if the title names a musical form, e.g., Sonata.
- 3) Names of the authors, each preceded by an abbreviation indicating relationship to the

work, e.g., "w" (words by), "m" (music by), "arr." (arranged by), etc.

- 4) Name of the employer in the case of a work made for hire, if so named in the application.
- 5) Information contained in the application which relates to the registration of an earlier version of the work.
- 6) Brief statement of the new matter on which copyright is claimed, preceded by the abbreviation NM, if this information is given in the application.
- 7) Copyright symbol ©.
- 8) Name of the copyright claimant.
- 9) Date on which the last of all the items required to complete registration (i.e., copy, application, and fee) was received in the Copyright Office.
- 10) Registration number.

For published works currently registered, each main entry includes the following items of information if available and applicable:

- 1) Title, and any descriptive data given in the work, including medium of performance.
- 2) Names of the authors with designations indicating relationship to the work.
- 3) Edition statement.

- 4) Place of publication for works published abroad.
- 5) Name of the first-named publisher when the publisher is not also the claimant.
- 6) Indication as to whether the work is published in score and/or parts.
- 7) Series statement.
- 8) Note giving the language of the text when it is not apparent from the entry.
- 9) Statement that the work is part of a collection or bound with another work.
- 10) Names of authors given in the application which do not appear elsewhere in the entry.
- 11) Name of the employer in the case of a work made for hire, if so named in the application.
- 12) Information contained in the application which relates to the registration of an earlier version of the work.
- 13) Brief statement of the new matter on which copyright is claimed, preceded by the abbreviation NM, if this information is given in the application.
- 14) Copyright symbol ©.
- 15) Name of the copyright claimant.
- 16) Date of publication as given in the application.
- 17) Registration number.

For published music, whenever it is necessary to indicate a variation between the information given in the application and in the copy of the work with respect to the claimant's name or the date of publication, the data from the application are given first, followed by the phrase "in notice"

and the data given in the work; e.g., © Editorial MRT; 1Feb62 (in notice: 1961); EF0-85025.

For renewal registrations, the main entry includes the following items of information if available and applicable:

- 1) Title. If the piece is an excerpt, the title of the work from which it is taken is also given.
- 2) For works in larger forms, descriptive phrase indicating the character of the work e.g., SHIP AHOY; musical comedy in 3 acts.
- 3) Names of authors, with designations indicating their relationship to the work.
- 4) Information relating to the medium of performance.
- 5) Indication as to whether the work was published in score and/or parts.
- 6) Brief statement of the new matter on which the original copyright was claimed, preceded by the abbreviation NM, if available in the renewal application.
- 7) Copyright symbol ©.
- 8) Date of original copyright.
- 9) Original registration number.
- 10) Name of the renewal claimant followed by a statement in parentheses, usually abbreviated, giving the basis of the renewal claim as supplied by the applicant; e.g., "John Doe (A)" indicates that John Doe has made renewal claim as an author.
- 11) Date of receipt of the renewal application or fee, whichever is later.
- 12) Renewal registration number.

Abbreviations and Symbols

The following list includes abbreviations and symbols used in this catalog with specific copyright or bibliographic meanings. Definitions are not given for abbreviations in common use.

(A) author

a.a.d.o.	accepted alternative designation of
a.k.a.	also known as
acc.	accompaniment
appl.	application

arr.	arranged, arrangement	(PCW)	proprietor of the composite work
Bd.	Band (Ger.)	(PPW)	proprietor of the posthumous work
bearb.	bearbeitet		
©	copyright symbol	(PWH)	proprietor of copyright in a work
(C)	child or children of the deceased author		made for hire
d.b.a.	doing business as	prev.	previous
(E)	executor(s) of the author	pseud.	pseudonym
ed.	edition	pt., pts.	part, parts
enl.	enlarged	pty.	proprietary
hrsg.	herausgegeben	pub.	publishing
illus.	illustration(s)	(R)	renewal registration
m	music	reg.	registered, registration
(NK)	next of kin of the deceased author, there being no will	rev.	revised
NM	new matter	ser.	series
op.	opus	t.a.	trading as
p.	page(s)	T., Th.	Teil, Theil
(PCB)	proprietor of work copyrighted by a corporate body otherwise than as assignee or licensee of the author	v., vol., vols.	volume, volumes
		w	words
		(W)	widow of the author
		(Wr)	widower of the author

Registrations July-December 1962

Musical compositions published in the United States	5, 754
Musical compositions published abroad	3, 922
Unpublished music	25, 071
Dramatico-musical compositions registered in class D	69
Music and books about music registered in class A	449
	<hr/>
Total	35, 265
Renewals	3, 863

These figures represent the number of registrations for music for July–December 1962, but do not necessarily represent the exact number of entries in this issue of the *Catalog of Copyright Entries*. Registration figures for other classes of material may be found in the respective parts.

- HANK KEENE'S BOOK OF ORIGINAL MOUNTAIN, COWBOY, HILLBILLY, AND FOLK SONGS; (with piano music & guitar chords), w & m Harry C. Newcombe, Jr. © 23Mar35; EP47250. Harry C. Newcombe (A); 4Sep62; R300323.
- HAPPY AND GAY; fox-trot, m Leo A. Kempinski. Pf. conductor. © 18Jan35; EU98204. Josephine Kempinski (W); 10Dec62; R305843.
- HAPPY BIRTHDAY TO YOU! Unison song, by Mildred J. Hill, arr. Mrs. R. R. Forman. NM: rev. text & arr. © 6Dec35; EP51988. Summy-Birchard Co. (PWH of Mrs. R. R. Forman); 6Dec62; R306185.
- HAPPY BIRTHDAY TO YOU! Easy piano solo with text, by Mildred J. Hill, arr. Preston Ware Orem. NM: arr. © 6Dec35; EP51990. Summy-Birchard Co. (PWH of Preston Ware Orem); 6Dec62; R306186.
- HARLEM MADNESS; w & m Fletcher Henderson, Ned Williams & Irving Mills. © 26Sep34; EP43901. Mrs. Fletcher Henderson (W) & Irving Mills (A); 17Sep62; R301594.
- HARLEM SPEAKS; pf., m Duke Ellington. © 16Dec35; EP52208. Duke Ellington (A); 17Dec62; R306811.
- HARMONY LANE; (selection of Stephen Foster's songs), arr. Lew Stone. NM: arr. © 15Oct35; EP41577. Lew Stone (A); 28Nov62; R305804.
- HARR D'YOU LIKE DOT? With arr. for guit., etc., w & m George Givot, Otos Spencer & Lou Klein. © 17May35; EP48310. Bertha Klein (W); 13Sep62; R301084.
- HARR D'YOU LIKE DOT? w & m Louis Klein, Otis Spencer & George Givot. © 17May35; EP48310. Bertha A. Klein (W) & Robert Klein (C); 29Oct62; R303559.
- HAS ANYBODY SEEN MY LITTLE PUSSY-CAT? w & m George Jackley, Will Wise & Everett Lynton, pseud. of Lawrence Wright, arr. F. E. Bentley. © 27Dec35; EP42337. Lawrence Wright (A); 27Dec62; R307251.
- HAS ANYBODY SEEN OUR SHIP? [From "Tonight at 8:30," w & m Noel Coward. © 15Oct35; EP42412. Noel Coward (A); 15Oct62; R302957.
- HASTIO. (Love shy), lyrics by Al Silverman, m Maria Teresa Lara, arr. Agustin Lara. NM: "English lyric." © 16Dec35; EP52138. Al Silverman (A); 19Dec62; R307012.
- HA'U HA'U E. An old time hula, w & m Charles Killehua, arr. Johnny Noble. © 14Oct35; EU113879. (Mrs.) Chester Mattson (W of Johnny Noble); 31Oct62; R303569.
- HAUNTED BALLROOM. SEE CONCERT WALTZ.
- HAUNTING ME; from Hearts on parade, w Eddie De Lange (Edgar De Lange), m Joe Myrow, with arr. for ukulele, etc. © 10Dec34; EP45623. Margaret De Lange (W); 28Aug62; R300324.
- HAUNTING ME; (from "Hearts on parade"), w Eddie DeLange, m Joe Myrow. © 10Dec34; EP45623. Joe Myrow (A); 7Dec62; R306341.
- HAVANA HEAVEN. (Cielo de la Habana) English: Howard Johnson, Spanish: Ramon Velasquez, m Nico Dostal, arr. Pietro Deiro, piano arr. Michel Whitehill. Add'l chorus for piano accordion, symbols for guitar, banjo & ukulele. © 11Nov35; EP51477. Edna L. Johnson (W); 13Nov62; R304197.
- HAVE A HEART; piano, m R. H. Bassett. © 30Oct34; EU95030. Metro-Goldwyn-Mayer, Inc. as successor in interest to: Loew's, Inc. & Metro-Goldwyn-Mayer Corp. (PWH); 17Aug62; R300200.
- HAVE A HEART; finale, piano, m R. H. Bassett. © 30Oct34; EU95032. Metro-Goldwyn-Mayer, Inc. as successor in interest to: Loew's, Inc. & Metro-Goldwyn-Mayer Corp. (PWH); 17Aug62; R300202.
- HAVE A LITTLE SYMPATHY, CHERIE; w Fred Fisher, m Ben & Sam Adelman. © 25Nov35; EP51736. Anna Fisher (W); 5Dec62; R306091.
- HAWAIIAN GUITAR FOLIO FOR POPULAR AND PRODUCTION SONGS NO.6. SEE ROBBINS HAWAIIAN GUITAR FOLIO FOR POPULAR AND PRODUCTION SONGS NO.6.
- HAWAIIAN HOSPITALITY; w & m Harry Owens & Ray Kinney. © 10Oct35; EP50980. Harry Owens & Ray Kinney (A); 8Nov62; R303770.
- HAWAIIAN HULA SONG. SEE HUEHUE HUEHUE.
- HAYDN SYMPHONY NUMBER ELEVEN; woodwind quintet, transcribed by G. E. Holmes. Conductor score & parts. NM: arr. © 15Feb35; EP46833. C. L. Barnhouse Co. (PWH); 31Aug62; R300566.
- HAYDN SYMPHONY NO.TWO. SEE MENUETTO.
- HE AROSE! Easter song, m Gordon E. Hooker, w George Hall. (In Songs of grace no.2) © 1Feb38 (in notice: 1934); EP169735. Gordon E. Hooker (A); 14Dec62; R306680.
- HE IS RISEN; (S.A.T.B.), Easter anthem for mixed chorus with baritone solo, text from Colossians 3, Revelation 1 & two stanzas by Leonard Young, set to m David McK. Williams. © 2Jan35; EP46201. David McK. Williams (A); 26Dec62; R307265.
- HE LIVES AGAIN; w & m H. von Berge. (In "Three-part treble choir") © 14Sep35; EP50486. Lorenz Pub. Co. (PWH); 8Oct62; R302519.
- HE MET HER ON THE PRAIRIE; from Rose of the rancho, w & m Ralph Rainger & Leo Robin. © 6Jul35; EU106495. Famous Music Corp. (PWH); 6Jul62; R297928.
- HE PURCHASED A PARDON; w & m Elmer J. Rollings, arr. Harry D. Clarke. © 20Jan34; EP45474. Elmer J. Rollings (A); 31Oct62; R303308.
- HE SAVED ME; gospel song, w & m Gordon E. Hooker. (In Songs of grace no.2) © 1Feb38 (in notice: 1934); EP169733. Gordon E. Hooker (A); 14Dec62; R306678.
- HE WAS HER MAN; from "Broadway hostess," m Allie Wrubel, w Mort Dixon. © 14Oct35; EP50919. Remick Music Corp. (PWH); 18Oct62; R303083.
- HE WOODED HER AND WOODED HER AND WOODED HER; (pf. with uke. arr.), w & m Cecil Harrington & Jack Lupus. © 28Jul35; EP40231. Cecil Harrington & Jack Lupus (A); 3Aug62; R299758.
- HE WOODED HER AND WOODED HER AND WOODED HER; with guit. arr. Cecil Harrington & Jack Lupus, American version: Rudy Vallee. NM: American version. © 30Dec35; EP52787. Rudy Vallee (A); 31Dec62; R307378.
- HEADIN' HOME; from "Here comes the band," w Ned Washington, m Herbert Stothart. © 11Jun35; EU105479. Metro-Goldwyn-Mayer, Inc. as successor in interest to: Loew's, Inc. & Metro-Goldwyn-Mayer Corp. (PWH); 11Jun62; R297497.
- HEADIN' HOME; (song), featured in "Here comes the band," lyric: Ned Washington, melody: Herbert Stothart. © 6Aug35; EP49737. Robbins Music Corp. (PWH); 4Oct62; R302058.
- HEADS OR TAILS; w & m Lewis Ilda & Michael Carr. © 25Oct35; EP41339. Lewis Ilda & Michael Carr (A); 25Oct62; R303326.
- HEAR OUR PRAYER. (Kamennoi-Ostrow), m Ira B. Wilson, w Edith Sanford Tillotson. (In "Three-part treble choir") NM: arr. © 14Sep35; EP50486. Lorenz Pub. Co. (PWH); 8Oct62; R302520.
- HEART AND SOUL; song, w Arthur Stanley, m Kennedy Russell. © 15Nov35; EP41877. Joan de Courcy (C of Kennedy Russell); 16Nov62; R305004.
- HEARTS ON PARADE. SEE HAUNTING ME.
- HEARTSTRINGS; with guit. arr., w Stanley Adams, m Maria Grever. © 17Jul35; EP49305. Stanley R. Adams (A); 17Jul62; R298578.
- HEARTSTRINGS; with guit. arr., w Stanley Adams, m Maria Grever. © 17Jul35; EP49305. Charles Grever & Carmen Livingston (C of Maria Grever); 17Jul62; R298579.
- HEARTSTRINGS; w Stanley Adams, m Maria Grever, arr. Jack Mason, orch. pts. with male trio by J. Rosamond Johnson. NM: "arr. for orchestra with vocal trio." © 19Jul35; EP49358. Edward B. Marks Music Corp. (PWH); 20Jul62; R299012.
- HEAT IN MY FEET; from Common flesh, w Harry Tobias, m Phil Boutelje. © 11Jul35; EU106720. Harry Tobias (A); 17Jul62; R298574.
- HEAVEN; Heaven heaven, arr. Nick Manoloff, with Hawaiian guitar solo arr. Nick Manoloff. NM: arr. © 19Feb35; EP49823. Calumet Music Co. (PWH); 19Nov62; R304689.
- HEAVEN AND THE EARTH DISPLAY; from "Athalie" [by] F. Mendelssohn, for unison, two-part (S.A. or T.B.), three-part chorus, equal voices (S.S.A. or T.T.B.), or four-part chorus (S.A.T.B.), adapted & arr. Nicola A. Montani. NM: revision of text, arr. & 4 hand piano acc. © 20Nov34; EP44947. St. Gregory Guild, Inc. (PWH); 11Jul62; R298099.
- HEAVEN FOR TWO; (from Let's go gay), pf. acc., ukulele arr., w & m George Frank Rubens, w Cecil Lardeau. © 11Jun35; EP40134. George Frank Rubens & Cecil Lardeau (A); 18Jul62; R298632.
- HEAVEN HEAVEN. SEE HEAVEN.
- HECHICERA; letra y musica: Alfonso Esparza Oteo. © 28Nov35; EP41858. Blanca Torres Oteo (W); 28Nov62; R305458.
- THE HELL BOUND TRAIN; arr. Nick Manoloff, with Hawaiian guitar solo arr. Nick Manoloff. NM: arr. © 19Feb35; EP49788. Calumet Music Co. (PWH); 19Nov62; R304683.
- HELLDORADO; musical composition, m L. E. DeFrancesco. © 13Dec34; EU96954. Movietone Music Corp. (PWH); 29Nov62; R305465.