

EXHIBIT 55



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September 22, 2009 Tuesday 6:30 PM EST

LENGTH: 623 words

HEADLINE: Who Created Spider-Man? [Kirby Lawsuit]

BODY:

Sep. 22, 2009 (Gawker Media delivered by Newstex) --

It's been confirmed that that Jack Kirby's heirs are, indeed, including Spider-Man and supporting characters in their list of Marvel characters that they want the rights to. The only problem with that? Well, Kirby didn't really create the character.

The Hollywood Reporter's Heat Vision blog confirmed Spider-Man's inclusion, and mentions that, although the character first appeared in a story by Stan Lee and Steve Ditko, Kirby was "key in the character's early development." But how key, exactly?

Lee has gone on record (more than once) naming Ditko, not Kirby, as the character's co-creator, and Ditko's account of Kirby's involvement tends to support that argument:

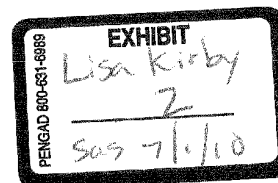
Kirby had pencilled five pages of his Spider-man. How much was pure Kirby, how much Lee, is for them to resolve.

The splash was the only one with a drawing of Spider-man. A typical Kirby hero/action shot. But the costume is what is important... I'm uncertain about the abstract chest design. The closest thing to it is the one on Ant-man. Kirby's Spider-man had a web gun, never seen in use. The only connection to the spider theme was the name.

The other four pages showed a teenager living with his aunt and uncle. The aunt was a kindly old woman, the uncle a retired police captain, hard, gruff, the General Thunderbolt Ross type (from The Hulk), and he was down on the teenager.

Next door or somewhere in the neighborhood there was a whiskered scientist-type involved in some kind of experiment or project. The end of the five pages depicted the kid going toward the scientist's darkened house.

That is the Spider-man "given" to me.



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That is the total of Kirby's Spider-man "creation." That is what he "created," brought into existence - five un-used pencilled pages of an unfinished story... Almost all of the bits of this "creation" (the scientist, magic ring, etc.) were discarded/never used. So what is left of the "original creation"? A name, a teenager, an aunt and uncle. Is it to be believed/held that a name or its "idea" could "cause" a rejection "creation" and "cause" others to "create" a complete, accepted, and successful one? How is that accomplished?

Above: Ditko's comparison of Kirby's Spider-Man design to the finished character.

The Kirby family claim seems to be based in Kirby's rejected work - which didn't resemble the character as he eventually appeared, other than the name - and a claim Kirby made in a 1982 interview with Spirit creator Will Eisner:

Spider-Man was discussed between Joe [Simon] and myself. Spider-Man was not a product of Marvel.

This is, again, misleading; that "Spider-Man" also never saw print, but instead became 1959's *The Fly*, and was a reworking of a previous Joe Simon character (co-created with artist CC Beck) called the Silver Spider. Simon has suggested that the discussion of a character called "Spider-Man" - or actually "Spiderman," according to the unused logo from that time - led to Kirby suggesting the name to Stan Lee years later, at Marvel Comics.

~~According to comics historian Al Nickerson, as recently as the start of this year, Lisa Kirby, the artist's daughter, rejected the idea that her father was involved with Spider-Man's creation.~~

~~I had asked Lisa Kirby (daughter of Jack and Roslyn Kirby) about her father's connection to the creation of Spider-Man. Lisa told me: "Neither one of my parents ever mentioned that my father created him, in fact I have heard my mother correcting people if they alluded to that fact!"~~

So why does he end up on the list of characters named in the lawsuit - and will the battle over Kirby's contributions to this character derail discussion over characters he has a much clearer claim over?

Newstex ID: GAWK-0015-38169909

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LOAD-DATE: September 22, 2009